



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, WEDNESDAY, JULY 11, 2012

No. 103

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Lord, You illuminate our lives with Your presence and protect us from danger. You keep us from stumbling and falling. In the fret and fever of these challenging times, thank You for this quiet moment when we can lift our hearts to You. Today, make the highest incentive of our Senators be not to win over one another but to win with one another by doing Your will for all. Lord, make them faithful agents who are determined to bring Your purposes to pass. Correct their mistakes, redeem their failures, confirm their right actions, and crown their day with the blessing of Your approval.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 11, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Madam President, what is the matter now before the Senate?

The ACTING PRESIDENT pro tempore. The motion to proceed to S. 2237.

#### SCHEDULE

Mr. REID. Madam President, the next hour will be equally divided between the two leaders or their designees. The Republicans will control the first half, the majority will control the final half.

We are hopeful we will be able to agree to the motion to proceed to S. 2237, the Small Business Jobs and Tax Relief Act, today.

#### MEASURE PLACED ON THE CALENDAR—S. 3369

Mr. REID. Madam President, I am told that S. 3369 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3369) to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs, and other entities, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

### TAX CUTS

Mr. REID. Madam President, over the last few years Americans who are very wealthy have taken home a greater share of the Nation's income since the 1920s. That is 90 years. A larger percentage of what is out there the rich are getting. The rich are getting richer and the poor are being squeezed, as are the middle class. The rich are doing well.

But while the bank accounts of a few fortunate Americans have grown, their tax bills have not. The wealthiest Americans now pay the lowest tax rates in more than 50 years.

While this generous Tax Code has been good for their bottom lines, it hasn't been good for America's bottom line. Hundreds of billions of dollars in tax cuts—some say more than \$1 trillion—have been handed out disproportionately to the rich by the previous administration, fueling skyrocketing deficits and a growing national debt.

Democrats and Republicans alike agree that we have to reduce the deficit and rein in the debt. Unfortunately, the same Republicans who say we have to get our fiscal house in order also claim millionaires and billionaires cannot afford to contribute even a tiny bit more and share the effort that is before this country.

These same Republicans say multi-millionaires such as Mitt Romney need lower taxes—even lower than the only tax return we have been able to see of Governor Romney, which showed his rate at 16 percent. We don't know what is in the other tax returns he should have made public. Tax returns were made public by his father, who started it, and everyone who has run for President since then has followed him. George Romney set an example that his son should follow. We want to know what is in those tax returns he refuses to show the American public. Did he pay any taxes?

Well, I suggest to everybody that Mitt Romney doesn't need another tax

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S4835

break. In fact, he has so much money that he doesn't even know where it is all located—Switzerland, Cayman Islands, Bermuda? No wonder he doesn't want America to see his tax returns.

Mitt Romney is doing fine, and so are the other millionaires and billionaires. It is the middle class I am worried about, not the very wealthy.

We all know times have been tough the last few years for ordinary Americans who are struggling to keep a roof over their head and food on the table. That is the literal truth. The last thing they can afford now is a tax increase. That is why Democrats want to keep taxes low for 98 percent of Americans, including almost 98 percent of small businesses—everyone making less than \$250,000 a year. But while Democrats are focused on how we can help 98 percent of Americans, Republicans are focused on how they can help Mitt Romney and the rest of the top 2 percent. They are willing to hold tax cuts for everyone hostage to protect tax breaks for that top 2 percent.

Democrats don't agree the top 2 percent of wage earners can't afford to pay the same tax rate they paid when Bill Clinton was President. Remember, that was when the budget was balanced and we were paying down the debt. Some claimed they were paying down the debt too quickly. The years of the Bush administration took care of that, when the \$7 trillion surplus over 10 years was wiped out.

Still we are willing to debate that with our Republican colleagues, and we are willing to discuss it reasonably. But we don't believe middle-class families should wait and wonder, watch and worry whether their taxes are about to go up while Congress has that conversation. We should not wait until the last second to act.

Here is what one major newspaper wrote yesterday about the need to act:

The majority of Americans, and the broader economy, should not be held hostage again to another debate over the merits of tax cuts for the wealthy. . . . There will never be consensus for solving our nation's budget problems without first ending the lavish tax breaks at the top.

I call on my Republican colleagues to help us give 98 percent of American families the certainty and the security they need, and to do it now, right away. I call on them to help us pass a tax cut that will benefit the middle class without bankrupting our Nation.

It is time we faced facts. If we are serious about reducing the deficit, we cannot keep handing out more tax breaks to the richest of the rich. We will have to make difficult decisions about where to cut and invest to keep our Nation strong.

But whether we keep taxes low for middle-class families should not be one of the difficult decisions we make. I haven't heard one person—Democrat, Republican, or Independent—say we should raise taxes on middle-class families. This is an area where we can easily find common ground. So what is

stopping us from doing what is right and doing it now? I hope it won't be more Republican hostage-taking on behalf of the top 2 percent.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### RAISING TAXES

Mr. MCCONNELL. Madam President, earlier this week President Obama reiterated his desire to raise taxes on small businesses earning over \$250,000 a year. I and all of my Republican colleagues oppose this tax hike for the same reason the President himself opposed it 2 years ago—because raising taxes would only make a bad economy worse.

But here it comes again—sort of like a bad penny—the liberal crusade for more government, regardless of the circumstances, the impact it would have on working Americans or the broader economy.

On Monday the President issued the following reckless ultimatum: Let me raise taxes on about 1 million business owners, and I promise I won't raise taxes on everybody else.

In the face of 41 straight months of unemployment above 8 percent, the President is begging Congress to let him raise taxes on the very businesses the American people are counting on to create jobs.

It is the exact opposite, of course, of what is needed. For some reason, he thinks a tax hike is his ticket to reelection. He says it is fair.

Well, I don't think most Americans think it is particularly fair for a government that doesn't do a thing to live within its means to take more money away from those who have worked and sacrificed to earn it, only to waste it on some solar company or on one more government program we can't afford.

We have seen this movie too many times in the past. Frankly, we don't have the luxury to waste any more time arguing about a question that is already settled for most people. The problem here isn't that the government taxes too little but that it spends too much.

What the American people need right now isn't a lecture on fairness; they would like to have some certainty. That is why today I am going to call on the Senate to provide just that. I have already called for a 1-year extension of all the current income tax rates.

Today I will go further by asking consent that we set up two votes in the Senate: one on the President's proposal to raise taxes on nearly 1 million business owners in the middle of the worst economic recovery in modern times, and another that would extend current income tax rates for 1 year and task the Finance Committee to produce a bill that would enact fundamental, pro-growth tax reform.

It has been over a quarter century since we last did comprehensive tax reform. We all agree, on a bipartisan basis, that we need to do it again.

The Senate should make itself clear which policy it supports, and this is our chance to do it.

On Monday, the President said if the Senate passes this tax hike on small businesses, he would sign it right away. That is what he said 2 days ago, on Monday. I can't see why our friends on the other side would not want to give him the chance.

With that, I ask unanimous consent that at 2 p.m. today the motion to proceed to S. 2237 be adopted, and that the first two amendments in order to the bill be the Hatch-McConnell amendment No. 2491, which would provide for the extension of current rates while we work on tax reform, and a Reid or designee amendment to enact the President's proposal, which, as I have said, would impose job-killing tax hikes on nearly 1 million businessowners.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, reserving the right to object, we have been here before. We try to legislate here, and the program of the Republicans in the Senate has been to divert, deny, and obstruct.

I asked the Chair when we started what we were doing here, and we are on a small business jobs bill. It is extremely important legislation. It would give small businesses across America—small businesses with less than 500 employees—and that is where most jobs are created—a 10-percent tax credit for hiring more people, and it would also give them the ability, this year, to purchase equipment and write that off. It would be great for the economy.

We are told by outside experts that it would create about a million jobs. What we have before us is something that the Republicans in the House have sent us. It is their version of this. It is the "help Paris Hilton" legislation. It would give people like her a tax break for doing nothing—\$46 billion of the American people's money to help Paris Hilton and others. It would give people a tax break for doing nothing—nothing. And for my friend the Republican leader to talk about small businesses being hurt with the proposal of the President—that is not true. As I said in my opening statement, 98 percent of the American people would have the benefit of that tax benefit, and 97½ percent of small businesses would benefit.

So we are in the situation where my friend talks about the fact that we have not had enough job creation, and I acknowledge that. Certainly that is true, and the President acknowledges that. But you see, we have kind of a hole to pull ourselves out of. During the prior 8 years, 8 million-plus jobs were lost, and we have filled that hole more than halfway, with 4½ million new jobs being created. We have had 28 months of private sector job growth—28 months in a row. So we are making progress, but we have a long way to go.

Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Republican leader.

Mr. McCONNELL. Let me simplify this for everybody. On Monday the President asked that we have the vote I have just offered to the majority. We have a clear contrast here. We have 41 straight months of unemployment over 8 percent. If this is a recovery, it is the most tepid recovery in modern times. The President's solution to that is to raise taxes on about 1 million small business owners, representing about 53 percent of small business income and up to 25 percent of the workforce.

We are on a different bill that my friend the majority leader is talking about, that I understand would be slipped by the House in any event. Clearly, what we are doing this week is having a political discussion, not seriously legislating. So my recommendation is that we give the President what he asked for. He wants to have a vote on raising taxes on individuals making over \$250,000 a year, which, of course, includes almost 1 million small businesses that pay taxes as individuals, not as corporations—they are either S corps or LLCs—the most successful small businesses in America, in fact. That is a vote we welcome. It is a vote the President is asking for, and it is a vote I just asked for.

Senator HATCH, our leader on the Finance Committee, here on the floor right behind me today, has advocated that we extend the current tax rates for 1 year—the same thing the President, I would say to my friend from Utah, wanted to do 2 years ago, at that time arguing it would be bad for the economy not to do that. And the growth then was actually better than it is now. We think we ought to vote on that. It would give Senator HATCH and Senator BAUCUS and the people on the Finance Committee a year to work us through comprehensive tax reform. Again, it has been a quarter of a century since we have done that.

Why not have those votes today? That is what my consent agreement is about. I am a little surprised we are not willing to give the President what he asked for, which is a vote on a clear distinction for the American people so they can understand how the two sides look at this important issue. It could not be more clear.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, the American people are seeing again—again and again and again—the scores of times during the last 18 months that we have engaged in a filibuster. As I said earlier, it is a way to divert attention from what we are doing today—to obstruct. As is indicated in the Oxford English Dictionary, a filibuster is an act which obstructs progress in a legislative assembly; to practice obstruction. That is what is going on today.

Now, why shouldn't we pass this bill that is before the body today? It would create 1 million jobs and give small businesses—not Paris Hilton but small

businesses—across America today a tax credit for hiring more people and allow them to write off what they purchase, which would create more jobs.

So we have here a big Las Vegas neon sign flashing on and off saying: Grover Norquist has won again.

To the people out there watching who might be wondering who Grover Norquist is, remember, he is this guy who goes to the Republicans and asks if they would be kind enough to sign a pledge for him that does what he wants them to do and not what the American people want, which is that they will not tax the rich at all, not even a tiny bit. He says: Sign this pledge, will you? Of course they all sign. But the American people—Democrats, Independents, and Republicans—agree that the richest of the rich should pay a little bit more.

But we are now involved in a filibuster to divert attention away from an important piece of legislation. Let's pass this legislation. We will have this tax debate. We will be happy to do that, but let's get this done first. As most people know, I appreciate my friend the Republican leader. I know he has a job to do. But let's get away from this pledge, and let's start legislating and not have to break filibusters on virtually everything we do.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Madam President, I think we have witnessed here a new definition of a filibuster. My good friend the majority leader, I gather, is accusing me of filibustering when I am trying to get a vote—not one but two votes—on what he says he is for, what the President says he is for, and a vote on what Republicans are for. So we have here a brandnew definition of a filibuster. Even when you are trying to get votes and they are objected to by the other side, somehow that is a filibuster.

