

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CASEY. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. I thank the Chair.

Let me talk for a moment about the legislation. The legislation before us, as I said before, would both extend and expand the payroll tax cut that is in place right now.

First of all, for employees, we cut it in half. So instead of paying a 6.2-percent payroll tax, the employee, the worker, would pay just 3.1 percent. That has a sizable impact on the economy when we do that—1,500 bucks in the pockets of the average worker in America. Approximately 160 million American workers are impacted and as many as 6.7 million in Pennsylvania. So we would not only keep in place the payroll tax cut for workers, but we want to expand it so it is fully cut in half.

Secondly, I wish to speak for a moment about the employer side of this because that wasn't part of last year's effort. I introduced the payroll tax credit in early 2010 to encourage employers to hire and accelerate the pace of the recovery. A number of folks on both sides of the aisle have worked on this. The ideas of those kinds of tax credits in those kinds of bills we introduced form the foundation of what we are trying to do today. This legislation incorporates elements of my and others' earlier legislation to provide businesses with quarterly incentives to increase their payrolls.

I wish to highlight a couple of elements of the legislation before us.

First, this bill cuts payroll taxes in half for 98 percent of U.S. businesses. These businesses have taxable payrolls of \$5 million or less. They will see their payroll taxes cut in half, as I said before, for the worker as well as the business.

Some people say: OK, that is 98 percent of businesses. That is good news. What about the other 2 percent who have higher incomes?

Those businesses that have taxable income above \$5 million will still get a payroll tax cut from 6.2 percent to 3.1 percent on the first \$5 million of their taxable payroll. So they get it up to that level. So this is a huge benefit to small businesses across the country and even some businesses larger than that.

The Joint Economic Committee, of which I am the chair, recently released a report that indicated that small business lending remains well below pre-recession levels both in the number of loans and the dollar value of those loans. So a lot of small businesses still cannot get access to credit. This payroll tax cut legislation will help those companies substantially to be able to get access to credit.

Finally, I wish to make a point about the legislation as it relates to elimi-

nating the employer's share of the Social Security payroll tax on the first \$50 million of increased payroll in 2012. This isn't just a cut, this is an elimination if they do one of three things: if they are hiring more workers; if they increase the hours, which is another way to get the benefit; thirdly, if they are boosting pay.

This legislation is one of the best ways to create jobs, one of the best ways to kick-start our economy.

I will conclude with this. If we look at the real world of communities across Pennsylvania or across the country, means that if we pass this legislation, for median family income in Pennsylvania, the benefit is \$1,535, a little more than \$1,500. So whether people go to small rural counties or big cities or suburban communities, wherever it is across a State such as ours, workers will be able to put roughly \$1,500 in their pockets for this season coming up when people need some help, and small businesses will be substantially positively impacted by this legislation.

We need to pass this legislation. We need to do it now to help our workers, to help our businesses, and to grow the economy and create jobs.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

#### CERP REFORM

Mrs. MCCASKILL. Mr. President, I have offered an amendment to the Defense authorization bill that unfortunately we are not going to get a chance to vote on, but I want to begin talking about it because I think this is something we need to do as we appropriate money for our military for the next year.

I wish to start by saying that I support the mission in Afghanistan, but after years of work on wartime contracting issues and looking at the way we have spent money through contracting in both Iraq and Afghanistan, I have come to a stark and real conclusion about the money we have wasted and continue to waste in this effort.

We are building infrastructure in Afghanistan that we cannot secure and that will not be sustained. Since 2004, the Defense Department—just the Defense Department, not the State Department—has spent more than \$6.9 billion in Iraq and Afghanistan on humanitarian stabilization projects that include infrastructure, energy, and road construction.

Primarily, this has occurred through what is known as the CERP fund. "CERP" stands for "Commanders Emergency Response Program." This began as an effort in the war against insurgencies, the counterinsurgency effort, the COIN strategy. This began as a good idea where the commanders on the ground would have money they could directly access to do small neighborhood projects, to win the hearts and

minds, to secure a neighborhood, to stabilize a community.

