

who are struggling to stay in their homes, seeking to pay their debts, and facing every day the continuing abuses in these areas. The bad actors may be among a minority of actors in this area, but they cannot be counted unless Richard Cordray is confirmed. I know from my experience that consumer protection laws are meaningless to ordinary Americans, as they are to citizens of Connecticut, unless there is vigorous enforcement of these laws.

Richard Cordray will bring to this job a unique set of qualifications. He has been involved at the local and State levels in working closely with community banks and credit unions, as well as other financial institutions, as a State and county treasurer. He understands the important role they play in small towns and communities. He knows how to work with institutions and the businesspeople who run them. He is realistic and sensible. He has common sense. He has had a positive experience—hands on—working at the local and State level.

I have worked with him personally as an attorney general, worked collaboratively with him—indeed, helping to start the investigation of the mortgage service abuses that have led to a nationwide inquiry and, hopefully, will lead to a nationwide solution. I know him to be a practical and sensible person who knows how to listen. Richard Cordray knows how to listen to people who are affected by the rulings he may make, the policies he may implement, and the people whom he may hire. Indeed, his nomination was praised by a former U.S. Senator and current attorney general, Mike DeWine, a Republican who defeated him in 2010.

Republicans in this body have made this issue a partisan one. It should not be. There is nothing partisan about debt collectors or mortgage services or others who may abuse the trust of consumers. There is nothing partisan about people who become victims of the abusive practices that continue, which we need the CFPB to counter. There is nothing partisan—or should be nothing partisan about this individual, Rich Cordray, who has dedicated his life to protecting ordinary men and women against the financial abuses the CFPB is designed to fight.

Blocking his nomination is, very simply, a way to stop the CFPB from ending abuse. It may be articulated in a variety of ways, using words such as “accountability,” “rulemaking,” “structure,” or “authority” as terms that are at issue. But the fact is that his nomination cries out for confirmation simply to implement the important laws that this body has passed, laws that remain dead letter as long as they are not enforced.

The men and women who are working in this agency now, under the leadership of Raj Date, are doing the best they can. They are making a difference. They are protecting, for example, our veterans. Holly Petraeus, who is head of the division in the agency de-

signed to protect our veterans, is doing great work in that area. She deserves our support; she needs and merits our support. She and others in that agency need and deserve the support of this Congress and this body in confirming Rich Cordray.

I have worked with Rich Cordray. I know him as a man, as a public official, as a nominee. We will be losing a uniquely qualified person for this job if we fail to do the right thing and protect consumers from the continuing abuses of this industry.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

#### PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the issue of the payroll tax and the tax cuts we are trying to enact, very similar to what we did last year when Democrats and Republicans came together at the end of the year, right before the holiday season, and said, we have to take action now to make sure we are doing everything possible to jump-start the economy.

One of the elements of that agreement last year—and, again, it was bipartisan—was a cut in the payroll tax. Just so people understand my point about this tax—and I will deal only with the employee side—we know that employees in the United States, when they make their payroll tax payment, it is 6.2 percent of their earnings. Last year we cut that from 6.2 to 4.2. It was the right thing to do and it had a positive impact. What I am trying to do now—and, again, I think this is bipartisan—is to not just do that again, but we want to cut it even more so that we can reduce it in half, so instead of paying 6.2, an individual would pay 3.1.

This is a very basic idea, and what we are trying to do are two basic things. No. 1 is to give folks out there more take-home pay—kind of dollars in the pocket. Last year, it was roughly \$1,000 per worker. The impact on a family—the positive impact of that—is very significant. This year, we hope it will be greater. We hope we can enact something where the take-home pay savings are increased, depending on how one argues it, almost \$1,500. Instead of being \$900 or \$1,000, for some folks it can be \$1,500 or \$1,400 or somewhere in that range.

The second point on this is peace of mind. We ought to take action here in a bipartisan way—and every once in a while we get this right—that will say to people, we are trying to do our best to understand what you are up against. We are trying to take actions here that

will lead to economic growth and job creation.

One of the actions we can take is making sure we reduce the payroll tax so folks out there have more money in their pocket—more take-home pay—as they head not just into the holiday season but as they head into the new year in 2012. So it is about take-home pay and peace of mind.

