

Uncertainty about the economy and looming tax hikes have kept this sector from hiring new workers, resulting in a weak economic recovery and slow to nonexistent job growth.

But the NFIB doesn't stop there. They further describe this:

Congress can take an important step to address the uncertainty by holding a vote and passing legislation extending all of the expiring tax rates. No small business owner should face higher taxes.

At a time when Americans are struggling in their businesses to meet next month's payroll, they don't need more uncertainty from Washington. What they need are assurances from their government that there will be no more taxes or unnecessary regulatory burdens piled on top of them at a time when their plates are already overflowing.

Even White House economic adviser Larry Summers recently acknowledged the importance of providing businesses with certainty about the future. He said something actually quite profound:

Confidence is the cheapest form of stimulus, and we've got to be very attentive to creating an economic environment in which there is confidence.

I agree with him.

One way to help eliminate this uncertainty and bring confidence back to the economy is to continue the current tax rates. Failing to do so will only cause further uncertainty and inadequate growth. Most alarmingly, letting these tax rates increase will result in the largest tax hike in American history. Let me repeat that: One hundred days from today, the largest tax hike in history will take effect, unless Congress acts.

Considering the state of our economy, with a lackluster growth rate of 1.6 percent and unemployment at 9.6 percent, with real unemployment in the double digits, tax increases are the last thing Americans need. Tax increases are the last thing our job creators need.

It is no surprise that businesses aren't willing to take the chance to expand and to hire. We keep hearing the President and his administration tell businesses to create jobs, to get off the sidelines. We keep hearing the President say that. Meanwhile, the same administration has increased taxes, imposed mandates, created uncertainty, and now is willing to allow this massive historic tax increase to hammer our job creators. It simply makes no sense. Why would an administration that is supposedly committed to small businesses try to take more of their money while at the same time urging them to spend more money on expanding and creating jobs? Maybe it is because they claim that only rich Americans—rich Americans—would be impacted.

As small business owners across the country can tell us, this is simply a false notion. Many small business owners file as individuals and, therefore,

report income above \$200,000. We rely heavily on these small businesses to use that capital to create jobs to boost our economy.

Over the past 15 years, small businesses have been responsible for generating—get this—64 percent of all of our new jobs. Under the administration's proposal, the Joint Committee on Taxation estimates that nearly 750,000 taxpayers with small business income will be hit with a tax increase 100 days from today. I don't get it. I can't fathom why we would raise taxes on job creators when we are facing record unemployment and a sputtering economy.

It is not just small businesses. It is also family farms and ranches that would be caught up in the net of this massive tax increase. Suddenly, they would all find themselves classified as the "rich" people this administration claims are the only ones impacted by this foolhardy policy.

It is unfair and unwise policy I am speaking about. What our small businesses, farms, and ranches need now is a stable economic environment, not tax increases from their government. It is time for government to stop suppressing businesses and give them a chance to grow in a certain environment—to expand, create jobs, to buy new equipment—because that is what will fuel job growth in this Nation. Our small businesses are the heart of our economy. We need to give them the opportunity to move our economy forward, not be stifled by government policies.

The original intent of the tax cuts when instituted nearly 10 years ago was to free up capital for these entities to grow, to hire, and to produce. In fact, in 2007, once these tax breaks had taken effect, our tax collections achieved an all-time high in this Nation. Let me repeat that. In 2007, once these tax rates took effect—they were fully in place—our tax collections achieved an all-time high. The reason is obvious. When you have people working, they pay taxes, they add to the economy, they fuel economic growth.

The bottom line is that tax breaks help to get our economy moving which, in turn, generates revenues. We saw it in 2007. Even Christina Romer, the former chairwoman of the President's Council of Economic Advisers, recently published some research on tax policy. I am quoting:

Tax cuts have very large and persistent positive output effects.

In contrast, she wrote:

Tax increases appear to have a very large, sustained, and highly significant negative impact on output.

I couldn't agree more.

Standing idly by while taxes skyrocket at the end of this year, in 100 days, will—and it is very predictable—have a chilling effect on American businesses and, therefore, hard-working families. It is time that the actions of this administration and this Congress match the promises being made about creating an environment that fosters growth instead of hindering it.

The American people are no longer willing to accept empty words at face value. They want to see policies that match promises. Fortunately, it is not too late. This administration and this Congress still have an opportunity to make good on their promises to small businesses, to those working families, but it will mean taking action to prevent a massive tax hike on January 1, 2011.

I ask all of my colleagues to show they are willing to work together to fulfill their promises to small businesses. Let's deliver on those promises to provide stability instead of uncertainty. Let's work together to prevent a huge tax hike on our job creators in 100 days.

