

Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 16, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—74

Akaka	Durbin	Merkley
Alexander	Enzi	Moran
Ayotte	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Heller	Pryor
Blumenthal	Hutchison	Reed (RI)
Blunt	Inouye	Reid (NV)
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Leahy	Thune
Coats	Levin	Udall (CO)
Cochran	Lugar	Udall (NM)
Collins	Manchin	Warner
Conrad	McCain	Webb
Coons	McCasikill	Whitehouse
Corker	McConnell	Wyden
Crapo	Menendez	

NAYS—16

Boozman	Johnson (WI)	Shelby
Coburn	Lee	Toomey
Cornyn	Paul	Vitter
DeMint	Risch	Wicker
Inhofe	Rubio	
Isakson	Sessions	

NOT VOTING—10

Chambliss	Hoeven	Mikulski
Graham	Kirk	Sanders
Hagan	Lautenberg	
Hatch	Lieberman	

The nomination was officered.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Illinois is recognized.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, reserving the right to object, can I kindly

ask the assistant leader something, and this is a matter of accommodation. We have two speakers on the Republican side and two on the Democratic side. Would he be amenable to entering into an order to lock in the order and go back and forth?

Mr. DURBIN. I have no objection. May I have some suggestion about the time for each? Senators WYDEN and MORAN want to speak.

Mr. WYDEN. Mr. President, I think that is a reasonable request. Senator MORAN and I, who have teamed up on Internet policy, wish to speak for a few minutes, if we could follow each other. We plan to be brief. The Senator from Illinois will be brief. Is that acceptable?

Mr. CORNYN. I ask whether the Senator from Illinois would agree that following his comments I be recognized for 10 minutes, and then go back and forth.

Mr. DURBIN. Mr. President, here is what I suggest to the Senator from Texas. Senator WYDEN and Senator MORAN already asked for time. I only ask for 3 minutes to speak about Senator KIRK, and then I will turn it over to them. I will not speak at length. After they have spoken—can the Senator suggest a time?

Mr. WYDEN. Five or 10 minutes each. We will be brief.

Mr. DURBIN. And then we will go back to the Senator's side. Is that fair?

Mr. CORNYN. Yes.

Mr. DURBIN. I ask unanimous consent that that be the order.

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

SENATOR MARK KIRK

Mr. DURBIN. Mr. President, we have been gone for 6 weeks or so. It is great to see our colleagues back here. A lot of things have been exchanged about what we did back home during the break, but the focal point of most conversations on the floor this evening has been, rightfully, about my colleague, Senator MARK KIRK. Most everybody knows now he suffered a stroke over the weekend, and he underwent surgery in Chicago at Northeastern Hospital last night.

All that I know about this comes from a press conference his surgeon gave in Chicago today. We want to make it clear to MARK that he is in our thoughts and prayers, as is his family. We all feel, to a person, that he will make a strong recovery. He is young and in good condition. He prides himself on his service in the Naval Reserve and stays fit to serve our country in that capacity, as well as in the Senate. He has a tough, steep hill ahead of him, but he is up to the task.

If encouragement from a Democrat, as well as many Republicans, is what is needed, he has that. I want to let him know, if the word is passed along to him in his recovery, that his colleagues in the Senate are focusing on his quick recovery and are anxious for him to return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, Senator DURBIN speaks for every Member of the Senate. Senator KIRK is such a decent, caring, and thoughtful man, and all of us enjoy working with him in the Senate on various kinds of bills. Godspeed, Senator KIRK, for a healthy recovery. We are thinking of you tonight and you are in our prayers. I am very glad the senior Senator from Illinois has reflected the concerns of everybody from his home State tonight.

THE INTERNET

Mr. WYDEN. Mr. President, I want to take a few minutes with Senator MORAN tonight to reflect on the events of the last few days with respect to the Internet legislation. I want to begin by thanking Majority Leader HARRY REID for reopening the debate on anticounterfeiting and copyright protection legislation. In pulling the Protect IP Act from the floor, Leader REID has given the Senate an opportunity to get this policy right. The Senate now has the opportunity to consult all of the stakeholders, including the millions of Internet users who were heard last week. The Senate has the opportunity to ensure that those exercising their first amendment rights through the Internet, those offering innovative products and services, and those looking for new mediums for sharing and expression, have their voices heard.