Now, my good friend talks about what would help small businesses. I think we ought to ask them would they prefer the underlying bill, which the majority leader has called up and we have voted to proceed to, or would they prefer not to have their taxes go up at the end of the year? Talk about a no-brainer. I don't think there is any question what small businesses would rather have.

But we are certainly not filibustering. We enjoy discussing our differences of opinion on the tax issue. There couldn't be anything more important to the American people if we are going to get this economy going again. And certainly trying to set up two votes—No. 1 on what the President is asking for and No. 2 on what Republicans think is a better alternative—could not, in my view, be the definition of a filibuster.

So Senator HATCH is here—and obviously the majority leader can speak again if he wishes—and he is going to address the matter as well, but I wish to thank him again for his conspicuous

leadership on the Finance Committee. We are looking to him to work us through this comprehensive tax reform matter again next year. It is going to be extremely important for the country, and I thank him for his good work.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, when I came here this morning—I repeat for the third time—I asked what the business was before this body. It is the small business jobs bill. Of course, there has been a direct attack on that legislation by saying: Let's do something else. Let's not do this right now. Let's do something else.

I understand the definition of a filibuster. I understand it very clearly—from the Dutch, a “free booter,” one of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century; one who engages in unauthorized and irregular warfare against a foreign state. They go on to say, in the United States, to obstruct progress in a legislative assembly; to practice obstructionism.

Yes, they are trying to, as the “free booters” here, steal legislation and move to something else. They will do anything they can, as my friend the Republican leader said at the beginning of this Congress, to divert attention from the fact that President Obama should be reelected.

Madam President, I will end this debate soon. There will be other times to do this. But if Governor Romney came before this body to be a Cabinet officer, he couldn't get approved. He won't show anybody his income tax returns. So if he doesn't qualify to be a Cabinet officer, how could he qualify to be President? So let's debate the issues before us. We will get to the tax issues, and that way we will be able to talk in more detail about Governor Romney's taxes. But right now, before this body is the small business jobs bill.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Utah.

#### TAX CUTS

Mr. HATCH. Madam President, this is really an amazing moment, as far as I can see. Sometimes, for those watching on C-SPAN, the Senate, with its unique rulings, can seem like a pretty arcane place. The impact of unanimous consent requests is not something ordinary folks talk about, so let me put this in plain English.

The Senate's Republican leader has just made a remarkable offer to our friends on the other side, the Democrats. We hear all the time from the left that Republicans refuse to do anything in the Senate, which certainly is

mind-boggling. Remember this episode the next time you hear that. My friend and colleague, the Senator from Kentucky and the Republican leader, MITCH MCCONNELL, presented this body with an opportunity to take a stand, to take a vote—two votes, as a matter of fact—to show the American people our cards on the most important issue facing this country: the coming fiscal cliff. In exchange for a vote on the amendment I introduced to extend all of the 2001 and 2003 tax relief for 1 year, the Republican leader agreed to a vote on the President's counteroffer that would increase taxes on families and small businesses. You heard that right. The Republican leader offered a vote on President Obama's plan to raise taxes, and the Democratic leader rejected this offer. That is mind-boggling to me. Senate Democratic leadership turned down an opportunity to vote on President Obama's tax increase bill—the bill he insists is the only acceptable way to address the fiscal cliff.

After today, all of the President's surrogates, if they are honest, will have to rewrite their talking points about the do-nothing Republicans in the Senate. Senate Democratic leadership is effectively filibustering—and that is the real use of the term—President Obama's tax increase bill. Did everyone out there hear that? They are filibustering their own bill by not agreeing to equivalent votes here.

So what does that tell us? Here is what it tells us. It tells us that the President's tax increase plan is not just an economic disaster, it is a political loser, and they know it. It tells us that in spite of all the big talk from the President's Chicago reelection campaign about evil Republicans who want to extend all of the 2001 and 2003 tax relief, vulnerable Members of the Senate's Democratic conference do not want to be anywhere near the President's tax increase alternative. To borrow from the film "Top Gun," the President's campaign is writing checks that Senate Democrats can't cash or, as we westerners like to say, the President is all hat and no cattle. He is tipping his tax increase Stetson, but he doesn't have enough of a herd in the Senate to follow him.

Keep in mind that the Democratic leadership is not just filibustering the President's tax increase proposal, that leadership is also filibustering my tax relief proposal as well. And I suspect they are filibustering this amendment because they are afraid it would pass. Forty Democrats in this Chamber supported the extension of the 2001 and 2003 tax relief in 2010—40 Democrats—and they would probably do so again if they had a chance, so the Democratic leadership has decided to deny them that chance.

The President is asking for compromise. Well, he is looking at it. As the ranking member on the Senate Finance Committee, I have deep reservations about temporary tax policies. Temporary tax policy does not provide

the certainty to small businesses and families that is necessary for long-term planning and investment. If a small business does not know what its tax bill is going to be next year, it is not going to be doing any hiring. We all understand that. So it is not surprising to me, with next year's tax rates up in the air, that we just saw the worst quarter of hiring in over 2 years.

But in the interest of preventing a tax increase that would further hamper the economy, I am willing to set aside the virtue of permanency for the time being.

My amendment would just extend the 2001 and 2003 tax relief for 1 year, and during that year we would work on doing what is right with regard to tax reform.

The amendment I have filed with my friend, the Republican leader, is in itself a compromise, but we have offered a further compromise. Fair is fair. We have our proposal: We want to keep taxes low for all Americans, particularly with our economy on the ropes. And the President has his proposal: He wants to raise taxes on small businesses, even as the prospects for economic growth and job creation look increasingly bleak.

So let's have these votes. Let's get it on the record. Our constituents sent us here to make hard choices. It is time to put our money where our mouth is.

If the President and his party think it is morally reprehensible to extend all of the 2001 and 2003 tax relief, then they should vote against it. If they think raising taxes is the way to go, then vote for the President's plan.

I wish I could say I was shocked, but this is just par for the course. We have been watching this now for a couple of years.

I know the hand-wringing Washington pundits like to blame Republicans for the lack of progress on the fiscal cliff, but this episode should show, once and for all, what a fiction that is. Republicans are ready to act. We are ready to vote. We can vote on my amendment to extend tax relief to all Americans and on the President's proposal to deny that tax relief to small businesses. We can do what our constituents sent us here to do—we can vote and let the better plan win. But the Democratic leadership, fearful of the embarrassing reality that their own conference has serious reservations about the President's tax-hiking agenda, is now filibustering their own bill, and they are now filibustering President Obama's signature tax policy.

Those who continue to talk about the President's reelection prospects in glowing terms need to reevaluate that fairly. President Obama thinks the ticket to his reelection runs through tax hike valley. He is going to succeed where Walter Mondale failed.

President Obama's signature economic policy is a promise to raise taxes on job creators when we are facing the 40th straight month of unemployment

in excess of 8 percent. We don't need a sophisticated poll to figure out how popular this policy is in swing States or with Independents. Just look at what happened this morning. Republicans offered a vote on the President's plan, and Democrats balked at the opportunity.

Democrats are filibustering President Obama's signature domestic policy—a bill to increase taxes—and they are doing so because many members of their own conference know that a vote for these tax increases would sink them back home. They know that.

This is a pathetic spectacle made even more so by the fact that time is running short, the fiscal cliff is approaching, and families and businesses need to know what their tax rates will be next year. To date, the Senate's Democratic leadership has done absolutely nothing to provide that certainty. It is disgraceful what we are witnessing this morning. We need to put politics aside and have these votes.

I would renew the Republican leader's unanimous request and ask that we immediately proceed to debate and votes on my amendment to extend tax relief to all Americans and on the President's tax increase plan. President Obama seems to think he has a winning issue. It might be good for him, but delaying resolution of these tax rates is putting partisan goals ahead of the common good. The American people deserve better than this.

What is mind-boggling to me is for our leader to tie up the parliamentary tree so no real amendments can be voted on. And we offer him a vote on the President's proposal and he accuses us of filibustering when he refuses to allow that vote? Before that we would like to have a vote on our proposal for the 2001 and 2003 tax relief that we know needs to be effectuated. Then what really boggled my mind is when the leader talked in terms of the Republicans are filibustering? Give me a break.

We have asked for two major votes: one on the President's own proposal and the other on my proposal to extend those tax cuts for 1 more year, during which time both sides should come together, work together, compromise together, and come up with a new reformed Tax Code that doesn't continue to eat us alive.

I am absolutely amazed by what happened this morning.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Madam President, I came down to the floor early to line up in the queue to talk about taxes and the proposal that has just been discussed.

I sat here in amazement as the Senator from Utah has just expressed, and as the minority leader expressed the redefinition of "filibuster." It was a tortured effort on the part of the majority leader to try to redefine it in a way that had just the opposite effect of what a filibuster really is.

I wish the majority leader had been at our caucus luncheon yesterday when we debated whether we would vote against the cloture motion to proceed on this bill. The consent of our caucus was, no; we welcome a debate on taxes. We welcome the opportunity to move forward and discuss our two visions of how we need to revive this economy.

So let's not use parliamentary tricks or a parliamentary procedure to avoid that debate and to avoid a vote on the President's proposal. We realized there was the opportunity for the majority leader to use parliamentary tricks and procedures in order to deny us the opportunity to offer our own version of what we thought we should do with our Tax Code and provisions, particularly as it reflects this particular tax on small business, but we welcome the opportunity to come and debate that and work through it and, hopefully, make an offer that is acceptable.

So the minority leader came down here this morning and turned to the majority leader and said: We are going to give you your vote. We are not going to use parliamentary procedures to prevent you from having an opportunity to vote on your proposal, the President's proposal.

By some tortured way of opposing this, the majority leader essentially said: There you go again. Republicans are filibustering. I think we all just sat here with our mouths agape saying: Have we missed something? We are offering to give you your vote.

Now, it is clear this center aisle—not completely—divides us in terms of how we think we should go forward in dealing with this very sick and anemic economy. There is probably pretty close to a consensus that tax reform needs to be an essential part of what we need to do.

In a bipartisan way, Senator RON WYDEN, a Democrat from Oregon, and DAN COATS, a Republican from Indiana, have been working for 1½ years now on something that was started with Senator Gregg, who is now retired from distinguished service in the Senate but worked with Senator WYDEN for 2 years in putting a package together, a comprehensive tax reform package. It is the only plan out there that has been written, scored, and is available for debate and available to the tax-writing committees to use as a basis—or foundation or parts of it or all of it or whatever—in forming their own version to bring forward. But there is a bipartisan consensus that we ought to move forward on comprehensive tax reform.

Senator HATCH, our Republican leader in the Finance Committee—which is the committee responsible for writing that bill—has said piecemeal is not the way to go. Anybody who has analyzed our current situation understands that comprehensive tax reform is the best solution. But even Senator HATCH agreed, in this instance, given the situation we now face, he would accept going forward with a short-term pro-

posal that would give us 1 year to put together a comprehensive tax reform package. The last one occurred in 1986, so long past time we overhaul the Tax Code. With all the credits and subsidies and additions and addendums to the current Tax Code, it is complex beyond anybody's ability to fully understand. And it isn't fair. It favors some at the expense of the many. In many cases, there are special credits and tax breaks that go to a single industry. So we need much more fairness across the board, and that is what Senator WYDEN and I attempt to do in our proposal.

The word "fairness" is thrown around here as a condemnation on the Republican Party's ability to achieve bipartisan consent, but if we want to talk about fairness, let's talk about what just happened here. It was imminently fair for the minority leader to offer the Democrats a vote on the President's proposal. All we asked in return was an opportunity to present, debate and vote on our proposal.

