

It is very contradictory, I would say, to what I think is the view of a majority of Americans. Frankly, one of the reasons I think many of us opposed the health care bill when it was under consideration in the Senate—and the Senator from Wyoming made some excellent comments during the course of that debate about his experience with health care as a practicing physician—is that clearly the American model is one that is very different from the European model.

What we have with Mr. Berwick is somebody who wants to remake the American health care system in the image of the model that we see in places such as Europe. His example of the British health care system, about which he is romantic, is a good example of how he intends to implement the health care bill passed in the Senate.

We have argued all along that the intention of those behind it is to move us in the direction of a more single-payer, European-type system as opposed to what we have experienced in this country and have enjoyed for such a long time, and that is one that has its basis at least in the market where we have individuals who are in charge of making many of the decisions, as opposed to some government bureaucrat.

This is very unfortunate in terms of the fact that this was an appointment that was made in the recess without the normal process being adhered to, with this gentleman coming in front of the Senate to answer questions and actually having a vote in the Senate.

For our colleagues on the other side to argue that the reason they had to do this was because Republicans were slowing or somehow delaying this process is completely inconsistent with any of the facts. As I said before, 454 days before the President put his nomination forward. Certainly, it is not the Republicans' fault they did not have a nominee up here. Then the fact that they did not have a hearing and there has not been a vote in the committee and now not a vote on the floor of the Senate is unfortunate, given the consequences and the impact the person who occupies this position is going to have with regard to delivery of this new health care reform legislation.

Mr. BARRASSO. It was interesting, on this floor someone on the other side of the aisle stood and said: If you are against Dr. Berwick, then whose side are you on? As I see my colleague from South Dakota, I can answer that question, and he can answer that question. If you are against Dr. Berwick, then whose side are you on? I am on the side of the American people—the American people who are concerned about \$500 billion in cuts to their Medicare, not to help Medicare, not to strengthen Medicare, but to start a whole new government program.

I am on the side of the people who believe we should not redistribute wealth in this country. I am on the side of my patients and friends in Wyoming who do not want the rationing of care. I am

on the side of my friends and patients in Wyoming who do not want government-run health care. But that is what we have now.

We have a President-appointed czar, essentially—a czar—to ration health care. That is not what the American people want. It may be what the Democrats in Congress want. It may be what the President of the United States wants. I view this as an arrogant use of Presidential power at a time when I think the American people were intentionally misled all during the fall because the President refused to appoint somebody, would not name anybody to be in charge of Medicare and Medicaid when the whole debate was going on. Only after the bill was signed into law—only then—would he announce to the country his choice was somebody way outside the mainstream of how we in America deliver health care, want our health care, how we care as patients, how we care as physicians—way out of that mainstream, someone whose approach is a very different one, who loves a system where we know people with diseases are denied care, where care is delayed, and where today the whole country is saying: I think we got it wrong. We need to relook at this. They see what is happening, and I think the American people will know what will happen to us as a nation if we go down the path of a nationalized health system where we redistribute wealth, ration care, and government runs the health care system of our Nation.

It is the wrong decision by the President. It is the wrong direction to go. The American people know it, and they do not like it.

Once again, the American people are not going to have their voices heard because the American people are going to be denied an opportunity to voice their opposition to this nominee to their elected representatives because the President decided he knew better than this Congress and made a decision to appoint someone at a time when the American people wanted their voices heard.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO DR. EDDIE BERNARD

Mr. KAUFMAN. Madam President, I rise once again to recognize one of our Nation's great Federal employees. Here are all the employees we have recognized to date.

Madam President, we in Washington are in the midst of a summer heat wave. I know it is the same for millions

of Americans across the country. This comes on the heels of a harsh winter where the Capital City endured heavy snowfall that shut down businesses and even certain government offices. The powerful forces of nature continue to challenge us.

Many Americans only notice weather in its extremes. The hard-working men and women of the National Oceanic and Atmospheric Administration, or NOAA, spend their careers making it easier for us to address nature's challenges. This year is NOAA's 40th anniversary. It was created in 1970 from three former agencies, and since that time NOAA employees have been at the forefront of weather prediction, oceanography, and fishery management.

Whenever anyone turns on the television and sees an alert from the National Weather Service, that is NOAA at work. If you go to the Pacific coast and enjoy the beaches, you can feel safe knowing that NOAA's tsunami warning system stands at the ready. NOAA personnel are also leading the way to ensure the long-term sustainability of our coastal fisheries so those who make their living from the sea can continue to do so for generations to come.

The great Federal employee I am recognizing today won the 2008 Service to America Medal for Homeland Security for his work at NOAA helping to detect and warn against destructive tsunamis. Dr. Eddie Bernard has served as Director of NOAA's Pacific Marine Environmental Laboratory in Seattle, WA, since 1982. One of the leading experts on tsunamis, he has published over 80 scientific articles and edited books on the phenomenon.

For 3 years Eddie directed the National Tsunami Warning Center in Hawaii, and he was the founding chairman of the National Tsunami Hazard Mitigation Steering Committee, a joint Federal-State effort.

In addition to his work on tsunamis, as Director of the Pacific Marine Environmental Laboratory Eddie oversees a number of important oceanographic research programs such as El Nino forecasts and studies of underwater volcanoes.

Eddie received his bachelor's degree in physics from Lamar University, and he holds master's and doctoral degrees in physical oceanography from Texas A&M.

In order to protect our coastlines against damage from Pacific tsunamis such as the one that devastated the coasts of South Asia in 2004, Eddie led the development of the innovative DART system. As a tsunami wave moves under the ocean, DART—which stands for deep ocean assessment of tsunamis—uses buoys to report data back to the Tsunami Warning Centers.