I also express my appreciation to Senator MORAN. He is an impassioned advocate for job creation and innovation on the Net—the first on the other side of the aisle to join me in this cause. My colleague, Senator CANTWELL from Washington State, who is as knowledgeable as anybody in public service about technology, and Senator RAND PAUL, who is a champion of the Internet as a place where those who look at the Net as a marketplace of ideas, stand together and approach policy in an innovative way.

Last week, tens of millions of Americans empowered by the Internet effected political change here in Washington. The Congress was on a trajectory to pass legislation that would change the Internet as we know it. It would reshape the Internet in a way, in my view, that would have been harmful to our economy, our democracy, and our national security interests.

When Americans learned about all this, they said no. The Internet enables people from all walks of life to learn about the legislation and then take collective action to urge their representatives in Washington to stop it.

So everybody asked, come Wednesday, what would happen? In fact, the American people stopped this legislation. Their voices counted more than all the political lobbying, more than all of the advertising, more than all of the phone calls that were made by the heads and the executives of the movie

studios. Their voices were heard loud and clear.

Last week, the Congress did what the American people called for instead of what the Washington insiders wanted. That is what I call real change. It was a grassroots victory for the history books, and, as one commentator said, now we are in unexplored territory. Here is why. Eight million of 162 million who visited Wikipedia took action to influence their Member of Congress; 7 million Americans signed Google's petition to block consideration of PIPA; hundreds of thousands of Americans called the Congress. In all, in just 1 day, more than 15 million Americans communicated with Congress and urged it to reject the Hollywood proposal to censor and censure the Internet.

The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now going to be watching us like never before. The 15 million who looked up and spoke up are not faceless and they are not anonymous. They are people such as Frances Stewart of Maryland, Nancy Linton from Oregon, Debbie Kearns from East Hartford, CT, and John Jewett of Colorado, who gave their names to Web sites around the country. They are joined by millions of other Americans who were raising concerns for months before last week's Web blackout and supporting the filibuster I announced here in the Senate almost 1½ years ago.

These 15 million citizen activists were not the only ones saying the PROTECT IP Act took the wrong approach. The New York Times and the Los Angeles Times—the hometown newspapers for the content industry—both wrote editorials saying the legislation overreached. I ask unanimous consent to have printed in the RECORD copies of those articles.

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

[From the Los Angeles Times, June 7, 2011]

POLICING THE INTERNET

A Senate bill aims to cut off support for any site found by the courts to be 'dedicated' to copyright or trademark infringement. Its goals are laudable, but its details are problematic.

Hollywood studios, record labels and other U.S. copyright and trademark owners are pushing Congress to give them more protection against parasitical foreign websites that are profiting from counterfeit or bootlegged goods. The Senate Judiciary Committee has responded with a bill (S 968) that would force online advertising networks, credit card companies and search engines to cut off support for any site found by the courts to be "dedicated" to copyright or trademark infringement. Its goals are laudable, but its details are problematic.

The global nature of the Internet has spawned a profusion of websites in countries that can't or won't enforce intellectual property law. Under S 968, if a website were deemed by a court to be dedicated to infringing activities, federal agents could then tell the U.S. companies that direct traffic, proc-

ess payments, serve advertisements and locate information online to end their support for the site in question. Copyright and trademark owners would be able to follow up those court orders by seeking injunctions against payment processors and advertising networks that do not comply.

Cutting off the financial lifeblood of companies dedicated to piracy and counterfeiting makes sense. A similar approach to illegal online gambling has shown that it is technically feasible for payment processors to stop directing dollars from U.S. bettors to gambling sites anywhere in the world. The operators of the largest online advertising networks say they can do the same, although they object to the bill's proposal to let copyright and trademark owners seek injunctions against them.