What is amazing is that the Democratic Party controls the Senate. They have the votes to pass the President's proposal. So in the end, if they voted in unison with the President, their proposal wins. If we vote and we come up short, we lose.

Obviously, there must be a reason they don't want that vote. They don't want an alternative presented to them because they must fear they would lose votes on their side of the aisle for the President's proposal, and we would gain votes from them on our side. It has happened in the past, and apparently that is the decision they made.

But this torturous explanation of how this could be a Republican filibuster—if they can spin this one at the White House and at the press conference today, or if they can spin this through the press, they are not listening or understanding what is actually going on here.

What is going on here is a decided attempt by the majority leader to protect his party from having to take a vote for or against. If the American people want anything out of this body, and if they are disgusted with anything that comes out of this body, it is when people go home and say: Well, we didn't have a real vote on that. There was a procedural this or that and it got stopped here or modified there or the others tied up the legislative tree.

What in the world does that mean to most people outside of this body? They used some procedural way to avoid a real vote.

They want our yes to be yes and our no to be no, and we are offering to the Democratic leader that opportunity. Let your yes be yes and your no be no on the specific bill before us, and then go home and explain to your people why you voted yes or why you voted no. Then they can decide in this democratic process whether they want to send you back or send somebody else back for you.

The American people aren't getting that kind of clarity right now, and it is

no wonder they are disgusted with Congress. It is 10:00 in the morning when we are talking about this. If they get a fair treatment in the press over what happened this morning, they will fully grasp and understand that what was proposed by the Republicans was nothing but fairness, and what was proposed by the other party was nothing but unfairness.

What could be more fair than giving each side, in a divided vision of how we should go forward, their opportunity to debate what they believe in and to call a vote for it? Particularly from the party that has the votes to win and the party that has the votes not to win, why not have the vote? What have you got to lose? Unless you think you are going to lose your own people or not want to put them on the line for having a yes or a no recorded clearly before the American people.

I have diverted from what I was going to say this morning. I was just so amazed by what took place down here I could not help but comment on it.

We will see how this all gets spun out by the White House. We will see what is the next diversionary tactic they use to stop us from talking about the No. 1, No. 2, and No. 3 issue facing this country; that is, this anemic economy. Eighty thousand jobs? Only eighty thousand jobs created in June. People say we are on the right track? That doesn't even replace the number of people who are retiring, let alone add new jobs. How many college graduates this spring are living in the basement of their parents' home? That has happened now for more than 3 years. There are millions, 12.7 million people who woke this morning with no job to go to. There are many more who woke to go to jobs far below their abilities or training. So 80,000 jobs, let's put this in perspective. It is far below what we need just to break even, just to give anybody a new shot and a new chance.

We have had 3½ years of the policies of this administration which have not improved the situation and, in fact, some have said are making it worse. We all know we have come through a tough time. We all know just sticking the blame against one side or the other is not the solution. The solution is to find how to put sensible policies in place that will get this economy moving again. One of those policies is comprehensive tax reform.

Once again, I bring up the Wyden-Coats bill. It has been out there. It is written. It is scored. It is available to take up right now if that were the case, but because the tax-writing committees have the jurisdictional right to have a say and because it is a complex process, they would like some time to put it together.

The proposal of Senator HATCH, eminently fair, is to basically say let's not put a bandaid on the Tax Code now with something that is not going to make much difference at all and, in fact, we believe, will negatively impact small businesses around the country.

I had a small business group in my office yesterday basically saying the President only talks about the middle class. That is whom I hire, they say. That is who is working in our business. If they put a tax on me, the owner of the business, actually it is a tax on the business—the passthroughs, the non-corporations that exist here where, from a tax basis, everything flows through to that individual taxpayer. They say I am the guy who owns the business. I am the guy who makes the decision on hiring. I am the guy who has to put the health care plan together. I am the guy who hires the people and pays the people. If government taxes me more, I do not have the same flexibility to hire, expand or buy equipment or expand my factory or hire more people.

Yes, the White House can go out and spin it like I am a rich guy, but because I have chosen a certain way in order to form my business—not as a corporation—I am taxed in an entirely different way than corporations. But if you go out and say we are giving the middle class a break—and we are hurting the people who employ the middle class and you are raising their taxes—you are hurting the middle-class people. The very people the President says he is trying to protect, he is hurting by raising this tax. The President himself said in his campaign and throughout his Presidency: The worst thing you can do is raise any taxes during a time of economic distress.

I do not care if you are Paul Krugman or if you are the most conservative economic analyst out there, there is a widespread consensus that the last thing you do is raise taxes at a time of a stagnant economy, a recessionary economy. It is the last thing you do.

DAN COATS just said that, respected economists on the left and right said that, and even the President of the United States said that as a candidate and throughout his Presidency. In 2010, the President said the last thing we should do is raise any taxes. Now he has turned around to say let's tax up to 1 million small businesses because obviously they can spin that and play that in what sounds like a politically opportune way.

It is a direct contradiction coming out of the mouth of the President, out of the mouths of others. It is simply an election year political class division ploy to divert from the miserable record under this administration, in terms of dealing with this economy. Frankly, if they know—we can hardly conclude anything, but they just do not know what they are doing. But even if they know what they are doing, their policies have not worked.

Whether it is Republicans or Democrats, if they have done something for 3½ years and it has not worked, isn't it time to look at a different set of policies? That is what we wanted to debate, but the majority leader is not allowing us to debate. In some excruciat-

ingly, twisted way, he is saying Republicans are trying to prevent us from going forward. It boggles the mind.

I will stop with that and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

STOLEN VALOR ACT OF 2011

Mr. BROWN of Massachusetts. Madam President, I have enjoyed the previous speaker. It was very interesting.

I wish to shift gears and talk about S. 1728, the Stolen Valor Act of 2011. As many know, the Supreme Court recently struck down the Stolen Valor Act of 2011 by saying that lying about military awards, records, and service is protected by our first amendment rights. The Court has ruled. But let's be clear, it is wrong and cowardly for people to make fraudulent statements in order to receive distinctions they have not earned. Let me say that again. It is wrong and cowardly for people to make fraudulent statements in order to receive distinctions they have not earned.

As a 32-year member of the Army National Guard still serving, I feel very strongly about this issue, and I believe we need a Federal law to punish those who seek to benefit from making false claims and steal the true valor of our heroic men and women in uniform. My bipartisan, bicameral Stolen Valor Act of 2011 reminds me of the bill we worked on, the insider trading bill. We have an opportunity once again to send a powerful message to the American people that in the middle of the gridlock we can work together on something that makes complete sense. It addresses the Supreme Court's change by making a key change in order to protect first amendment rights. It would punish individuals who deliberately lie about their military service, their records or honors, with the intention of obtaining anything of value.

The key term is "of value." One actually gets something of value as a result of their misrepresentations. Again, the new Stolen Valor Act makes it a Federal crime to lie about military service in order to profit or benefit, and that is the key distinction.

Yesterday, Congressman JOE HECK of Nevada and I—he is the lead sponsor in the House version of the bill, I in the Senate—held a press conference to start a fresh campaign to pass the new Stolen Valor Act. We had wonderful results. Within a few hours of that press conference, we gained 27 new cosponsors in the Senate, making a total of 29. I encourage the Presiding Officer and others on her side of the aisle to get involved in this very real effort to help our heroes who have served legitimately. Congressman HECK also has 67 bipartisan cosponsors in the House.

Also, yesterday, the Pentagon announced they will take a major step to deter con artists by establishing a searchable database of military awards and medals to confirm, in fact, that the person with whom one is dealing or

speaking with is, in fact, deserving of the medals and honors they received.

It is clear this cause has momentum and the Supreme Court decision has given many a sense of urgency and clarity. In fact, today I wrote President Obama to ask for his public endorsement of the bill, very similar to the day he was walking up the aisle after the State of the Union and I said: Mr. President, I have a bill on HARRY REID's desk on insider trading. Let's get it out. He said: I will; I will get it out.

He can do the same here. He can give his public endorsement of this very important bill, and I am hopeful the Commander in Chief will lend his endorsement to this cause, to show leadership on this issue and give his blessing so we can actually get to work on legislation that will truly pass, I venture 99 to 0, in this Chamber. His voice would join several military organizations that endorsed the Stolen Valor Act of 2011: the Military Officers Association of America, the Association of the U.S. Army, Military Order of the Purple Heart, and the Iraq and Afghanistan Veterans of America.

As bipartisan support of this effort grows, I ask my Senate colleagues who have not cosponsored the Stolen Valor Act of 2011 to get on board. It is time. It is time to send a very powerful message to the men and women who have served with dignity and honor that we respect that service and we are tired of the frauds who are out there perpetrating fraud and wearing medals and receiving honors to which they are not entitled.

If we choose to come together and pass this legislation, we can respond immediately to the Supreme Court's ruling with the urgency this issue deserves. It is very similar to how Senator MCCASKILL and I, in the middle of the gridlock a couple years ago, passed the Arlington Cemetery bill. We can do it with this legislation as well and send a message to the American people that we can work together and that unified message will protect the valor of our heroic veterans and servicemembers who defend our freedom and serve our country with the greatest of honor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

Mrs. HUTCHISON. Madam President, I applaud the Senator from Massachusetts for introducing the bill. He is trying to make a constitutional way so those who have done the service for our country and earned the medals are assured that those medals mean something and cannot be in any way misrepresented without a consequence. I thank the Senator from Massachusetts.

TAX POLICY

I rise to talk about this week's issue, which is taxes on our Nation's small



businesses. Small businesses are the economic engine of America. It is not big business. Jobs are created by small businesses that grow and become medium-size businesses. They are responsible for driving most of the job growth in this country. Fifty-five percent of private sector jobs are created by small business. Punishing them with new taxes in a time of economic stagnation is incomprehensible. It is incomprehensible.

This tax that is suggested by the President on those who make \$200,000 to \$250,000 or more will affect small business, make no mistake about it. I have been a small businessperson, and I know if someone is paying all the expenses they are paying, if they are taxed as an individual in their small business, they are not going to be able to hire new people—not with what is looming next year in increased taxes. Even the talk of it is part of the reason we have the stagnation we do.

Seventy-five percent of the small businesses in our country pay taxes at an individual rate. They are organized as flowthrough businesses: Partnerships, S corporations, LLCs, and sole proprietorships. Fifty-three percent of all flowthrough business income will be subject to the top two individual income tax rate increases subject to take place in 2013. Even our talking about tax increases is on the minds of our small businessespeople. It makes them very nervous.

We have an already uncertain environment. Hiring is stalled. We have been strangling growth in our country and the hope of recovery is not there. The first round of taxes in the health care law the President's party and the President passed will kick in, in 2013. I do not want to have to go back to the small business owners whom I have just visited with last week all over my State and say: Yes, it is true. You are going to have the taxes involved in the health care plan that will take effect in 2013 and your taxes are going up because you are going into a higher bracket, and if the President has his way, the rates are going to increase too. That is not the message anyone in this body should want to take back to their home States and I do not want to go back to the hard-working employees and customers and tell them the same thing because it will not be just small business owners caught in the net of higher taxes, every American is going to see their taxes increase if they are paying taxes today.

We have a cliff. Everyone around here is talking about the fiscal cliff. It happens on December 31 of this year. Taxes will automatically go up on January 1. Everybody will go into a higher bracket. We will lose the marriage penalty relief we have had. We are going to see tax increases on the middle class, and it is going to be steep. Approximately 31 million Americans will be hit for the first time with the alternative minimum tax. Most people know the alternative minimum tax was

enacted in 1969 to target a few hundred millionaires in America to try to ensure that those millionaires paid a tax. Well, guess who qualifies next year if we don't do something. A single person making \$33,750 and a married couple earning \$45,000 will be considered as not paying their fair share of taxes. That is outrageous for this Congress to let that happen. We must work with the President to ensure that those steep tax increases do not take effect.