These projects were envisioned, when I first came to the Senate, as fixing broken panes of glass in a shopkeeper's window. This program has morphed into something much different than what was envisioned at the beginning of the counterinsurgency effort in Iraq. These \$100 projects, \$1,000 projects, are now hundreds of millions of dollars. In fiscal year 2010, more than 90 percent of the spending in CERP was for projects over \$½ million. At its height in 2009, the authorizations for CERP spending in Afghanistan and Iraq reached \$1.5 billion. And—this is the kicker—the military building large infrastructure projects has not shown a measurable impact on the success of our mission.

I have stacks of studies, and I am such a wonk; I have actually read all of these studies. These are just a few of the studies that have been done by inspectors general, by special inspectors general, by the DOD inspector general, by the Wartime Contracting Commission that Senator WEBB and I put into place to look at all of the wartime contracting issues. Even our own troops have studied the expenditure of these funds. I want to quote their conclusion in a recent study that was completed by the troops that are, in fact, fighting this effort in Afghanistan.

Despite hundreds of millions in investments, there is no persuasive evidence that the Commander's Emergency Response Program has fostered improved interdependent relationships between the host government and the population—arguably the key indicator of counterinsurgency success.

I go on, a direct quote:

The effectiveness of CERP in advancing our counterinsurgency objectives in Afghanistan has yet to be operationalized or well documented. The relationship between development assistance and counterinsurgency is being increasingly challenged in the academic and practitioner fields with only unsubstantiated assertions and the occasional anecdote offered as counterargument. There are no clear objectives for a program that funds everything from immediate emergency relief to multi-year, multi-million dollar road projects. The lack of proper incentives and accountability measures have rendered CERP and similar funds an extractive industry for construction companies, nongovernmental organizations, and multiple Afghan government ministries, fueling rather than fighting corruption, community insecurity and insurgent coercion.

Finding and defeating terrorists, fighting the Taliban, securing strategic victories against al-Qaida, training the Afghanistan military and police—all of these things I support. But this amount of money being spent on large infrastructure projects that cannot be sustained we must end.

In an unprecedented fashion, our military—not the State Department—has embarked upon these massive projects. This year, for the first time in this authorization, there is now a new Afghanistan Reconstruction Fund to get around the limits that have been placed on the size of projects in the CERP fund. I call this fund the "son of

CERP." It has now been documented that they want to go even larger and even bigger with these large multi-million dollar projects. I cannot stand by as we spend billions on roads, electrical grids, and bridges in Afghanistan, knowing the incredible need we have in this country for exactly that kind of investment.

These projects are not being built in a secure environment. We are paying off people to try to keep the contractors safe. And it has been documented that some of that money has gone right into the hands of our enemy. That must be stopped.

These projects, in many if not most instances, cannot be sustained. I can give a number of examples. But all you would have to do is travel around Iraq and see the empty, crumbling health care centers built with American taxpayer dollars, the water park that is a twisted pile of rubble that is no longer operational, all of the investments that were made in oil production and electricity generation that were blown to bits.

I can give specific examples in Afghanistan. How about hundreds of millions of dollars spent on a powerplant—the latest technology: dual fuel—and nobody there knows how to operate it. And they cannot afford to operate it, so it stands by as an empty, hulking potential generator for backup power, while they buy cheaper electricity from a neighboring country.

For the first time, the Department of Defense has requested and received \$400 million in authorization in this new Afghanistan Reconstruction Fund. We should limit our military to the small projects that CERP was originally intended for, not produce contracts to major, multinational corporations.

All of these reconstruction funds should be pulled, and my amendment would do just that. We would pull all of this money out with the exception of projects under \$50,000. That would be as much as \$700 million that we could immediately put directly into the highway trust fund in this country. That is what my amendment does. It will transfer that investment from a non-secure environment, in areas these projects cannot be sustained, to the very needy cause of infrastructure investment in the United States of America.