The main problem with the bill is in its effort to render sites invisible as well as unprofitable. Once a court determines that a site is dedicated to infringing, the measure would require the companies that operate domain-name servers to steer Internet users away from it. This misdirection, however, wouldn't stop people from going to the site, because it would still be accessible via its underlying numerical address or through overseas domain-name servers.

A group of leading Internet engineers has warned that the bill's attempt to hide piracy-oriented sites could hurt some legitimate sites because of the way domain names can be shared or have unpredictable mutual dependencies. And by encouraging Web consumers to use foreign or underground servers, the measure could undermine efforts to create a more reliable and fraud-resistant domain-name system. These risks argue for Congress to take a more measured approach to the problem of overseas rogue sites.

[From the New York Times, Nov. 26, 2011]

GOING AFTER THE PIRATES

Online piracy is the bane of the Internet. Still, bills proposed in the House and the Senate have overreached. The legislation needs to be tightened to protect intellectual property without hindering online speech and innovation.

Forty billion music files were shared illegally in 2008, according to the International Federation of the Phonographic Industry, amounting to 95 percent of all music downloads worldwide. Three-quarters of the video games released in late 2010 and early 2011 were shared illegally.

Musicians, moviemakers, authors and software designers are not the only victims. Piracy's cost is measured in less innovation and less economic activity, as creators lose hope of making a living from their creations. Still, the definition of wrongdoing in the "Stop Online Piracy Act" introduced in the House is too broad.

Under the bill, copyright owners could direct payment providers like Visa and advertising networks like Google's to cut off business to a Web site simply by filing notice that the site—or "a portion" of it—"engages in, enables or facilitates" intellectual property infringement or is being willfully blind to it.

Accused Web sites would have only five days to assert their innocence. And the payment providers and ad networks could not be sued by sites that were wrongly cut off, so their easiest course of action might be to just comply with copyright owners' requests. If copyright owners could starve a Web site of money simply by telling a payment processor that the site was infringing on intellectual property, the bill could stymie legitimate speech.

The purpose of the legislation is to stop business flowing to foreign rogue Web sites

like the Pirate Bay in Sweden. But these provisions could affect domestic Web sites that are already covered by the 1998 Digital Millennium Copyright Act. That act has safe harbors protecting sites, like YouTube, that may unknowingly host pirated content, as long as they take it down when notified.

Another provision would allow the attorney general to sue foreign sites that "facilitate" piracy, and to demand that domestic search engines stop linking to them and that Internet service providers redirect traffic. Experts have said this measure could be easily overcome by users and warn that it could undermine an industrywide effort to reduce hacking. Legislators should also think hard about the message it would send to autocratic regimes like China's, which routinely block political Web sites.

The House bill is right to focus on payment systems and ad networks to cut off the money to rogue Web sites. But like its Senate companion, the "Protect IP" bill, it has serious problems that must be fixed.

The bill should be made to stipulate clearly that all of its provisions are aimed only at rogue Web sites overseas. Foreign sites must be granted the same safe harbor immunity—and the bill must not open the door to punishments for domestic sites that abide by the 1998 digital copyright law. And rather than encouraging credit card companies and advertising networks to pre-emptively cut off business to Web sites accused of wrongdoing, a court order should be required before they take action.

[From the New York Times, June 8, 2011]

INTERNET PIRACY AND HOW TO STOP IT

Online piracy is a huge business. A recent study found that Web sites offering pirated digital content or counterfeit goods, like illicit movie downloads or bootleg software, record 53 billion hits per year. That robs the industries that create and sell intellectual products of hundreds of billions of dollars.

The problem is particularly hard to crack because the villains are often in faraway countries. Bad apples can be difficult to pin down in the sea of Web sites, and pirates can evade countervailing measures as easily as tweaking the name of a Web site.

Commendably, the Senate Judiciary Committee is trying to bolster the government's power to enforce intellectual property protections. Last month, the committee approved the Protect IP Act, which creates new tools to disrupt illegal online commerce.

The bill is not perfect. Its definition of wrongdoing is broad and could be abused by companies seeking to use the law to quickly hinder Web sites. Some proposed remedies could also unintentionally reduce the safety of the Internet. Senator Ron Wyden put a hold on the bill over these issues, which, he argued, could infringe on the right to free speech. The legislation is, therefore, in limbo, but it should be fixed, not discarded.