The tax increases, the astronomical debt we face, and the persistent high unemployment rate have come together to create a perfect recovery-killing storm. And if this weren't enough to send our economy into permanent hiding, we now have the dubious honor of having the highest corporate tax rate in the world at 35 percent. We used to be second, but Japan had the good sense to lower its rate earlier this year, so now it is America that holds that dubious honor.

This is not a recipe for growth. Is it any wonder that we have a recurring over 8 percent unemployment rate in this country? If we don't do something before the end of this year, those who are employed are going to pay more taxes next year, and for those who are not employed, it is going to be harder to find a job. So what is the answer? The answer, as we all know, is for this Congress and the President to do something before the election.

Now, Senator REID has introduced a tax bill. It is a bill that will provide two temporary tax credits, but a 1-year temporary tax credit is really not enough. Many of us voted in support of the motion to proceed to this bill because we would like something to start with, and I hope the majority leader is going to allow amendments because there are many amendments for us to try to cobble together a bill that will really make a difference in our economy. So it is a start, and I am going to give the leader credit for that.

A real long-term solution is what business is looking for. If we have a 1-year tax credit, we are going to get a 1-year plan, and a 1-year plan is not going to encourage people to be hired. It is not going to encourage employers when they see a 1-year plan and know that Congress is going to do what it has done so often; that is, get to the last of the year and then cobble something together that will perhaps last a year. Maybe it will be the same or maybe it won't. That is not the way business works. They have to plan. They have to know what they are going to have in the next 5 years in expenses so they know what they can produce and what they can charge. That is the private sector.

We should be focusing on the underlying issue. It should be tax relief and tax reform. We can alleviate the employers' conundrum and get them to start hiring if they know what to expect, and a 1-year fix will not do it. We need long-term tax reform, we need to address the looming debt, and we know it. We know what the fiscal cliff is.

I would like to read a letter I received in answer to a congratulatory note I wrote to the former football coach at Texas A&M, R.C. Slocum, who is one of the finest men I have ever met. He is exactly what America is. He was just inducted into the College Football Hall of Fame, and I congratulated him sincerely because he is the kind of person we want coaching our young men in football.

Well, he wrote me back, and I am going to read an excerpt from his letter. He does the niceties of thanking me for writing him, and then he says:

I am really concerned that the America that you and I grew up in is being attacked from within. Although I grew up in a poor family, I was taught that I was privileged because I was born in America, the land of opportunity. We did not begrudge the "rich" but was encouraged that through hard work and education, some day we could be one of them. Thankfully, I was not taught that it was someone else's fault that we were poor or that government would, or should, come bail us out. We worked our own way out and felt the great feeling of accomplishment that goes with it. In my career as a coach, I encouraged my players to try the formula I was given. It still works and I am so proud of the young men that have dramatically changed their lives, and with it the course of their families' lives.

That is what America is, and that is what we ought to be working to achieve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

#### ORDER OF PROCEDURE

Mr. UDALL of Colorado. Madam President, I am here on the Senate floor to highlight our country's clean energy future.

Mrs. BOXER. Would the Senator yield for a unanimous consent regarding time?

Mr. UDALL of Colorado. I would be happy to yield.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that Senator UDALL proceed for 6 minutes, that I proceed for 12 minutes, and that Senator MANCHIN proceed for 12 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

#### PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, I am here on the floor, as I have been for a succession of morning speeches, to talk about the importance of extending the tax credit for wind power. If you look in every corner of our great country, the production tax credit has resulted in good-paying jobs for Americans—jobs, I might add, that can't be exported overseas.

I have taken a tour of the country. This morning I wish to highlight the beautiful State of South Carolina.

South Carolina is one of the few States that do not have installed onshore wind power, but that has not stopped South Carolina from attracting literally dozens of manufacturers

that support 1,000 good-paying wind energy jobs across the State.

As we look at this chart of the State of South Carolina, we can see that the green circles acknowledge the manufacturing facilities that built components for wind turbines. Nearly every component in a wind turbine is built in South Carolina.

I wish to highlight Greenville, up here in the northwestern part of South Carolina. GE has a facility there, and they have designed the 1.5-megawatt wind turbine that is a hallmark of GE. That facility supports more than a dozen suppliers and hundreds of jobs across the State.

One of the most exciting ventures outside of manufacturing that is going on in South Carolina is the massive investment that has been made in innovation. In 2009 Clemson University won a \$45 million grant from the American Recovery and Reinvestment Act and the Department of Energy for the construction of a brandnew facility that will be the largest wind turbine testing facility in the world. In that facility, they will test cutting-edge drivetrain technologies for the next generation of wind turbines.

Now, South Carolina has doubled down on that support of wind innovation. The university donors and other partners have joined Clemson and have come up with another \$53 million to supplement the \$45 million that came through the Recovery Act. That is \$98 million that will be an investment in South Carolina's economy and in our wind energy future.

So not only will there be good-paying jobs created at this wind turbine drivetrain testing facility, but this facility will be a global leader in developing wind turbines capable of 3 to 10 times as much power as wind turbines today. I was under the impression that wind turbine technology had matured and that we had wrung out every electron possible. I have been told we can increase the yields by 3 to 10 times through this kind of research. This facility will focus on onshore and offshore wind turbines. So this is crucial research.

We know in Colorado that the presence of top-notch research and development institutions attracts incredibly talented individuals and often results in the creation of new companies that commercialize the new and innovative technologies developed in these R&D facilities. I know that in the Presiding Officer's State, that is a formula for success. When we make the investments such as South Carolina, Colorado, and New York are making, we draw top-notch resources that are able to exploit in a responsible way natural resources.

The grant I mentioned combined with the research dollars that have come from the private sector represent an enormous opportunity for South Carolina and for our country in turn. We already see millions of dollars that have been attracted into South Caro-

lina from global investors because they see the potential of what is going to happen at Clemson.

The point I want to make is that if we don't extend the wind tax credit, the PTC, then these wind manufacturers may not have the wherewithal, frankly, to team up with Clemson, to commercialize the new technologies that will be developed in South Carolina, and then the jobs that follow won't be created. That just doesn't make sense. South Carolina and Clemson are going to be global leaders in the development of these new technologies.

The question is, Where will these new turbines be built? I know, for one, that the Chinese would be happy to step in and take away our manufacturing jobs. But if we get our act together and extend the PTC, then these wind turbines will be built here in America. They will be built in South Carolina, they will be built in Colorado, and they will be built in Pennsylvania. They will be built all over our country in literally every corner. But if we let the PTC expire, we risk shipping this industry and our good-paying jobs overseas.

Coloradans keep telling me—and I know in the Presiding Officer's home State as well—that there is no reason to outsource these jobs. There is no reason to outsource energy production, and there is no reason to handicap a growing industry that has helped make us and our country more energy independent. Let's pass the extension of the PTC today. Let's create jobs today. Let's build this clean energy economy. Let's pursue an all-of-the-above strategy. Let's do it here in the United States, and let's do it now.

Madam President, thank you for your attention and your interest.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, was there any time remaining for Senator UDALL?

The ACTING PRESIDENT pro tempore. He used 6 minutes.

#### TAX POLICY

Mrs. BOXER. Madam President, I rise to talk a little bit about health care and what it would mean if the Republicans get their way and take away so many benefits for millions of people. But before I do, I would like to respond to Senator HUTCHISON's remarks on taxes.

President Obama has called on us to pass a tax cut for 98 percent of the American people. That would not be for millionaires, but for the middle class. It is not for billionaires, but for the middle class—98 percent. He said anyone earning up to \$250,000 will get a tax break. As a matter of fact, he said all income under \$250,000 will get a tax cut. Only income over \$250,000 would go back to the tax rates of Bill Clinton. Let me remind everyone that in those years we had 23 million new jobs created and a balanced budget, and we never had more millionaires created in

one period of time as we did then because it was a fair tax system.

President Obama has asked us to give a tax break to everyone on the first \$250,000 of their income and after that go back to the rates under Bill Clinton. That includes 97 percent of small business owners. When we hear the Republicans get up and say: Democrats want to hurt small businesses, Democrats want to hurt the job creators, our position is that 97 percent of small business owners agree with the President—they should get a tax break. If you earn over that \$250,000, which is a few percent, pay the fair share that we paid during the fabulous economic growth period when Bill Clinton was the President.

Why do we feel it is important that we say 98 percent and not 100 percent of taxpayers? Because we have a deficit issue. We have a debt problem. We want to get back to the days of balanced budgets, and we will get there, if everyone pays their fair share.

So let's be clear. All of those tears being shed on the other side are being shed for people such as Donald Trump. Isn't it unfortunate that a man such as Donald Trump, who was able to catch the dream to the ultimate—and all right, we want that for everyone—has to pay just a little bit more? At a time when people are taking their money out of this country and putting it in Swiss bank accounts and Bermuda accounts and accounts in the Cayman Islands, it is time for everyone to have a little patriotism here. We have to have the greatest country in this world, and that means the strongest military in the world; that means the best roads and bridges in the world; that means a strong education system. We want to wipe out cancer, AIDS, and Alzheimer's. That means a strong medical research system. We need everyone in America to do their part.

My dad was a CPA. We were very middle class—lower middle class, I would say. I started working in little jobs when I was 16, 17, and I got mad. I hate to age myself, but the minimum wage was quite low then. It was in the cents. It was around 75 cents an hour or something. I remember saying, Why do I have to pay anything to the government? I don't want to pay anything. My father would say to me, You kiss the ground you walk on because you live in America, and we have to have things in this country to make us great. And don't you ever forget that, and don't you complain about it. He also said, You make sure it is spent right and you make sure you have a voice in it. But this country needs to be strong. So to have millionaires and billionaires take their money out of America and hide it in accounts in other countries is not something I would be proud of. We should invest our funds here and everyone should pay their fair share.

#### HEALTH CARE

Here is the deal. The Republicans have said if they take over all of the branches of government, which is their



goal, on day one they are going to repeal ObamaCare. They are going to repeal our health care law. It reminds me of this: If I were to say to the Presiding Officer, meet me on the corner at 6 o'clock tonight and I am going to punch you in the nose, hit you over the head, and leave you there, she might rethink meeting me. She might say, you know, BARBARA, that is not something to look forward to. Well, let me say this to the millions of Americans who are already receiving the benefits of ObamaCare, which I will describe: You are about to be hit over the head and punched in the nose, if the Republicans take over Washington, DC. That is their goal, to take over the Senate, take over the Presidency, and keep the majority in the House.

Let me tell my colleagues why I say this. Here are the benefits that are in jeopardy—not in jeopardy from repeal; they will be repealed: Free preventive services which have already begun: Cancer screenings and immunizations for those people who have private insurance. Fifty-four million people are going to be punched in the nose and hit in the head, if the Republicans take over and they repeal health care—on day one. They are trying to do it today over in the House for the 31st time.

Prescription drug discounts for seniors who are in the doughnut hole. Fifty-two million seniors have already saved \$3.7 billion. They are going to be hit in the head and punched in the nose on day one—not even day two—of a Republican takeover.

Free preventive services for seniors. We have 32.5 million Medicare patients who get free screenings now—32.5 million. That is almost as many people as live in California who will be hit in the head and punched in the nose on day one—not on day two or three, but right away.