We have made some progress in the last couple of months, when we consider where we have been and in trying to dig our way out of this great recession. Unfortunately, the progress we have made is far too modest, and the economic recovery right now is still very vulnerable, very fragile—pick your word, there are lots of ways to describe it. We need this tax cut to boost consumer spending.

A lot of the business folks I talk to in Pennsylvania, when I ask them if they want to hire, or if they want to increase their payroll, say, I want to, but I can't. I say, why can't you? They say, there is not enough demand out there. So one of the best ways—maybe the best way—to create demand in our economy is to have folks have more take-home pay.

As you can see from this chart on my left, when we look at the quarters, starting right here, we see minus 6.7 percent. That is the first quarter of 2009. Eventually, we have gotten to the point where we have started to have some growth. We have had nine straight quarters of GDP growth. But that is not enough—not nearly enough. It is movement in the right direction, but it has been barely positive, as you can see, even if you look at just the last year. This .04 is the first quarter of 2011. So even though we had almost 4 percent of good growth back in a couple of quarters in 2009 and into 2010, in the last three-quarters of 2011, we had .4 percent growth, 1.3 percent growth, and 2.0 percent growth.

What we have to do now is make sure the fourth quarter is stronger, as best we can, and we need to make sure, by the actions we take here, that 2012 is much better. We need to ensure we have stronger growth, and putting \$1,500 of additional earnings into the pockets of 160 million workers, as I said before, will help substantially. I think that number should be repeated. When we talk about cutting the payroll tax in half and putting more take-home pay in people's pockets, we are talking about affecting 160 million workers in the United States.

Economists across the board have told us why this is so important. They have reported the payroll tax cut will create jobs and increase GDP—increase those numbers I referred to on the chart—and that failing to extend the tax cut will slow growth and lead to fewer jobs. Mark Zandi, of Moody's Analytics—one of the economists both parties have quoted over many years—estimates that not extending the current payroll tax cut—meaning allowing the payroll tax to go back up to the 6.2

percent, not cutting it in half—would reduce gross domestic product growth by .5 percent in 2012.

So instead of having positive growth, he is saying that if we don't enact and extend the payroll tax cut from last year, at a minimum we would be losing a half point of growth. That would be devastating to this economy.

Goldman Sachs has said similar things. They put the negative impact on GDP growth at as much as two-thirds of 1 percent in 2012. Most economists are in that range in terms of the adverse impact. RBC Capital Markets concludes that the hit to GDP next year of failing to act would be a full 1 percent.

So you have economists saying half a percent adverse consequence, two-thirds maybe, but at least among others saying a full percentage point. That would be devastating when we need to see growth at above 2 and hopefully even above 3. But that has been very hard to reach in the last couple of months.

I put this chart up on my left to highlight what Mark Zandi said. Here is his warning when discussing what could happen on the current payroll tax cut in effect right now, the 4.2 level that we are at right now from the cut from last year:

We'd be in recession right now without it.

That is what he said about what we did last year in a bipartisan way. I would hope we could end this year on a high note, on a bipartisan note, and make sure we cut the payroll tax again and put more take-home pay in people's pockets.

Then here is Mark Zandi talking about if we don't extend, what could happen into the near future:

We'll likely go into recession.

So says Mark Zandi. We can't afford to do that. The payroll tax cut has helped sustain the economic recovery this year, and it will strengthen the economy in 2012 if we reduce it again.

My bill not only extends it but increases it so that the per worker take-home pay increase, instead of being around \$1,000, would be approximately \$1,500.

We also know that cutting the tax leads to job growth. We know this from our experience, and we know this from recent history. At the end of 2010, Congress enacted the current payroll tax, cutting it from 6.2 to 4.2, and it took effect at the beginning of the year.

As we look at private sector job growth in 2011, we can see some of the impact of the cut. As we can see on the chart, if you look at the first couple of bars—even if you can't read the smaller print here—this depicts starting in January of 2011 what was the monthly change in private payrolls, meaning private sector job growth. January was only 94,000, not that great of a month in January 2011. But look at February: 261,000 private sector jobs added. Look at March: 219,000 private sector jobs added. And then April: 241,000. So you

had an average of about 240,000 private sector jobs growing in those 3 months. When we got to May and June, of course, a lot of things happened which took that number way down. It slowed for a lot of reasons. One of them was the spike in oil prices, another was the effect on gas prices, and, finally, the earthquake in Japan had a terrible effect on our economy.