The bill defines infringing Web sites as those that have "no significant use other than engaging in, enabling, or facilitating" the illegal copying or distribution of copyrighted material in "substantially complete form"—entire movies or songs, not just snippets.

If the offender can't be found to answer the accusation (a likely occurrence given that most Web sites targeted will be overseas), the government or a private party can seek an injunction from a judge to compel advertising networks and payment systems like MasterCard or PayPal to stop doing business with the site.

The government—but not private parties—can use the injunction to compel Internet service providers to redirect traffic by not translating a Web address into the numerical

language that computers understand. And they could force search engines to stop linking to them.

The broadness of the definition is particularly worrisome because private companies are given a right to take action under the bill. In one notorious case, a record label demanded that YouTube take down a home video of a toddler jiggling in the kitchen to a tune by Prince, claiming it violated copyright law. Allowing firms to go after a Web site that “facilitates” intellectual property theft might encourage that kind of overreaching—and allow the government to black out a site.

Some of the remedies are problematic. A group of Internet safety experts cautioned that the procedure to redirect Internet traffic from offending Web sites would mimic what hackers do when they take over a domain. If it occurred on a large enough scale it could impair efforts to enhance the safety of the domain name system.

This kind of blocking is unlikely to be very effective. Users could reach offending Web sites simply by writing the numerical I.P. address in the navigator box, rather than the URL. The Web sites could distribute free plug-ins to translate addresses into numbers automatically.

The bill before the Senate is an important step toward making piracy less profitable. But it shouldn't pass as is. If protecting intellectual property is important, so is protecting the Internet from overzealous enforcement.

[From the New York Times, Jan. 18, 2012]

ONLINE PIRACY AND POLITICAL OVERREACH

For months, it seemed as if Congress would pass an online antipiracy bill, even though its main weapons—cutting off the financing of pirate Web sites and making them harder to find—risk censoring legitimate speech and undermining the security of the Internet. But the unmovable corporations behind those bills have run into an unstoppable force: an outcry by Internet companies led by Google and Wikipedia that culminated in an extraordinary online protest on Wednesday.

Lawmakers have begun peeling away from the bills, notably Senators Marco Rubio, the Florida Republican who cosponsored the Senate version, and John Cornyn, the powerful Texas conservative. They dropped out after Wikipedia's English language site went dark and Google put a black bar on its homepage on Wednesday.

The Protect I.P. Act would have easily passed the Senate last summer if not for a hold placed by Senator Ron Wyden, a Democrat of Oregon. The Stop Online Piracy Act, introduced in the House in October, has also lost some of its initial backers. And on Saturday, the White House released a statement warning that it would “not support legislation that reduces freedom of expression, increases cybersecurity risk, or undermines the dynamic, innovative global Internet.”

Though we are encouraged by legislators' newfound caution about the potential consequences of the bills, Congress must keep working on ways to curtail the growing business of foreign rogue Web sites trafficking in counterfeit goods and stolen intellectual property.

The Internet industry was pitted against some of the best-honed lobbying groups, including Hollywood and the recording studios, the United States Chamber of Commerce and the A.F.L.-C.I.O. The industry has made a good case that some of the definitions of wrongdoing—like “facilitating” intellectual property infringement—were overly broad. They said allowing property rights owners to direct payment companies like Visa and ad

networks like Google's to stop doing business with sites they deemed infringing—with no penalties if they were proved wrong—could stymie legitimate online expression.

They made the case that the proposal to make infringing Web sites “disappear” from the Internet by forbidding search engines from finding them or redirecting their Web addresses to other Internet domains was easy to get around and could potentially undermine efforts to stop hackers from doing exactly the same thing.

The Internet companies now have the responsibility to come up with a workable alternative that gives owners of intellectual property rights better tools to stop piracy by Web sites located in faraway countries. These sites get some 53 billion visits a year, more than Google or Wikipedia. Yet they are outside the grasp of American law.