Protection against lifetime dollar limits. Right now, people think they have a good health care insurance plan. If a person gets, God forbid, something such as cancer and they have it checked out and find out the limit is \$½ million, maybe \$1 million, maybe even \$2 million limit—they don't know how fast that limit comes and then they are out of insurance. So now 105 million Americans who had limits on their policies no longer have limits. Well, if the Republicans take over, punch in the nose, hit in the head, they are finished; they are out.

Young adults who can now stay on their parents' plan up to age 26—6.6 million young adults—are out of luck on the first day of a Republican takeover.

Let's go to the next chart. Limits on the amount of premiums health insurance companies can spend on administrative costs. Right now, 12 million Americans-plus are going to receive a total of \$1 billion in rebates because, under ObamaCare, the insurance companies have to spend the money on patients—80 percent—not on their own perks, not on their bonuses, and people

are going to get checks in the mail. So I say to these 12.7 million Americans: I hope you are listening, because on day one, no more rebates.

Tax credits to help small businesses purchase health insurance. We hear about how the Democrats don't care about small business. How about this: The 360,000 small businesses who insure 2 million workers have gotten tax credits, right now—right now. We see the crocodile tears over there, yet they want to repeal a tax break that is helping 360,000 small businesses.

If a child is born with a preexisting condition, let's say some heart defect, and that child can't get insurance. Today they can. Guess what. Seventeen million children benefit from this protection right now. Seventeen million of the most vulnerable people now have protection because of ObamaCare. But if the Republicans take over, these little babies are out—out of luck—and their parents will probably have to go on welfare. Great. Meet you on the corner, be there, vote for me, and I will punch you in the nose and hit you in the head. That is what is going on.

Funding for new community health care centers and expansions. Already 3 million patients have been helped by this. The fact is we have seen funds go to these community health care centers in our communities, so whether a person has insurance or not, they can drop in to a health care center. It is particularly important in rural areas where they have very little access.

I just talked about what happens already. Now, in 2014, we set up the health insurance exchanges so there is competition and people can get cheaper insurance. The preexisting condition benefit will then apply to everybody, so if you have a preexisting condition and you are an adult, you can still get health care.

Women will get protection. Women have had to pay twice as much as a man for insurance. That is discrimination. That will be banned starting in 2014.

There will be protection against arbitrary annual limits on the health care benefits people can get. Sometimes people have the ability to get health care coverage, but it is capped every year. No more artificial caps.

Finally, we will say that health insurance plans have to cover essential benefits such as maternity care. Many plans will not cover maternity care. That is over.

So then people say, Well, how is this reform paid for? The Republicans say taxes will go up, deficits will go up. The CBO has told us that this is actually a reducer of the deficit by tens of billions of dollars. As a matter of fact, it reduces the deficit by \$127 billion over the next 10 years. How is it that ObamaCare saves money? It is because we invest in prevention. Everyone within the sound of my voice knows that if a woman gets an annual mammogram and it indicates a very tiny start of a breast tumor and the patient

gets that tumor out at an early stage, they have avoided the worst consequences and it is way cheaper than waiting until the end when a patient needs radiation, chemotherapy, all of this tough medicine that is also expensive.

I ask unanimous consent for 1 more minute.

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

Mrs. BOXER. How else do we pay for this? We cut out waste and fraud in Medicare. We say to the health care industry: You make a lot more money and you have to pay a little more, and they will.

Then there are the free riders who say, I will never get sick, and if I do I will get free health care at the emergency room. We finally say to them, as they did in Massachusetts: Those days are over. If you can afford it, you need to get a basic policy. By the way, it is a tiny percentage of people. It is 1.4 million people. I think it is less than 1 percent of the people who will have to get insurance because the rest of us are paying \$1,000 a year to cover these people. So no more free rides. We all work together.

I will close with this. Watch out in this election who you vote for. If somebody tells you they are going to repeal health care, that means all of these benefits go out the window. All of this deficit cutting goes out the window. The Supreme Court said it is constitutional, and it is.

I want to make this point: Don't vote for people who will punch you in the nose, hit you in the head, and walk away from you. I think the choice is between those who will lift people up and make life better for people and their families and those who would go back to a system that was so harmful for our families.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

#### POWER OUTAGES

Mr. MANCHIN. Madam President, I rise this morning to address a situation that is very hard for me to believe, and I am sure for many of my colleagues, and maybe the Presiding Officer as well. It makes no sense to the people of our great State of West Virginia.

For nearly 2 weeks, hundreds of thousands of West Virginians have been deprived of basic necessities such as water and electricity because of massive storms—not just West Virginia but up and down the east coast. At the peak of the outage, FEMA estimates that 688,000 West Virginians didn't have power. That is a third of our State. One-third of our State was completely knocked out. Hundreds of thousands of people had to throw away all of the food in their refrigerators and freezers because of the lack of electricity.

Our National Guard and first responders did a superb job of keeping

people safe. But this country learned just how vulnerable and inadequate our infrastructure is and how much we have come to depend on it. Up and down the east coast, our electrical grid was crippled by this storm because there is no backup plan—none whatsoever—that could keep the vital necessities of life running during these horrific storms.

The fact is we have to invest in our Nation's infrastructure. We all talk about it but still very little is being done. Power outages cost this country between \$79 billion and \$164 billion every year. That is because on top of powering our hospitals, our nursing homes, and our schools, reliable energy underpins our economy and keeps Americans at work.

I know there are other needs around the world, but seeing firsthand how vulnerable our system is, I was so surprised—and the Presiding Officer might be also—and disappointed to hear yesterday that the U.S. Army Corps of Engineers is making a massive investment in power infrastructure in another country by awarding a \$94 million contract to provide—listen—reliable power in Afghanistan. So I thought: How will I explain this back home? We are providing reliable power to the Afghans when nearly 200,000 West Virginians spent an entire week without electricity, lost all of their food, and suffered through nearly 100-degree heat during this period of time, when our country is losing tens and hundreds of billions of dollars because of power outages all over the east coast? As of 6 p.m. yesterday—this is more than 12 days after the storm—we still have over 30,000 people without electricity.

I cannot count the number of times I have come to the floor of this Senate Chamber to say it is time to start rebuilding America and not Afghanistan. But in all my time in the Senate, I have not seen a starker example of misplaced priorities. It is wrong to invest in reliable power for the Afghan people when tens of thousands of not just West Virginians but Americans all over this country have been without power for nearly 2 weeks because our infrastructure is so vulnerable.

In fact, in our State, too many people still don't have reliable water. When the power goes out, the water systems can't purify the water. In McDowell County in our southern coalfields, FEMA expects it will be another 2 to 3 weeks before our water service is restored to the customers in the Northfork public service district. Let me repeat that. They will go another 2 to 3 weeks without water, a basic necessity of life. That will be a full month after the storm without one of life's basic necessities.

Something is truly out of balance. It has been almost 2 weeks since a storm of unprecedented strength hit our State. How can I look the people of my great State of West Virginia in the eye when our infrastructure is so poor that

they do not have reliable power or water but still tell them we are investing in transmission lines to provide reliable power to Afghanistan? It just does not make sense.

According to the Congressional Research Service, the American taxpayers have already spent more than \$9 billion—\$9 billion—on infrastructure projects in Afghanistan, including the costs of reconstruction assistance, diplomatic security, and activities by non-Department of Defense agencies. This is in addition to the \$551 billion we have spent on military operations. And that does not even begin to address Iraq, where we have spent at least \$5 billion on electrical systems and \$61 billion total on infrastructure projects, according to the Special Inspector General for Iraq Reconstruction.

Still, when we take a closer look at the project that was announced yesterday, the facts are even more disturbing. The Army Times reported that the Corps' awarding of \$93.6 million to improve electrical transmission from the Kajaki Dam power station throughout the Helmand Province of Afghanistan includes burying transmission lines—which we do not even do in America—and providing backup generators—which we do not have, which is why we have lost our water systems and our food.

But believe it or not, the people of the United States already paid to build the Kajaki Dam powerhouse in the 1970s. I am going to quote from this article from the Army Times.

Because the entire electrical system has largely been neglected—

Neglected—

due to decades of war, Afghan and U.S. agencies are partnering to increase power generation and distribution to solve the severe lack of electricity in the region.

Trust me, in West Virginia we can understand the severe lack of power.

This facility was not maintained in the 1970s. It was not maintained in the 1980s. It was not maintained in the 1990s. It is still not being maintained. What makes us think it is going to be maintained now that we are spending millions and millions of dollars?

This is only one small piece of an even more costly contract to bring electricity to southern Afghanistan. The \$93.6 million contract is the first of six integrated components collectively called the Kandahar Helmand Power Project, a USAID initiative to expand the electrical distribution system of two provinces in southern Afghanistan, with a combined estimated population of 1.7 million. That is short of the population of my home State of West Virginia. We are about 1.8 million.

It is one thing to help another country with loans—which I am all for—that will help them get back on their feet so they can repay their debts, but it is another thing entirely to pour billions of taxpayer dollars into another country for a decade with no chance of any repayment to this country and to

the taxpayers of the United States of America. Something is wrong with that.

I cannot say it enough: If you build a bridge in West Virginia, we will not blow it up. If you help us build a school, we will not burn it down. We are very appreciative. We appreciate the help of all American taxpayers because we are part of this great country. If you help us invest in a more reliable electricity system, we will use that power to make this country stronger, to power this Nation's economy, and to provide good-paying jobs all over this country.

Not only that, the scope of the problem with electricity infrastructure in West Virginia is tremendous. According to the National Energy Technology Laboratory, power outages in West Virginia take four times longer to fix than the national average. We have been blessed with so much beauty, but we have kind of a challenging topography, if you will, and it makes it much more difficult.

If we modernize our grid to make it more flexible and reliable, we can make a return on investment of up to \$6 for every \$1 we invest, according to studies from both the Electric Power Research Institute and the National Energy Technology Laboratory. Instead of investing that money in Afghanistan, doesn't it just make sense to invest it here at home? And we will start right in West Virginia if you like.

Madam President, I would feel the same if this was in your State, if it was in any other State in the country. This might have been a "once in a lifetime" storm, one where millions of people lost power no matter how well we prepared, but the fact that tens of thousands of West Virginians are still without power and water is a sign that we must do better as a country.

This could have happened to any State—whether it is a storm, an earthquake, tornado, fire, flood, or a hurricane—and I hope that my colleagues in the Senate would share my feelings. We cannot help others if we do not make and keep ourselves strong. We are beginning to neglect our very real needs at home.

As West Virginians, I am proud to say we are a strong people. We are able to pick ourselves up faster than most, and we go to the aid of our friends and neighbors who need it most—even though we are in need ourselves. But when you go to a filling station and the sign says "cash only," and then you find out that the banks are closed because all the power is down, and the ATM is out—we are changing and transforming our whole monetary system, but there is no backup plan—what do you do? We have a problem. We truly have a problem. But I know we can fix it because we are Americans.

That is why it is time to rebuild America and our infrastructure, not Afghanistan or other places of the world. Let's make ourselves strong again so we can help people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, first, before I make my comments—I want to talk about the Small Business Jobs and Tax Relief Act—I want to say to my friend from West Virginia, I know they are struggling under incredible issues—even before the storm that occurred. I know he has efforts he is doing to build infrastructure, and his statements are right on the mark.

In western Alaska, 40 percent of the communities do not even have water infrastructure. It is not a question of rebuilding it; they do not have it. So I recognize the Senator and his great work for West Virginia, making it a better place. His points are well thought out and right to the mark about what we need to do to rebuild this country. A good part of all that is it is about American jobs, American workers building those water and sewer lines and putting those transmission lines back up—whether they be above or below the ground.

So, again, I commend the Senator for his work in West Virginia.

Madam President, I have come down to talk about the Small Business Jobs and Tax Relief Act. I come from the small business world. I know people come down to the Senate floor on the other side of the aisle and talk about being from the small business world. I always like to look and see what that really means. It is always amazing to me.