The American people—hard-working families—deserve no less.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE DISCLOSE ACT

Mr. BROWN of Ohio. Mr. President, just yesterday, the Columbus Dispatch, the second largest paper in my State, reported that one single Cincinnati-based corporation gave more than \$450,000 to Karl Rove's outfit. Lest we forget, Karl Rove was the very political person in the Bush administration who was sort of the mastermind of dirty tricks and of raising tons of special interest money and the mastermind on a lot of the sort of, shall we say, disinformation coming out of the White House in the Bush years during the lead-up to the Iraq war—that Karl Rove. Again, the Columbus Dispatch reported that one single Cincinnati-based corporation gave more than \$450,000 to Karl Rove's outfit to support advertising for one single Ohio Senate candidate.

That was reported from a generally conservative newspaper. The Columbus Dispatch is no friend of Democrats. They are a pretty Republican organization, although the reporters are fair-minded. So one corporation sent \$450,000 to one single Senate candidate. That corporation can do that because of the Roberts Court decision—the Supreme Court decision, with its new ultraconservative Court, which is perhaps more conservative than any Court in the 21st or 20th centuries, in a case called *Citizens United*. It is an outright corruption of our democratic process. But with the *Citizens United* case, it is a reality.

The Supreme Court opened the floodgates, allowing multinational, large corporations to bankroll their favorite political candidates and build a Congress in their image. They don't have

to be American; they can be foreign corporations. It is not like the drug companies, oil companies, and insurance companies don't have enough power in Washington, DC. When they sneeze, too many people around here get a cold. When the drug companies, insurance companies, and the oil industry—these large corporations—want something, far too often they are successful in the Halls of Congress. That is the reason we have seen the obstruction in the last year and a half. That is why it is so easy for Leader MCCONNELL to get 41 Republicans to oppose what we are trying to do in this body—because of the influence of these drug companies, insurance companies, the oil industry, and others—these huge companies that outsource jobs.

The Supreme Court is made up of almost all conservative appointees—a majority of them—backed by these major moneyed corporate interests, and this Court has given even more power to these corporations. In some cases, they said they can be foreign-based corporations.

In *Citizens United*, the Supreme Court swept aside decades' worth of established jurisprudence to abruptly—and radically—change the rules of the game to remake, if you will, our democratic system. The Roberts Court couched their activism in arguments about the first amendment.

I am not a constitutional lawyer; in fact, I am not a lawyer at all. When I hear: Should General Motors or should Pfizer drug company or should any large corporation have the same free speech rights as individual Americans, I don't think so. The Founders never thought about corporations having all the same first amendment free speech rights as individuals, as the pages sitting here do or as Americans in Toledo, Akron, and everywhere do by nature of the fact they are American citizens. They have free speech rights.

The Roberts Court decision said we are going to give free speech rights to corporations in every way, which means the free speech of an individual American is washed away, in political terms, because of the huge influence that a small number of corporations can have because they have so much money to inject into the political system.

Citizens United, therefore, buries the voices of everyday Americans, as Fortune 500 companies straddle the globe and reap billions in profits, and they can take just pennies on the dollar and lavish huge dollars on American campaigns. If a multibillion-dollar company drops \$1 million to help a candidate—as we are seeing with Rove's sort of sordid political operation—that is not very much money to that company. But that \$1 million certainly can wash away and so much counteract a bunch of American citizens in Mansfield, Lima, Springfield, and Zanesville, OH, who are giving \$20 each.

Average households are struggling to break even. How can you compare their

ability to influence—ability to exercise their free speech—to that of a multimillion-dollar Fortune 500 company?

Look how that plays out. In 2009, corporations spent \$3.3 billion lobbying Congress to influence legislation, exerting far more influence on our political process than they should.

We saw how special interests spent more than \$1 million a day in an attempt to shape health care reform and Wall Street reform, and because of *Citizens United* they will be able to spend unlimited amounts of money to intimidate, retaliate against, and replace their foes in Congress.

If you speak up, as I am doing now at some risk—I am on the ballot in 2012. I know what this crowd is going to do because I do not always agree with BP's agenda or the drug companies' agenda. In fact, I usually do not. I also know these companies already have so much influence lobbying the Congress day after day, and now they are going to have greater influence in electing their allies to the House of Representatives and the Senate. They have turned this advantage into a corporate monopoly of political speech.

When campaigns overwhelmingly are run on television now, with millions of dollars spent—at least \$10 million will be spent in Ohio in the Senate race, probably more than that in the Governor's race—when there is that kind of money, it too often drowns out everyday Americans' free speech.