The focus on cutting the financing of online pirates, which features in the House and Senate bills, is the right way to go. Sponsors of both bills have moved to delete, at least temporarily, provisions to make rogue Web sites disappear. The legislation could be further amended to narrow the definition of criminality and clarify that it is only aimed at foreign sites. And it could tighten guarantees of due process. Private parties must first get a court order to block business with a Web site they deem infringing on their copyrights.

We are happy that the drive to pass antipiracy legislation has slowed enough that Congress might actually consider all its implications carefully. Lawmakers can now act wisely to create tools that can help combat the scourge of online piracy without excessive collateral damage.

Mr. WYDEN. Mr. President, while the 15 million are no doubt pleased, as I am, that Majority Leader REID pulled PIPA, they are waiting to see if we will now retrench into the old ways of doing things—the old way where Senators went behind closed doors and wrote legislation with the help of well-healed lobbyists, the old way that has eroded the trust America has with the Congress and the confidence that we are here on their behalf—or will the Congress instead construct legislation in a transparent way that responds to our broad collective interests? The American people want just that, and they deserve it. Among the lessons we should have learned from the events of the past few weeks is the importance of letting the public in on what we are doing.

There are serious unintended consequences when Members of Congress and staff think they have all the answers and rush to construct and pass legislation. There are clear virtues in prudence, deliberation, and even a little humility. I believe that is what our constitutional Framers had in mind for the Senate.

I know my colleagues are waiting, and I want to close with this. I harbor no doubt that this Congress on a bipartisan basis can and should construct legislation to combat international commerce in counterfeit merchandise and content that infringes on copyrights. There is no question that selling fake Nikes or movies you don't own is a problem that needs to be addressed, but it can be done in ways that do not threaten speech, that allow for

the legitimate sharing of information and protect the architecture and value of the Internet. I look forward to working with my colleagues and a broad cross-section of stakeholders to do that.

I have proposed an alternative with Senator MORAN and Senator CANTWELL here in the Senate. Chairman ISSA and Congresswoman LOFGREN have proposed exactly that kind of alternative in the House. It is called the OPEN Act. It is bipartisan. It is bicameral. It would allow us to go after the problem of these rogue foreign Web sites while at the same time protecting what we value so greatly about the Internet.

We are going to have more discussions about this legislation and other approaches in the future, but we now have an opportunity to get this right. To a great extent, that is possible because of my colleague from Kansas who has joined me in this effort, the first on the other side of the aisle to step up and join our efforts. I am very appreciative of what he has done, and I look forward to his comments.

I also thank the Senator from Texas, Mr. CORNYN, for his courtesies so that Senator MORAN and I, because of our bipartisan work, could make these brief remarks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I appreciate so much the remarks of the Senator from Oregon, Mr. WYDEN.

It was a significant moment in my brief time as a Member of the Senate when, 3 months ago, Senator WYDEN and I had a conversation here on the Senate floor about this legislation, about PIPA and about SOPA and about the open Internet, and it was a moment in which Senator WYDEN found me looking for ways in which I could be engaged in the process of trying to create an environment in which entrepreneurship flourished in the United States.

I had been discouraged or disillusioned a bit by the lack of Congress's and the President's ability to find ways to reduce spending and to balance the budget, and while I don't intend ever to walk away from those important issues, it became clear to me that another way we can reach a more balanced budget is to have a growing economy. I started looking at research that would suggest how we get there. When Senator WYDEN presented this thought to me about engaging on this issue, it was one that made so much sense to me, and I am very grateful for the partnership we have developed.

Senator WYDEN and I, as he said, intended to speak this evening about our concerns about the PROTECT IP Act prior to the bill being considered this week on the Senate floor. But because of the actions of millions of Americans in voicing their concerns about this legislation, it is no longer necessary for us to throw procedural obstacles in the way of the PROTECT IP Act, and I

appreciate the majority leader withdrawing his plan to hold a vote tomorrow on this legislation.