When someone is from the small business world, here is what it is really about: It is not about working for some corporation, having a nice title, not really worrying about making it from day to day or worrying about a payroll. At the end of the day, if the business is not good, they do not get a check. That is how it works in the small business world.

So when I hear people come down and talk about small business, it surprises me, to be very frank, the lack of understanding, the lack of knowledge they have about the small business world. I have been in it from the age of 14. My wife has grown a business from serving and selling smoked salmon on the street corner to now, having a couple retail stores and doing very well. But she has struggled just like everyone else. She has had to deal with the bureaucracy. She has had to figure out how to raise the capital, put retirement money on the table, maximize her credit cards—do everything possible to take her dream and make it a reality, just as I have done for all my years in the small business world.

So I come here not just as a Senator from Alaska, representing Alaskans and small businesses, but also as someone who has lived it, worked it, and understands it. We have a chance—and I appreciate the 80-to-14 vote to let us proceed to this bill, which is the Small Business Jobs and Tax Relief Act. This is an important bill. It has two compo-

nents that seem simple in a lot of ways but have great impact.

First, I want to mention the idea that you can get a tax credit for hiring people. Some say, well, small businesses will not use a tax rate just to hire people. I, maybe, agree to a certain extent on that, but why is this important? If you are a small businessperson and you are going to increase your payroll—maybe you are giving raises or bonuses, and so forth, or you are going to hire part-time or full-time people, if you hire those people—and just a clear example is if your payroll is \$200,000, and your payroll goes up by \$20,000 to \$220,000, you will get a tax break of 10 percent, which is \$2,000.

What will that small business do with that \$2,000? In a big business that just gets lost in some pile. Maybe it goes to some corporate salary. But here is what a small businessperson will do with it. They will get that \$2,000, and they might now go recarpet their lease-hold improvement or their rental space they are using for their small business.

What does that mean? That \$2,000 now goes to the carpet layer and the carpet seller. What will they do with it? They will put it into the next part of the economy. It just keeps moving much quicker and faster in the economy. As a matter of fact, every \$1 we see out there has a multiplier effect that is pretty significant for small business.

So the one piece is giving tax credits for small businesses to increase their payrolls. It may be for increased salaries or for increased employment. Either way you are putting more money into the working people of this economy and, therefore, they are putting it back into the economy.

The second piece of the act is the depreciation. If you are not a small businessperson, you do not really pay a lot of attention to this. But the way the IRS Code works is if you invest in new equipment, carpeting, sheet rock, lighting, whatever, the IRS has these schedules to deappreciate this over many years.

Here is how it works: First, we have the tax credit for payroll, and now we have a second piece of this bill, which is accelerated or bonus depreciation, which means if you are thinking of an idea—I will tell you, a small business I just visited in Alaska called Lime Solar, by Chet Dyson and Jessie Moe—these are two young men who are starting a small business to sell solar products for homes and businesses, but they got a lease-hold space. They rented a space. It had no sheet rock, no lighting. They are responsible for paying for all of that.

So they invested, they cleaned it up, sheet-rocked it, fixed it all up, put equipment in. All that expense now—if this bill passes—can be written off in the first year instead of depreciating it over multiple years.

Why is that important? Let's assume they spent \$100,000 renovating their fa-

cility and they are in a 25-percent tax bracket. They will save in the first year \$25,000—like that—instead of spreading that over the next 10 or 15 years. Why is that important? That \$25,000 they save in taxes or depreciation they will be able to reinvest, reinvest into their business as they struggle to figure out how to build their markets.

Another friend of mine, Jack Lewis, opened his second restaurant recently, Firetap. Restaurants are not a cheap business. I have been in that business. I would not wish it on anybody. It is a tough business. Margins are thin. But, again, he invested, he built it, built it all out of scratch. Now he can, again, under this bonus depreciation schedule depreciate it, write it off in the first year. That is a huge benefit for these small businesses.

When I look at another small company called SteamDot Coffee—it is a small coffee company. Jonathan White owns it. They brew their own coffee, have their own coffee, and they also package it and manufacture it for resale. That takes a lot of equipment. Now they get to write that off in the first year.

What this bill does is simple, but yet it has a huge impact. As a matter of fact, under the depreciation it is estimated that for every \$1 we give in the tax benefit, there is a \$9 benefit to the GDP, a 1-to-9 ratio. Any businessperson would love that deal. That is a great deal.

So this bill, I hope—our colleagues have shown by 80 to 14 this is a great bipartisan effort. I hope we now move to the next stage. Maybe we will have some amendments and work through it. But let's do it for the small business community of this country, for the State I live in, and for every State.

I say to the Acting President pro tempore, the State of New York is piled with small businesses. When you go through New York City, every inch of the street has a small businessperson. That is what drives this economy. That is what makes this economy happen. That is where we need to put our investment.

I will end on this note: I know we will have some pro forma votes, as I call them, show-and-tell. We will vote on this 20-percent tax rate deduction that is being proposed by the House. It sounds good, but there is no guarantee that is going to go back into the economy. As a matter of fact, if you are a hedge funder, you will get that break. If you are an attorney, you will get that break. If you are a small businessperson, you will get that break. But there is no guarantee that money goes back into the economy. So if we are going to give these tax incentives, let's make sure it is helping the economy and building jobs and building a future for us.

So, Madam President, I just wanted to come down and speak on this bill and encourage my colleagues to support the Small Business Jobs and Tax

Relief Act, not only through the pro forma vote we had yesterday to move forward on it but also to really pass it.

We have done a great job the last few months passing a lot of legislation out of this body. Let's continue that effort and help our economy grow.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that Senator BLUMENTHAL and I be recognized for the next 20 or so minutes to speak on the issue of cybersecurity.

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

#### CYBERSECURITY

Mr. WHITEHOUSE. Madam President, I rise to speak about cybersecurity, but specifically about the cyber threat to our Nation's critical infrastructure. By critical infrastructure I mean the power grid that supplies electricity to our homes that keeps us warm in the winter and cool in the summer. I mean the financial services' processing systems that connect our ATMs to our accounts and move money around in our complex financial system. I mean the communications networks by which we talk and e-mail and text and message one another.

The men and women we have charged with our Nation's defense and we have confirmed in these roles in the Senate have repeatedly and consistently warned us about the danger of cyber attacks on this critical infrastructure. It provides power and light and heat, tracks and records financial transactions, allows communication and data transfer, keeps airlines safe in the air, controls our dams, and enables our commerce. The consequences of failure in these areas could be catastrophic. We must pay heed to these warnings about America's critical infrastructure as we consider cybersecurity legislation.

The administration has described this cyber threat in no uncertain terms. The Director of National Intelligence, James Clapper, has stated:

[I]t's clear from all that we've said [that] we all recognize we need to do something. . . . We all recognize this as a profound threat to this country, to its future, to its economy, to its very being.

Secretary of Defense Leon Panetta has warned:

The next Pearl Harbor we confront could very well be a cyber attack.

Secretary of Homeland Security Janet Napolitano has compared this threat to the September 11 attacks.

Prior to 9/11, there were all kinds of information out there that a catastrophic attack was looming. . . . The information on a cyberattack is at that same frequency and intensity and is bubbling at the same level, and we should not wait for an attack in order to do something.

Attorney General Holder stressed the urgency of responding to this threat in a recent Senate Judiciary Committee hearing. He said:

This a problem that we must address, our nation is otherwise at risk and to ignore this problem, to think it is going to go away runs headlong into all of the intelligence we have gathered, the facts we have been able to accrue which show that the problem is getting worse instead of getting better. There are more countries that are becoming more adept at the use of these tools, there are groups that are becoming more adept at the use of these tools, and the harm that they want to do to the United States and to our infrastructure through these means is extremely real.

Chairman of the Joint Chiefs of Staff Martin Dempsey has warned that "a cyber attack could stop society in its tracks."

NSA Director and U.S. Cyber Commander GEN Keith Alexander, a four-star general, has stated:

We see this as something absolutely vital to the future of our country. Cybersecurity for government and critical infrastructure is key to the security of this Nation.

A recent report from the Department of Homeland Security found that companies which operate critical infrastructure have reported a sharp rise in cybersecurity incidents over the past 3 years. Companies reported 198 cyber incidents in 2011, up from 41 incidents in 2010, and just 9 in 2009. This may reflect that the private sector is just now beginning to catch on. It is unfortunate but true that the private sector cannot be counted on to respond to this growing challenge on its own.

As Deputy Secretary of Defense Ashton Carter has explained, and I quote again:

There is a market failure at work here. . . . Companies just aren't willing to admit vulnerability to themselves, or publicly to shareholders, in such a way as to support the necessary investments or lead their peers down a certain path of investment and all that would follow.

These were administration warnings, but the concerns are bipartisan. A wide range of national security experts from previous Republican administrations have echoed this alarm. Former Director of National Intelligence and NSA Director ADM Mike McConnell has said, and I quote:

The United States is fighting a cyber-war today, and we are losing. It's that simple.

He explained:

As the most wired nation on Earth, we offer the most targets of significance, yet our cyber defenses are woefully lacking. . . . The stakes are enormous. To the extent that the sprawling U.S. economy inhabits a common physical space, it is in our communications networks. If an enemy disrupted our financial and accounting transactions, our equities and bond markets or our retail commerce—or created confusion about the legitimacy of those transactions—chaos would re-

sult. Our power grids, air and ground transportation, telecommunications and water filtration systems are in jeopardy as well.

That ends the quote from Admiral McConnell.

Admiral McConnell also made a comparison to threats from the past.

The cyber-war mirrors the nuclear challenge in terms of the potential economic and psychological effects. . . . We prevailed in the Cold War through strong leadership, clear policies, solid alliances and close integration of our diplomatic, economic, and military efforts. We backed all of this up with robust investments—security never comes cheap. It worked, because we had to make it work. Let's do the same with cybersecurity. The time to start was yesterday.

Former Deputy Secretary of Defense Paul Wolfowitz has also echoed the administration's warning that a cyber attack has the potential of causing devastation on the scale of another September 11. He stated:

I hope we do not have to wait for the cyber-equivalent of 9/11 before people realize that we are vulnerable.

Former Assistant Secretary for Policy at the Department of Homeland Security Stewart Baker has compared the threat to the catastrophic effects of Hurricane Katrina.

We must begin now to protect our critical infrastructure from attack. And so far, we have done little. We are all living in a digital New Orleans. No one really wants to spend the money reinforcing the levees. But the alternative is worse. . . . And it is bearing down on us at speed.

Former NSA Director and CIA Director Michael Hayden has said:

We have entered into a new phase of conflict in which we use a cyberweapon to create physical destruction, and in this case, physical destruction in someone else's critical infrastructure.

Former Republican officials have also noted the cybersecurity gap in the private sector due to this market failure. Former Secretary of Homeland Security Chertoff said:

The marketplace is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the network on which our society relies.

The following examples are emblematic of the market failure that both Democratic and Republican national security officials have identified in this cybersecurity area for critical infrastructure.

When the FBI-led National Cyber Investigative Joint Task Force informs an American corporation that it has been hacked, 9 times out of 10 that American corporation had no idea.

Kevin Mandia of the leading security firm Mandiant has said, and I quote:

In over 90 [percent] of the cases we have responded to, Government notification was required to alert the company that a security breach was underway. In our last 50 incidents, 48 of the victim companies learned they were breached from the Federal Bureau of Investigation, the Department of Defense, or some other third party.

In operation Aurora, the cyber attack which targeted numerous companies, most prominently Google, only 3 out of the approximately 300 companies

attacked were aware that they had been attacked before they were contacted by the government.