I am wrapping up here, but I want to make one more point about this. The American people are looking at us right now, watching what we do, and they are saying basically two things to us—at least the people in Pennsylvania, to me. They ask me one basic question: What are you doing to grow the economy and create jobs? What are you doing as an individual Member of the Senate? One of the ways I can respond affirmatively and positively is to say we have come together to reduce the payroll tax even more than we did last year to help you in your bottom line, so you have more take-home pay for you and your family.

The second thing they ask is, what are you doing to try to bring people together, to try to reach a bipartisan consensus? We have all got to try to do that in our own way. This is about take-home pay and peace of mind. We need this tax cut in place to boost consumer spending, to create jobs, and accelerate economic growth.

I want to conclude with one thought about Social Security, because I know it has been raised by a number of folks the last couple of days.

I ask unanimous consent to have printed in the RECORD a letter addressed to Secretary of the Treasury Geithner and Director, Office of Management and Budget, Jacob Lew, dated December 6, 2011. It is signed by Steven C. Goss, Chief Actuary of the Social Security Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION,  
OFFICE OF THE CHIEF ACTUARY,  
Baltimore, MD, December 6, 2011.

Hon. TIMOTHY F. GEITHNER,  
Secretary of the Treasury, Washington, DC.

Hon. JACOB J. LEW,  
Director, Office of Management and Budget,  
Washington, DC.

DEAR MR. GEITHNER AND MR. LEW: We have reviewed the language in the "Middle Class Tax Cut Act of 2011" (S. 1944), introduced yesterday by Senator Casey. We estimate that the enactment of this bill would have a negligible effect on the financial status of the Old Age and Survivors Insurance and Disability Insurance (OASDI) program in both the near term and the long term. We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

Section 2 of the bill would make the following changes for payroll tax rates and OASDI financing: (1) for wages and salaries paid in calendar year 2012 and self-employment earnings in calendar year 2012, reduce the OASDI payroll tax rate by 3.1 percentage points, (2) transfer revenue from the General Fund of the Treasury to the OASI and DI Trust Funds so that total revenue for trust funds would be unaffected by this provision,

and (3) credit earnings to the records of workers for the purpose of determining future benefits payable from the trust funds so that such benefits would be unaffected by this provision. For wage and salary earnings, the 3.1-percent rate reduction would apply to the employee share of the payroll tax rate. For self-employment earnings, the personal income tax deduction for the OASDI payroll tax would be 66.67 percent of the portion of such taxes attributable to self-employment earnings for 2012. Other sections of the bill would have no direct effects on the OASDI program.

Sincerely,

STEPHEN C. GOSS,  
Chief Actuary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASEY. Mr. President, I ask unanimous consent for 2 more minutes.

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

Mr. CASEY. The point of this letter is very simple. I won't read the whole letter, but here is the pertinent part of this letter from the Social Security Administration.

We estimate that the projected level of the OASDI and DI Trust Funds would be unaffected by enactment of this provision.

What he is talking about there is Social Security would be unaffected. The trustee said last year the same thing. I won't add all this to the RECORD, but read the one sentence. This is page 33 of a report from last year:

Therefore, this payroll tax cut is estimated to have no financial impact on these same trust accounts.

So it is abundantly clear that there is no impact on Social Security and, secondly, it is abundantly clear that passing a payroll tax cut again will boost job growth, strengthen the economy, grow the economy, and give American families some measure of peace of mind as we head into the holidays and head into the year 2012.

Mr. President, I yield the floor.

#### ATF'S LANNY BREUER

Mr. GRASSLEY. The Alcohol, Tobacco, Firearms is a division of the Justice Department. I have been investigating Alcohol, Tobacco, Firearms' Operation Fast and Furious for almost 11 months now. It is past time for accountability at the senior levels of the Justice Department. That accountability needs to start with the head of the criminal division, Lanny Breuer. I believe it is time for him to go, and I wish to explain why I have come to that conclusion.

The Justice Department denied, in a letter to me on February 4, 2011, that ATF had ever walked guns. Mr. Breuer had been consulted in the drafting of that erroneous letter of February 4, this year.

On May 2, 2011, rather than acknowledging the increasingly obvious facts and apologizing for its February letter, the Justice Department reiterated its denial on May 2, this year, the same denial of February 4th.

Thus, when the Justice Department revealed on October 31 of this year that