Last week's events in which we all received so much input is a very good reminder of what a powerful tool the Internet can be. It was encouraging to see so many Americans get involved, particularly young Americans who often choose not to be involved in the process. But they saw something important to them, and they knew exactly how to communicate with elected officials. What became clear last week was that Congress, in this issue and its far-reaching implications, was not fully yet understood, and so to take a pause, to take a step back and to reconsider the direction we were going seems so appropriate to me.

Congress has the responsibility to remain engaged and up to speed on all issues, particularly those that so directly impact our economy. It is no easy task given that technology is constantly evolving, but it is an important task. Technology holds incredible promise, from strengthening education, to delivering health care more efficiently, to allowing entrepreneurs to develop products that have yet to be invented. By remaining more engaged, Congress will also be better able to enact public policies that encourage Americans to innovate, create new products, and strengthen the economy.

Last week's decision to delay consideration of PIPA was an important moment for many innovators and entrepreneurs across America, and it was an outcome that my colleagues and I—Senator WYDEN and others—sought to see occur. It is important also not just to entrepreneurs, though, but to people who are concerned about freedom and about the opportunity to use the Internet to communicate, the opportunity for free speech. And certainly we had concerns about national security. My concerns about the PROTECT IP Act can be summed up like this: Certain provisions in this legislation will threaten free speech, innovation, and our national security.

I am adamantly opposed to legislation that tampers with the Internet security, specifically the Domain Name System. Internet engineers have worked for 15 years to develop a way to authenticate the sites we visit to make sure they are secure and to enhance commerce on the Internet. At a time when our Nation faces increasing numbers of cyber attacks from abroad, PIPA and SOPA would create significant security risks and set America back more than a decade.

Second, both PIPA and SOPA would create new liabilities because of vague definitions in the bills that would drag companies into unnecessary and prolonged litigation. We don't need more legal battles. Congress should not put in place a system that would force law-abiding innovators to utilize their limited resources in the courtroom to defend themselves rather than invest in their companies, develop new products, and hire new workers.

America is a country of innovation that was founded on freedom and opportunity, and that has been true since the birth of our Nation when entrepreneurs have strengthened our country and its economy by creating new products and sharing them around the world. Americans today still want the opportunity to develop new products and to innovate in the marketplace. Because of the power of technology, ideas that were once only imaginable have now become a reality.

About 1 year ago, Google announced that it was accepting applications from cities across the United States to deploy a 1-gigabit Internet connection, which is roughly 100 times faster than what most users could experience today. Last March, much to my delight and the delight of many Kansans, Google chose Kansas City as the Nation's first Google Gigabyte City. In fact, Kansas City was selected from more than 1,100 cities that had applied and competed.

Many people in the Kansas City area were soon asking: What is actually possible with a gigabit Internet connection? What happens when you connect an entire community with a gigabit Internet connection?

An organization called Think Big Partners wanted to know the answer to those questions, so they put together a competition called Gigabit Challenge. The Gigabit Challenge was a project based on an idea and a prediction. They predicted that when Americans are given access to cutting-edge technology—in this case, one of the fastest bandwidths in the world—new innovations, new applications, and new products would be created. So they challenged entrepreneurs and innovators to come up with products that will leverage this new network capacity and offered significant cash prizes for the three best ideas.

The response was overwhelming. Mr. President, 113 ideas were submitted from 5 continents, 7 countries, and 22 States. The list was eventually narrowed down to 17 companies that presented last week to a distinguished panel of judges. I had the opportunity to join Think Big Partners in Kansas City last week for part of that event, and I was impressed, so impressed, by what I saw. I congratulate the prize winners tonight who competed, and I congratulate all who competed and brought new ideas to the table.

The Gigabit Challenge underscores the fact that Americans want to innovate, and Congress should encourage innovation rather than create new hurdles for American creators and innovators. One of the most important things Congress can do to encourage innovation is to make it easier for entrepreneurs to start a business.

Last month, Senator WARNER and I introduced bipartisan legislation called the Startup Act to jump-start the economy through creation and growth of new businesses. Data from the Kauffman Foundation in Kansas City

shows that between 1980 and 2005, nearly all of the net jobs that were created in the United States were created by companies less than 5 years old. In fact, new businesses create about 3 million jobs each year.