We cannot count on the private sector to defend itself against a threat about which it is so unaware. An advanced persistent intrusion of the U.S. Chamber of Commerce's systems also went undetected until the chamber received help from the government. The Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored in its systems, including information about its 3 million members, and remained on the network for at least 6 months and possibly more than a year. The chamber only learned of the break-in, according to the article, when the FBI told the group that servers in China were stealing its information. The special expertise of our national security agencies is a consistent theme through these examples. As former Assistant Attorney General, OLC Director, and Harvard Law School Professor Jack Goldsmith has explained:

The government is the only institution with the resources and the incentives to ensure that the [critical infrastructure] on which we all depend is secure, and we must find a way for it to meet its responsibilities.

By the way, that was Goldsmith at the Department of Justice in the Bush administration. This is a Republican appointee speaking. These warnings have been repeatedly communicated to us in the Senate. We cannot plead ignorance of them.

I ask unanimous consent to have printed in the RECORD a letter to Senate Majority Leader REID and Minority Leader MCCONNELL dated January 19, 2012.

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

JANUARY 19, 2012.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL, We write to urge the Senate to take up, debate, and pass legislation to strengthen our nation's cybersecurity.

As former executive branch officials who shared the responsibility for our nation's security, we are deeply concerned by the severity and sophistication of the cyber threats facing our nation. These threats demand a response. Congress must act to ensure that appropriate tools, authorities, and resources are available to the executive branch agencies, as well as private sector entities, that are responsible for our nation's cybersecurity. The Senate is well-prepared to take up legislation in this important national security field, and to do so in a bipartisan manner in the best traditions of the Senate.

Every week brings new reports of cyber intrusions into American companies or government agencies, new disclosures of the breach of Americans' private information, or new revelations of incidents of cyber disruption or sabotage. The present cyber risk is shocking and unacceptable. Control system vulnerabilities threaten power plants and

the critical infrastructure they support, from dams to hospitals. Reported intrusions into defense contractors and military systems reveal the direct national security cost of cyber attacks. Evaluations of the Night Dragon and Aurora attacks reveal the vulnerability of our most advanced and essential industries to sophisticated hackers. The recent report by the Office of the National Counterintelligence Executive makes clear that foreign states are waging sustained campaigns to gather American intellectual property—the core assets of our innovation economy—through cyber-enabled espionage. The growing threat of terrorist organizations acquiring cyber capabilities and using them against American interests opens another battlefield in cyberspace. And every day, Americans' identities are compromised by international criminals who have built online marketplaces for buying and selling Americans' bank account numbers and passwords.

This constant barrage of cyber assaults has inflicted severe damage to our national and economic security, as well as to the privacy of individual citizens. The threat is only going to get worse. Inaction is not an acceptable option.

Senate committees of jurisdiction have done important, bipartisan work developing legislation to strengthen our nation's cybersecurity. The Administration likewise has weighed in with a set of legislative proposals. The stage thus is set for the Senate to take up cybersecurity legislation. We believe that it can and should undertake this work in keeping with its best, bipartisan traditions, addressing this pressing national security need with the seriousness that it deserves.

We urge the Senate to do so in short order: the rewards of increased security for our country, particularly our private sector critical infrastructure, will be rapid and profound.

Sincerely,

MICHAEL CHERTOFF,  
WILLIAM J. LYNN III,  
J. MICHAEL MCCONNELL,  
RICHARD CLARKE,  
DR. WILLIAM J. PERRY,  
PAUL WOLFOWITZ,  
JAMIE GORELICK,  
GEN. (RET.) JAMES  
CARTWRIGHT, USMC.

Mr. WHITEHOUSE. This explains that the threat is only going to get worse; inaction is not an acceptable option. This letter was signed by former Secretary of Homeland Security Michael Chertoff, former Deputy Secretary of Defense Paul Wolfowitz, former Director of National Intelligence and NSA Director ADM Mike McConnell, former Vice Chairman of the Joint Chiefs of Staff General James Cartwright, former Defense Secretary Dr. William Perry, former Deputy Attorney General Jamie Gorelick, former Deputy Secretary of Defense William J. Lynn, III, and former Special Advisor to the President for Cyber Security, Richard Clarke.

I also have a letter written to Majority Leader REID and Minority Leader MCCONNELL, dated June 6, 2012, which I ask unanimous consent to have printed in the RECORD.

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

JUNE 6, 2012.

DEAR SENATORS REID AND MCCONNELL, We write to urge you to bring cyber security leg-

islation to the floor as soon as possible. Given the time left in this legislative session and the upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

We have spoken a number of times in recent months on the cyber threat—that it is imminent, and that it represents one of the most serious challenges to our national security since the onset of the nuclear age sixty years ago. It appears that this message has been received by many in Congress—and yet we still await conclusive legislative action.

We support the areas that have been addressed so far, most recently in the House: the importance of strengthening the security of the federal government's computer networks, investing in cyber research and development, and fostering information sharing about cyber threats and vulnerabilities across government agencies and with the private sector. We urge the Senate to now keep the ball moving forward in these areas by bringing legislation to the floor as soon as possible.

In addition, we also feel that protection of our critical infrastructure is essential in order to effectively protect our national and economic security from the growing cyber threat. Infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines and financial networks must be required to meet appropriate cyber security standards. Where market forces and existing regulations have failed to drive appropriate security, we believe that our government must do what it can to ensure the protection of our critical infrastructure. Performance standards in some cases will be necessary—these standards should be technology neutral, and risk and outcome based. We do not believe that this requires the imposition of detailed security regimes in every instance, but some standards must be minimally required or promoted through the offer of positive incentives such as liability protection and availability of clearances.

Various drafts of legislation have attempted to address this important area—the Lieberman/Collins bill having received the most traction until recently. We will not advocate one approach over another—however, we do feel strongly that critical infrastructure protection needs to be addressed in any cyber security legislation. The risk is simply too great considering the reality of our interconnected and interdependent world, and the impact that can result from the failure of even one part of the network across a wide range of physical, economic and social systems.

Finally, we have commented previously about the important role that the National Security Agency (NSA) can and does play in the protection of our country against cyber threats. A piece of malware sent from Asia to the United States could take as little as 30 milliseconds to traverse such distance. Preventing and defending against such attacks requires the ability to respond to them in real-time. NSA is the only agency dedicated to breaking the codes and understanding the capabilities and intentions of potential enemies, even before they hit "send." Any legislation passed by Congress should allow the public and private sectors to harness the capabilities of the NSA to protect our critical infrastructure from malicious actors.

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when 'cyber 9/11' hits—it is not a question of 'whether' this will happen; it is a question of 'when.'

Therefore we urge you to bring cyber security legislation to the floor as soon as possible.

Sincerely,

HON. MICHAEL CHERTOFF,  
HON. J. MIKE MCCONNELL,  
HON. PAUL WOLFOWITZ,  
GEN. MICHAEL HAYDEN,  
GEN. JAMES CARTWRIGHT  
(RET),  
HON. WILLIAM LYNN III.

Mr. WHITEHOUSE. Secretary Chertoff, Admiral McConnell, Deputy Secretary Wolfowitz, General Hayden, and General Cartwright urged us to:

... bring cyber security legislation to the floor as soon as possible. Given the time left in this legislative session and upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

They specifically focused on the threat to critical infrastructure, stating that “protection of our critical infrastructure is essential in order to effectively protect our national and economic security from the growing cyber threat.”

We must not ignore this chorus of warnings issued by those who are the most informed and most alert about the danger to our critical infrastructure. We must pass cybersecurity legislation, and we must ensure that the cybersecurity legislation we pass addresses our Nation’s critical infrastructure. No bill that fails to address critical infrastructure can be said to have done the job of protecting our country.

Our Nation will be vulnerable if critical infrastructure companies fail to meet basic security standards, as they do right now. Legislation must include a mechanism to end this continuing vulnerability. If operators object to a particular approach to cybersecurity for our critical infrastructure on the basis that it is too burdensome or too unwieldy, they will find many Members of the Senate on both sides—myself and Senator BLUMENTHAL included—who are ready and eager to work with them. But if the purpose of the exercise is to come to an end point in which the operators of our critical infrastructure do not have to reach adequate levels of cybersecurity, then we need to move on and we need to vote and go beyond that.

The question of how we get to cybersecurity is one we should engage in the Senate. The question of whether we protect our privately held critical infrastructure in a responsible way is one we should not allow to deter us from getting this job done to protect our national and economic security.

Whatever the ultimate solution, we simply must find a way to improve the cybersecurity of our critical infrastructure.

I yield the floor to Senator BLUMENTHAL, who has been engaged in efforts with me to try to find a way through to a bipartisan bill that will protect our critical infrastructure. He has expertise in this area as a superbly

trained lawyer, a multiply elected Attorney General of his home State, a former marine dedicated to our national security, and as a person who brings the highest level of legal talent to this discussion, having argued, I think, five separate cases before the U.S. Supreme Court. He has been an enormous asset, and I appreciate his participation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank the Senator from Rhode Island, my distinguished colleague, for those very generous remarks. Actually, I had four arguments in the Supreme Court. The rest was similarly exaggerated as to my qualifications. But I thank the Senator from Rhode Island. Most importantly, I thank him for his extraordinary work on this issue and for his leadership and vision as well as his courage.

I wish to emphasize a number of the points he made so powerfully in his remarks earlier. First and most significantly, the United States is under cyber attack. The question is, How do we respond? It is our national interests that are at stake.

Every day this Nation suffers attempted intrusions, attempted interference, and attempted theft of our intellectual property as a result of the ongoing attacks we need to stop, deter, and answer.

National security is indistinguishable from cybersecurity. In fact, cybersecurity is a matter of national security and not only so far as our defense capabilities; our actual weapons systems are potentially under attack and interference, but also, as my colleague from Rhode Island said so well, because our critical infrastructure is every day at risk—our facilities in transportation, our financial systems, our utilities that power our great cities and our rural areas and our intellectual property, which is so valuable and which every day is at risk and, in fact, is taken from us wrongfully, at great cost to our Nation.

The number and sophistication of cyber attacks has increased dramatically over the past 5 years. All the warnings—bipartisan warnings—say those attacks will continue and will be mounted with increasing intensity. In fact, experts say that with enough time, motivation, and funding, a determined adversary can penetrate nearly any system that is accessible directly from the Internet.

The United States today is vulnerable. To take the Pearl Harbor analysis that our Secretary of Defense has drawn so well, we have our “ships” sitting unprotected today, as they were at the time of the Pearl Harbor attack. Our ships today are not just our vessels in the sea but our institutions sitting in this country and around the world, our critical infrastructure, which is equally vulnerable to sophisticated and unsophisticated hackers.

In fact, the threat ranges from the hackers in developing countries—unsophisticated hackers—to foreign agents who want to steal our Nation’s secrets, to terrorists who seek ways to disrupt that critical infrastructure.

It is not a matter simply of convenience. We are not talking about temporary dislocations, such as the loss of electricity that the Capital area suffered recently or that our States in New England suffered as a result of the recent storms last fall; we are talking about permanent, severe, lasting disruptions and dislocations of our financial and power systems that may be caused by this interference.

One international group, for example, accessed a financial company’s internal computer network and stole millions of dollars in just 24 hours.

Another such criminal group accessed online commercial bank accounts and spread malicious computer viruses that cost our financial institutions nearly \$70 million.

One company that was recently a victim of intrusion determined it lost 10 years’ worth of research and development—valued at \$1 billion—virtually overnight. These losses are not just for the shareholders of these companies, they are to all of us who live in the United States because the losses, in many instances, are losses of information to defense companies that produce our weapons, losses of property that has been developed at great cost to them and to our taxpayers. We should all be concerned about such losses.