Most Americans today do not advocate for, nor would the Framers have envisioned a democratic system in which \$10 million contributions from corporations drown out \$20 donations that represent real people's real concerns. A lot of people give me \$10, \$20, or \$50 for my campaign. They are not trying to buy influence. They do not buy influence with that. They contribute to me and the Senator from Illinois and others because they agree with what I do. They like the positions I take. They think I represent them reasonably well. But they are not going to influence the system. Contrast that with this more than \$400,000 donation to one political candidate from one corporation. What does that suggest might happen down the road?

Our democracy was once—I hope still is—on the power of a single person walking into a voting booth and casting a vote. It is based on individual rights, not corporate profits. But the *Citizens United* case gave corporations the power to put corporate profits squarely ahead of personal rights. That is why the legislation we are working on, the DISCLOSE Act, is so important. I guess that is why Republicans en masse seem to be opposing the DISCLOSE Act.

The DISCLOSE Act fights back by giving individual Americans more power to understand, to cast sunlight into the shadows of corporate political spending. It grants citizens power of information—information that breeds accountability and transparency. If a

company engages in political activity, that company should be willing to identify itself—but not the way the *Citizens United* case is. That means the DISCLOSE Act would make CEOs do what political candidates do when they pay for political advertising.

When I ran for office, as I did in 2006 for the Senate, I looked into the camera and said: This ad was paid for by friends of SHERROD BROWN, so people would know I am responsible for this ad. Why shouldn't a corporation that writes a check for \$1 million to a political organization—why shouldn't that CEO be willing to and be told to and be forced to and be compelled to under law stand in front of the camera and say: This ad was paid for by XYZ Corporation. I take responsibility, and I am the CEO.

It helps the public follow the money behind the multimillion dollars that buy ads from shadowy groups. If BP were to give \$1 million to a political candidate in Ohio or Pennsylvania and nobody really knows it is a BP ad that has gone into this group, then the voters do not have any way of judging very much from that ad. But if the CEO of BP had to walk out in front of that camera and say: I am the CEO of BP, and I paid for this ad, that is going to send a message to voters: Do I want to support this candidate BP is supporting? But, instead, BP can get behind the desk and hide from disclosure.

I have heard people in this body—the Republican leader most prominently—argue ad nauseam on campaign finance laws that we need full disclosure, we need the sunlight to shine. This is his opportunity to step up and argue for full disclosure and go down to that well and cast a vote: Yes, I agree with full disclosure.

They are not doing it now. Do you know why? So far, not one Republican has been willing to walk out here and make a CEO say: I am responsible for this ad. My corporation paid for this ad. They are not willing to because Republicans really know that come election time, when multinational corporations are willing to write million-dollar checks, they are going to be the beneficiary—not that my party by a long shot is perfect, but we know that Republican candidates are almost always supported by the biggest multinational, often foreign corporations in this country—the big oil companies, the big insurance companies, the big drug companies—that already have too much power here, but they are going to have more power here because they are spending all this money to elect conservative, Republican, pro-corporate, at-any-cost candidates. What that means is higher taxes for individuals as corporations pay less—less corporate responsibility for deregulation of Wall Street and the environment. Look at what happened to Wall Street in the last 3 years. Look at what happened to the environment with BP. The merry-go-round will continue.

The DISCLOSE Act also has a provision that says political decisions cannot be influenced by foreign-owned companies. We are putting a prohibition in this bill that a foreign-owned company cannot come to America and buy elections. I am incredulous that my Republican opponents—who always talk about nationalism, always challenge patriotism of people with whom they do not agree, always are talking about our national interests, always bashing immigrants—would not agree with us that foreign companies ought not be able to come in and buy American elections. I guess that is OK to them too, because our bill says foreign-owned corporations may not participate in American elections in this way.

To me, it is bad enough that a company based in the United States—this is the case where a company that is based in the United States but owned by a European interest can still contribute. That is what the Citizens United case said. We are saying no to that. Think of a U.S.-based, Chinese-owned company spending millions to influence a trade or manufacturing bill.

One of the things I fought for—and I know the Presiding Officer agrees with this, and it has been supported—is made-in-America provisions. We have seen in downstate Illinois, in suburban Chicago, in Dayton and Springfield, OH, Cleveland and Toledo, a significant erosion of our manufacturing base. One of the reasons for that is that companies have moved offshore because of bad trade agreements and bad tax law that we are trying to fix even though it has been blocked by the other side. We also know most Americans would love to buy clothes made in the United States, would like to buy products. They go to stores and cannot find products made in the USA. Tell me that a foreign-owned corporation that spends political money, comes in and gives hundreds of thousands of dollars to a conservative political candidate, tell me that corporation is not going to lobby that Member of Congress against some of our made-in-America laws we have tried to enact. You can bet those conservative politicians who love to trumpet their patriotism and accuse others who disagree of not being so patriotic will find a way to oppose strengthening made-in-America rules.