It took years to perfect, and Eddie and his team had hoped to get close to a 60-percent accuracy rate in predicting the scope and intensity of incoming tsunamis. As it turns out, they

were able to achieve over 90 percent accuracy with DART. Their system became the basis for the Tsunami Warning and Education Act, which passed the Congress in 2006. Eddie was instrumental in helping to draft that legislation which strengthened tsunami detection, warning, and mitigation programs to ensure that we are prepared for even the worst-case scenarios.

The work of NOAA employees is often not glamorous, but it saves lives, protects property, and helps to prepare our coastal communities to meet the challenges of nature. My home State of Delaware is filled with coastal communities, and the work NOAA performs in a range of areas to help coastal States such as Delaware in so many ways.

I hope my colleagues will join me in thanking Dr. Eddie Bernard and all those at NOAA who continue to monitor the seas and skies on our behalf. They are all truly great Federal employees.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASED PAPERWORK BURDEN

Mr. JOHANNIS. Mr. President, I rise today to speak about something I think is enormously important in terms of our businesses and job creation. There are many unintended consequences contained in the health care bill that was recently passed, but I think one of the most egregious is the effect on small businesses that are, by all agreement, the engine of our economic growth. In fact, various analyses have been done, and they conclude that 65 percent of the new jobs created come from the small business engine in our Nation.

Section 9006 of the new health care law will have a profound impact on small businesses in Nebraska—but not just Nebraska, across this great Nation. Beginning in 2012, if a business purchases more than \$600 of goods from another business, it will be required to provide the business and the Internal Revenue Service a 1099 tax form. Previously, such disclosures were only required for the purchase of services. Now routine business expenses will be subject to an increased paperwork burden at tax time.

Let me give some examples of the impact that is going to have. Think about the phone costs for that small business, Internet, simple office products, even the cost of shipping goods from point A to point B now are going to generate this requirement of a 1099 tax form.

Back in my State what that means is, if a rancher buys \$100 worth of feed

every month, then that rancher is going to have to submit a 1099 to the feed store and then file it with the IRS. If the restaurant owner up the street buys \$600 worth of napkins or ketchup or menus or garbage bags over the course of a year, guess what. They start building that stack of 1099s.

Think about how that paperwork is going to burden that small business. This includes transactions with corporate as well as noncorporate entities. It also applies to government entities at the local, State, and Federal levels.

Businesses in my State, but I am confident across the country, are absolutely up in arms about this provision, and they should be. Last week, the National Taxpayer Advocate, an Internal Revenue Service ombudsman, issued a report with some very startling admissions. This provision, they say, will affect 40 million businesses, including about 26 million sole proprietorships not counting farms. That is 10 times the number of job creators than the administration asserts will benefit from the small business tax credits.

We need to look for ways to help small businesses, not hammer them. A Nebraska small business owner wrote to me recently. This business owner pointed out that he owns three small town lumber yards and wanted to weigh in on this provision. I am quoting from that letter:

As you know, it is difficult to survive as a small business in rural communities. . . . Putting on additional burdens involving time, paperwork and money does not help.

That small business owner went on to say this:

The building supply industry is struggling to survive the housing and economic crisis and employers like myself would be severely impacted by the additional costs and paperwork burdens of the 1099 proposal.

I could not agree with this businessman more. This new provision is a one-two punch for our small businesses. It will require them to spend more money and time on paperwork and reporting. It does nothing to create jobs other than maybe at the Internal Revenue Service. This increases the overhead costs of staying in business. It will require them to spend more time and more money on paperwork and, no doubt about it, it is going to be tough for them to comply with the standards set so low at \$600.

Expenses to comply with Federal tax compliance regulations are already astounding. According to the Small Business Administration, small businesses that employ fewer than 20 people spend on average \$1,304 per year per employee. In contrast large companies spend on average \$780 average per year per employee. So we can see the IRS tax compliance regulations already disproportionately disadvantage small businesses compared to large companies. Why are we adding insult to injury with this new requirement? We should be doing all we can to reduce overhead costs, help them to be more competitive not increasing their bur-

dens. Why on Earth are we slapping Americans with more mandates that are counterproductive? Congress should be reducing businesses' overhead, helping them stay competitive.

Section 9006 creates a perverse incentive for companies to consolidate suppliers. Think about that. Guess who loses in those circumstances. Our small businesses, the same small businesses that we are counting on to create the new jobs and lift us out of this recession. Larger, more diversified suppliers will be more attractive as a way for the purchaser to reduce the paperwork. The fewer different transactions that total \$600 or more, the less paperwork. So the little guy loses.

The National Taxpayer Advocate said recently they are "concerned that the new reporting burden, particularly as it falls on small businesses, may turn out to be disproportionate as compared with any resulting improvement in tax compliance."

The Advocate report lays out several reasons this new provision of the law is causing so much concern. The report questions whether the new data will lead to better tax compliance. "The IRS will face challenges making productive use of this new volume of information reports."

For example, the new 1099's will not match tax returns due to returned goods or other technical reasons. The report predicts the IRS will improperly assess penalties for not filing forms. Again, I am quoting:

It must abate later, after great expenditure of taxpayer and IRS time and effort.

Finally, a chilling prediction in the report says:

Small businesses that lack the capacity to track customer purchases . . . may lose customers, leaving the economy with more large national vendors and less local competition.

It is clear that section 9006 attacks small businesses across this country. That is why I am introducing legislation to eliminate this barrier. My effort, which I call the Small Business Paperwork Mandate Elimination Act, would fully repeal section 9006 of the health care law and eliminate this ridiculous paperwork burden. I urge my colleagues to support me in this effort. Overburdening our job creators is not good policy, especially in this time in our economic recovery.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, may I speak for up to 15 minutes as in morning business?

The PRESIDING OFFICER. Without objection, it is so ordered.