The Startup Act recognizes the job-creating potential of entrepreneurs and is based upon five progrowth principles:

First, the Startup Act will reduce the regulatory burden on new businesses and startups.

New businesses, which are almost always small, face a tough challenge complying with the various rules and regulations that govern business behavior. According to the U.S. Small Business Administration, companies with fewer than 20 employees spend 36 percent more per employee than larger firms to comply with Federal regulations.

The president and CEO of the National Association for the Self-Employed, who endorsed the Startup Act, said this:

The majority of small businesses are enterprises of 1-2 people. . . . Cutting down on some of the unnecessary red tape that new businesses must face means that the owner can spend more time growing their business, hiring employees, and helping to turn our Nation's economy back around. The Startup Act would help address these regulatory burdens faced by new companies.

Reducing regulatory burdens means entrepreneurs will have more time and money to invest in their business and to hire more workers.

Secondly, the Startup Act creates tax incentives to help facilitate the financing of new businesses so they can get off the ground and grow more quickly.

One of the greatest challenges for startups is accessing the necessary capital to grow their business. The Startup Act provides capital gains and income tax incentives to facilitate financing the new business at its critical juncture of firm growth. Helping entrepreneurs attract investment and retain greater share of the company's profits will lead to job growth.

Third, the Startup Act recognizes that innovation drives the American economy.

Some of the best minds in the world work and study at American universities. The innovation that occurs on campuses across the Nation contribute to the strength and vitality of our economy. To speed up the movement of new technologies to the marketplace where they can propel economic growth, the Startup Act uses a portion of existing Federal research and development funding to support innovative projects at American universities in order to accelerate and improve the commercialization of cutting-edge technologies developed through faculty research. When more good ideas make their way out of the laboratory and into the marketplace, more businesses and more jobs are created.

Fourth, the Startup Act encourages pro-growth State and local policies through the publication of reports on

new business formation and the entrepreneurial environment in States.

I am proud that Kansas City leaders recognize the importance of policies that support entrepreneurs. Last year, area leaders declared that Kansas City should be called "America's Most Entrepreneurial City," given their efforts to encourage entrepreneurship.

Better policies at the State and local level will create more opportunities for entrepreneurs to open businesses and put Americans to work.

Finally, the Startup Act will help win the global battle for talent by keeping entrepreneurial-minded and highly skilled workers in the United States.

For too long, our Nation's immigration policies have turned away American-educated talent and sent highly-skilled individuals back to their home country where they competed against America. Rather than lose that talent, we need to keep those highly-skilled individuals and potential job creators in the United States.

The Startup Act recognizes the job-creating potential of entrepreneurial and highly-skilled immigrants, and provides additional opportunities for those who are here legally on a temporary basis to stay if they have the high-tech skills our economy needs or are willing and able to create jobs for Americans.

Highly-skilled workers will fuel growth at technology startups and entrepreneurial immigrants will employ Americans.

Business and industry leaders across the country are speaking out about the importance of innovation and entrepreneurship. Gary Shapiro, the President and CEO of the Consumer Electronics Association, said this:

As a country we must do more to support and foster innovation and entrepreneurialism, and the introduction of the Startup Act is an important step forward.

Dr. Robert Atkinson, the President and Founder of the Information Technology & Innovation Foundation echoed those remarks. He said:

The United States is at risk of losing its economic leadership and vitality and it is essential for policymakers to unite in practical ways to reverse this trend. The Startup Act is a commendable example of what is needed to restore U.S. innovation-based competitiveness.

The millions of Americans who spoke out last week against a bill that would stifle innovation on the Internet understand the importance of this too.

Fostering innovation and promoting entrepreneurship are not Republican or Democrat ideas they are American values.

What occurred last week is a reminder to all of us in this Senate about the leadership that is necessary. Again, I congratulate Senator WYDEN for providing that leadership. With good leaders in Washington, DC, and with the American people who understand in many instances better than we often do the value of entrepreneurship, of free

speech and an open Internet, great things can once again happen in the United States of America. Our economy can flourish and grow.