If anything should bear the label “Made in America,” it should be our elections. I am amazed that Republicans in this body do not agree with that.

It used to be that the disclosure of campaign expenditures was bipartisan, Republicans and Democrats. It is bipartisan in the public; it is just not bipartisan here. We should not want to see our democratic system become the puppet of corporate America or any special interest. Transparency matters. People ought to know from where these dollars come. Disclosure matters. Companies should have to disclose and take responsibility for those ads and those

contributions. By enabling Americans to see behind the curtain, the DISCLOSE Act ensures Americans will not be left in the dark.

The bill restores some of the integrity and the transparency that the Citizens United decision stripped from our political process. Let’s not forsake this opportunity. I know it will not affect the tens of millions of dollars Karl Rove and his friends in the Bush administration are spending in campaigns this year, but if we do this bill right, it can affect elections in the future in a positive way so that elections, one, will be made in America; and second, for people who give money, there will be transparency and disclosure so the public knows which corporations are putting how much money into whose campaigns, and it will mean ultimately that corporations take responsibility for the decisions they make and the money they spend in the American political system. It is what the rest of us have to do. CEOs should have to do the same.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CHINA PNTR

Mr. BROWN of Ohio. Mr. President, I wish to mention something else after talking about the, perhaps, Chinese influence on American elections and other countries’ influence on American elections and how Republicans do not seem to want to stand up for the American people’s first amendment rights and national interests. I wish to talk about something that is more bipartisan, in a sense, and is every bit more disturbing; that is, 10 years ago this month, the Senate sold out American manufacturing. Ten years ago this month, by a vote of 83 to 15, the Senate passed a bill establishing permanent normal trade relations with the People’s Republic of China. I remember. I was in the House of Representatives, and I opposed this measure. We were joined by most of the Democrats and a number of Republicans, but we were unable to defeat it. It was a fairly close vote.

The proponents of China PNTR came to our office, the people who wanted to give these extra benefits to China. It was initially called most-favored-nation status for China. The supporters thought that did not sound very good, even though we had used that term for years, and called it permanent normal trade relations with China. They put another name on it; they put lipstick on that pig. What the supporters said to us—the CEOs who came to Congress and one at a time talked to us—was that they could not wait to pass PNTR because they would then have access to

1 billion Chinese consumers, so those consumers could purchase American-made products. They wanted access to 1 billion Chinese consumers. It sounded pretty good. As you know, it was not quite the story because as soon as PNTR passed, as soon as they changed the rule, the story became not 1 billion Chinese consumers about whom they were excited, it was 1 billion Chinese workers about whom they were excited. You could see American companies crossing the ocean—shutting down a plant in Dayton, OH, and moving to China; shutting down a plant in Youngstown, OH, and moving to Shanghai; shutting down a plant in Toledo, OH, and moving to Wuhan; shutting down a plant in Lima, OH, and moving to Beijing or Quang Chau.

I think it is the first time since colonial days—maybe ever—the first time when a business plan—get this—when a company’s business plan is this: The first thing you do is lobby Congress to change the rules. The second thing you do is start to shut down plants in your home country with your home country’s workers, where your entire company was established and grew. You have shut down production in your country. You move several thousand miles away, set up production, understanding that the workers work more cheaply, the workers work for less pay, the country does not have strong environmental rules and has very few protections for workers.

They make the product, and then they sell the product back to the home country. This business model, after getting the law changed—PNTR—10 years ago this month, was to move overseas, make the products there, then sell them back to the original home country. That is bad for the environment, first of all. It is bad for our workers and bad for our communities when a plant shuts down.

Look what has happened. We have seen since PNTR passed a 170-percent trade deficit increase in the last 10 years. China continues to undermine free market competition, and it leaves American workers and manufacturers in severe disadvantage. Instead of helping U.S. companies export more products to China, our trade policies have permitted China to manipulate its currency, provide illegal subsidies to Chinese exporters, and artificially price Chinese goods, so U.S. manufacturers have to compete against a flood of cheap imports.

Do you know what happens? When I see people supporting this—people talking about small businesses—here is how wrong they are. When a large company leaves Akron or Canton, OH, and pulls up stakes and moves to Mexico or China—a large assembly company, an auto plant, for example—you know what happens to all the small companies and small manufacturers. They don’t have the wherewithal or the sophistication to move to China or Mexico so they lose 30 percent of their business—a little tool and die shop in