Let's do this. Let's stop these large projects that cannot be secured and be sustained. Keep in mind, as much as \$700 million would be pulled, and that is a small fraction of what we are spending in Afghanistan. The authorization for next year is more than \$100 billion. So anyone who tries to say this will cripple our mission in Afghanistan does not understand the numbers. Of the moneys we are spending in Afghanistan, the vast majority is about personnel: to train the Afghan military, to train the Afghanistan police department, to fight the terrorists who are there, the Taliban, al-Qaida in the areas near Pakistan. All of that re-

mains. A very small percentage of this would be pulled. But it should be pulled, and it should be pulled today. We should take this investment and put it in roads and bridges right here in our country.

I hope this amendment will have success when we look at the appropriations process. I think it is time we stop this funding, and stop it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

#### DR. DONALD BERWICK

Mr. BINGAMAN. Mr. President, I want to take a few minutes to commend Dr. Donald Berwick for his service as Administrator of the Centers for Medicare and Medicaid Services and also to express my deep disappointment that his nomination was blocked by a minority of Senators.

CMS, the Centers for Medicare and Medicaid Services, has benefitted greatly from Dr. Berwick's innovation and leadership, and the refusal of some Members to support confirming him for this position is difficult to understand.

Dr. Berwick is widely recognized as a highly qualified leader in the realm of health care quality. But, unfortunately, many of my colleagues across the aisle adamantly opposed Dr. Berwick's tenure, beginning when he was first nominated by President Obama for this position in April of last year. Many of these objections are based on inaccurate accusations and sound bites that have been completely taken out of context.

Dr. Berwick has the qualifications, expertise, and demonstrated leadership ability that CMS needs at this critical time. He is a pediatrician by training, Harvard professor, health care analyst, elected member of the Institute of Medicine, a leading advocate on health care quality and patient safety, and a cofounder of the Institute for Healthcare Improvement, which is a respected think tank that trains hospitals on how to increase patient safety and improve operations.

Don Berwick has also written extensively, with there being more than 120 scholarly articles he has authored or coauthored, along with several books, on the quality and efficiency of health care.

Dr. Berwick is a true visionary. He has been an advocate for transparency and accountability within our health care system, and his distinguished career has made him the ideal candidate to lead the CMS at this critical time.

It was due to Dr. Berwick's deep knowledge of health care, his vast experience, and his passion for this issue that his nomination originally won praise from across the political and professional spectrum. This includes Tom Scully and Mark McClellan, both former Administrators of CMS under President George W. Bush. They strongly endorsed his nomination. His nomination also had the support of Dr.

Nancy Nielsen, who is the past president of the American Medical Association; John Rother, who is the former executive vice president of the AARP; and former Republican Senator from Minnesota, our former colleague, Dave Durenberger. In fact, Newt Gingrich even saluted Dr. Berwick for seeking a "dramatically safer, less expensive, and more effective system of health care."

During his tenure as CMS Administrator—the few months he has been in that position—Dr. Berwick has been able to implement impressive reforms, including launching the new CMS Innovation Center, which will test new health care delivery models that emphasize primary care and innovative ways to finance health care.

He has also instituted a financial incentives program for physicians who use electronic health records. And generally, he has set the tone for health reform to take root and to provide Americans with affordable, high-quality health care in a cost-efficient manner.

To be perfectly clear, I am not in any way suggesting that I do not continue to have enthusiasm for the President's recent nominee to replace Dr. Berwick. From all I know of this nominee, she will do an excellent job. But I am frustrated that an eminently qualified public servant is being denied the opportunity to continue serving the American people in this important position. There is no valid justification for denying him that opportunity.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

Mr. BINGAMAN. I ask unanimous consent for an additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. John McDonough of the Boston Globe, in his commentary on the response to Don Berwick's nomination, wrote:

One of [health care's] most distinguished leaders and voices got mugged by partisan Republicans who know better and who got away with it.

I am truly disappointed that certain Senators have pledged to block his nomination and that he has chosen to resign his position effective tomorrow.

Our task now is to assess the new nominee the President has sent us. I hope Members can come together to do what is right in this circumstance; that is, to quickly confirm an Administrator for this very important position.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, it is my understanding that I have 20 minutes of time allotted under morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, each Senator has 10 minutes to speak.

Mr. COATS. All right. Mr. President, I do not think I will use all of those 20 minutes. I might ask for 10 additional