It is so important that what occurred this week, with the legislation not proceeding, sets the stage for greater opportunities for Americans across our country to have a dream, to pursue it, to succeed, to spend their time pursuing that dream, and in achieving their dreams they have the opportunity to create success for others.

I urge my colleagues to work with me. Let us work together. Our country cannot wait until after another election to get the economy growing again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

SENATOR MARK KIRK

Mr. CORNYN. Mr. President, I join my colleague from Illinois in expressing our concerns about the junior Senator from Illinois, Senator KIRK, who, unfortunately, suffered a medical incident, has had surgery, and is now recovering in Chicago. We know once again we are reminded that life is short and it is fragile. It could happen to any one of us or our families or anyone we care about and love. I know all of us extend our sympathy and our well wishes to Senator KIRK as he begins his convalescence and recovery from this surgery and this medical incident that he has experienced.

THE BUDGET

Mr. CORNYN. Mr. President, I wish to observe that tomorrow night the President of the United States will make his annual State of the Union Address to Congress. This signals, of course, the beginning of the annual budget and appropriations process. But what has not happened for too long is the Senate passing a budget for the Federal Government. In fact, tomorrow, the same day the President will speak to the Nation, it will be the 1,000th day since the budget was passed by the Senate. That day was April 29, 2009. As the facts would reveal, it is our Democratic friends, led by the majority leader, Senator REID, who have resisted bringing a budget to the floor for amendment and debate and a vote.

I believe with all my heart that is one of the reasons why the American people hold the Congress in such low regard. It is because we have failed in our most basic responsibilities, now for more than 1,000 days. None of us can imagine a family or small business operating without a budget. It is unthinkable. I suspect there are not many, if any, small businesses that do not sit down and do the hard work of working out a budget. A budget, after all, is a matter of priorities. As the distinguished occupant of the chair knows as a former Governor, there is no way a State, a city, a county, a small business, or a family can get by without a

budget because it is the discipline that comes with a budget where you decide what is absolutely essential, you decide what you want to have that you maybe could put off for another day, and it forces you to reach the conclusion in some instances that things you would like to do are simply unaffordable. Unfortunately, the majority leader has simply resisted those hard decisions. That is regrettable.

As a member of the Budget Committee, I was especially disappointed that the Budget Committee, the very purpose of which is to debate and pass a budget, did not debate one this last year. The majority leader, when asked about this in the press, said that it would be foolish for the majority to produce a budget. I suspect he wanted to protect his Democratic Members from some tough votes and tough decisions. But that is what we were sent here for, to make hard but important decisions on behalf of our constituents and the American people, even if they are tough votes and even if they are unpopular decisions. That is our responsibility. But under the leadership of Senator REID the Senate has completely abdicated that responsibility for now 1,000 days.

Nothing could be more foolish or foolhardy than refusing to provide the Nation's job creators, investors, and, yes, the taxpayers, with a blueprint for our fiscal future. How is it that the majority can continue to shrink from the most basic responsibilities of governing? I am amazed sometimes. People say they want to serve in public office. They like the prestige, perhaps, the visibility, the power that goes along with it. Yet when it comes to actually discharging their responsibilities and making tough decisions, they may say, no, I don't want to make anybody mad.

But that is what we were sent here for. It is our responsibility. It is plain fact that the American people cannot afford to have this body continue paying just lip service to fiscal sanity while seeing our fiscal ship so off keel.

It should come as no surprise that during this period of time we have not had a budget for the Federal Government, the Nation has spent \$9.4 trillion. And \$4.1 trillion has been added to the national debt, if you account for the fact that the President recently asked for another \$1.2 trillion in additional borrowing authority. The national debt has grown to more than \$15 trillion and is now larger than the whole U.S. economy, our gross domestic product. Government spending has reached a post-World War II record and now makes up 25 percent of the economy. That is just government spending alone. The average has been somewhere around 20 percent of our gross domestic product. Now it is up to about 25 percent.

Unfortunately, because the economy is so depressed, revenues are around 15 percent, hence a 10-percent annual