As Shawn Henry, the Executive Assistant Director of the FBI, has said: “The cyber threat is an existential one, meaning that a major cyber attack could potentially wipe out whole companies.”

Those threats to our critical infrastructure, as we have heard so powerfully from my colleague from Rhode Island, are widespread and spreading.

Industrial control systems, which help control our pipelines, railroads, water treatment facilities, and powerplants, are at an elevated risk of cyber exploitation today—not at some point in the future but today. The FBI warns that a successful cyber attack against an electrical grid “could cause serious damage to parts of our cities, and ultimately even kill people.”

The Department of Homeland Security said that last year they had received nearly 200 reports of suspected cyber incidents, more than 4 times the number of incidents reported in 2010.

In one such incident, more than 100 computers at a nuclear energy firm were infected with a virus that could have been used to take complete control of that company’s system.

These reports, these warnings, go on. In summary, the Director of the FBI said it best: “We are losing data, we are losing money, we are losing ideas, and we are losing innovation.”

Those threats are existential to our Nation, and we must address them now—not simply as a luxury, not as a possibility but as a need now.



I thank the Senator from Rhode Island, as well as my distinguished fellow Senator from Connecticut, JOSEPH LIEBERMAN, and others on the other side, such as Senators MCCAIN, COLLINS, GRAHAM, and CHAMBLISS, as well as other colleagues on this side, for their leadership in this area. They have started this effort with great dedication.

There has been substantial work done already. No one here has ignored this threat. We must move forward for the sake of our Nation's security. Our cybersecurity must be addressed as soon as possible. Cybersecurity is not an issue we can wait to address until we see the results of failure. The consequences of a debilitating attack would be catastrophic to our Nation. I hope we can continue to fill the consensus, which the Senator from Rhode Island has been working to do, with other colleagues, so we can come together, as he said—not whether but how—and do it in a bipartisan way. This issue has elicited, very commendably and impressively, colleagues from both sides who have been working on this issue with dedication and diligence. I hope the body as a whole will match the vigor that is appropriate.

Again, I thank the Senator from Rhode Island. Part of our challenge will be to elicit better agency coordination. If the Senator from Rhode Island wishes to comment further, I hope perhaps he can respond to the question of how soon we should come together and work on this issue. Is it a problem we can delay until the next session or should we try to address it during the coming months of this session before we close?

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am delighted to respond to the Senator in two ways. First, as the Senator so well pointed out, this is not a future threat or a prospective threat that we need to prepare ourselves against; this is an ongoing, current threat. There is a campaign of attacks into our national security infrastructure, into our intellectual property, and into our critical infrastructure, such as the power grids and the communications networks we count on in our daily lives for what we consider the American standard of living here at home. So time is not our friend.

As one of the individuals I quoted said—I think Admiral McConnell—the day to get this done was yesterday. So the sooner the better. We do need to form a consensus in this body, enough to move through the parliamentary obstacles that exist in this body, which allows us to go forward and will allow us to go forward in a way that does something serious about forcing the operators of our critical infrastructure to put in adequate cybersecurity protections. If they have to do it because they have incentives to do it, that is one way of getting there. If they have to do it because there are regulations

that demand it, that is another way of getting there. There are different ways of getting there. And as the Senator from Connecticut and I have discussed—and we are actually working together on this—we are open to different ways to get there, but it should be agreed amongst us in the Senate that getting there, getting to the point where America's critical infrastructure is protected from cyber attack as reasonably well as we can should be the nonnegotiable goal. Anything short of that should be seen as failure.

There is another thing I wanted to add. The Senator was very generous in his remarks and credentialing of a great number of Senators who have been working very hard. I would also like to single out Senator COONS, who has been very helpful in our efforts.

I will stay on our side of the aisle at this point and add in particular Senator MIKULSKI. BARBARA MIKULSKI serves on the Intelligence Committee. She is keenly aware of the cyber threat. She has taken deep dives into this issue in her role as a cardinal on the Appropriations Committee. She does the appropriations for many of the national security agencies and law enforcement agencies that are deeply involved in this. So when she speaks, she speaks with real authority and she speaks with real impact. Her participation in this effort is extraordinarily helpful, in addition to the efforts of the many Senators whom my colleague singled out as well.

With that, I yield the floor. I see the Senator from Louisiana is here, and I thank the Senator from Connecticut.

Mr. BLUMENTHAL. I thank the Senator and the Chair.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Louisiana.

#### PRESCRIPTION DRUG POLICY

Mr. VITTER, Mr. President, I come to the Senate floor to talk about a priority of mine that has been the case since I first came to the Senate; that is, reimportation—changing Federal law appropriately to allow Americans to buy safe, cheaper prescription drugs from Canada and other countries.

We all know prescription drug prices are sky-high in the United States. They are sky-high by any metric, by any measure, but certainly in this down economy and certainly for folks like our seniors who are on a fixed income. They are particularly sky-high when you compare those drug prices to the prices of exactly the same drugs in other countries, including other Western industrialized countries, such as Canada immediately to our north.

For this reason, from the very beginning of my work in the Senate, I have laid out a number of solutions that I believe would make the situation a lot better, including generics reform, which I am working on in a bipartisan way with other Members of the Senate. One of those proposed solutions has been reimportation. Again, that would mean changing Federal law, as I think

we absolutely need to do, to allow American seniors and all Americans to buy safe, cheaper prescription drugs from other countries such as Canada.

Let me emphasize that I am talking about exactly the same prescription drugs as we can buy here at much higher prices, and I am only talking about FDA-approved drugs. I am talking about drugs coming from the same sources, manufacturing sites, either in this country that go to Canada and other countries or sometimes from third-party countries, with the drugs coming to both Canada and the United States.

When I first came to the Senate, we were on the verge of passing that legislation. I worked in a bipartisan way with a large group of Senators, including Senator Byron Dorgan of North Dakota, who was one of the leaders of the issue at the time; JOHN MCCAIN on our Republican side; and many others, including OLYMPIA SNOWE, who were also involved in this issue.

One of those strong vocal supporters of reimportation was then-Senator Barack Obama. He took a very clear position as a U.S. Senator being strongly in support of reimportation. He voted for the full-fledged reimportation bill in 2007, and as he became a Presidential candidate, that strong, clear support continued during his Presidential campaign. Then-candidate Obama clearly stated once again his strong, crystal-clear support for reimportation. In fact, Presidential candidate Obama used very feisty language about reimportation. He claimed he would fight Big Pharma—the big pharmaceutical companies—stating, “We’ll take them on, hold them accountable for the prices they charge” and “[drug] companies are exploiting Americans by dramatically overcharging U.S. consumers.”

Unfortunately, after then-candidate Obama was elected President, some things changed, and the biggest change was the ObamaCare proposal and all of the backroom deals, bartering, and deal-making that led to its passage through Congress. I had concerns at the time. In fact, I spoke very clearly about my concerns here on the Senate floor that there were some backroom deals going on, essentially trading reimportation—the White House pledging to oppose reimportation, clearly against what the President ran on and how he voted here in the Senate, if Big Pharma would join the effort to pass ObamaCare into law.

More recently, in the last few months, e-mails and other evidence have surfaced that clearly confirm that is exactly what went on. In fact, the House Energy and Commerce Committee has had an investigation into this issue, and it has revealed and made very clear the closed-door negotiations about ObamaCare that essentially struck a deal between Big Pharma and the White House, the White House saying: You support ObamaCare, you help us pass it, you

produce advertising dollars to do that, and we will deep-six—kill forever—reimportation.

As I said, this House investigation has laid out a clear pattern of e-mails and other communications that tell the story very clearly. PhRMA e-mails, for instance, say:

Rahm will make it clear that PhRMA needs a direct line of communication, separate and apart from any other coalition.

Of course, Rahm is then-White House Chief of Staff Rahm Emanuel.

On June 10, 2009, PhRMA lobbyists met with White House officials, and coming out of that meeting, they said they had discussed the details “and the expected financial gain from health reform.”

The same House investigation has revealed meetings between top administration officials and other special interest groups, including meetings at the DSCC—Democratic Senatorial Campaign Committee—to coordinate political operations. PhRMA lobbyists attended these meetings to learn about White House messaging and “how our effort can be consistent with that.”

Then the final big deal was struck, and the big deal, as revealed clearly by this evidence and these e-mails, was very clear: PhRMA—the big pharmaceutical companies—would support ObamaCare not just in word but in deed, including putting up \$70 million to help fund an advertising campaign in support of the passage of ObamaCare. That \$70 million from the biggest pharmaceutical companies went to two 501(c)(4) groups—Healthy Economy Now and Americans for Stable Quality Care. These groups were formed specifically to advertise and promote the passage of ObamaCare. The former group was actually created after a meeting discussing the need for these efforts at the DSCC, a Democratic campaign arm. In addition, Big Pharma—the biggest pharmaceutical companies—offered \$80 billion in payment reductions and other parts of health care financing in order to again secure their top priority: killing, in their mind, hopefully forever, reimportation.

In June President Obama’s top White House health care adviser, Nancy-Ann DeParle, wrote to PhRMA that the Obama administration had “made [the] decision, based on how constructive you guys have been, to oppose importation.” Later, after that, PhRMA lobbyist e-mails confirm the deal and specifically highlight a conversation a PhRMA lobbyist had with White House Deputy Chief of Staff Jim Messina. The PhRMA lobbyist wrote:

Confidential. [White House] is working on some very explicit language on importation to kill it in health care reform.

In August 2009 PhRMA’s top lobbyist at the time, Billy Tauzin, made it crystal clear as well when he said:

We were assured . . . you will have a rock-solid deal.

The tragedy of all this is they apparently did have a rock-solid deal be-

cause if we look at Senate votes after that backroom deal which helped pass ObamaCare, there were multiple individual Senators who flipped their votes and made good on the White House rock-solid deal to kill reimportation—that opportunity for all Americans, particularly seniors, to be able to buy safe, cheaper prescription drugs from Canada and elsewhere.

Let’s look at votes on the broad reimportation bill which was led by then-Senator Byron Dorgan. I was a cosponsor, and so were many other Senators who had been involved in this issue, such as JOHN MCCAIN, OLYMPIA SNOWE, and many others. In 2007 the Senate actually passed that measure 63 to 28, although after that it was essentially scuttled by a poison pill that was added to the bill. But the vote on the base measure was 63 to 28, with 47 Senate Democrats voting yes, including then-Senator Barack Obama.

Now let’s flash-forward to 2009, after the ObamaCare backroom deal, and it is a whole different planet, a whole different landscape. The Senate defeated the same measure 51 to 48. There was a 60-vote threshold, with 38 Senate Democrats voting yes—a far smaller number—and 23 Senate Democrats switching their votes from 2007. It was exactly the same measure, but 23 Senate Democrats flip-flopped, switched their votes in light of the White House ObamaCare deal.

We can see a similar flip-flop with regard to votes on my Vitter amendment, which was a more narrowly tailored measure regarding reimportation. In 2009 the Senate passed that Vitter amendment 55 to 36, with, again, 45 Senate Democrats voting yes on that more focused and narrowly tailored reimportation amendment. But in 2011, after the deal, it was a completely different story. The Senate rejected the same amendment 45 to 55, with only 29 Senate Democrats voting yes—again, 14 Senate Democrats having switched their votes, doing a complete flip-flop from 2009.

So I believe the facts are in. Investigations, e-mails, and other crystal-clear evidence, including those votes and vote switches, make it very clear there was a backroom deal worth billions of dollars to Big Pharma and worth a lot politically to the Obama White House. That deal, as evidenced by these communications and quotes and e-mails, was very clear.

Big Pharma said: We will help you pass ObamaCare. We will give you \$70 million in advertising money. We will help lower costs so you can brag that ObamaCare is, through some smoke and mirrors accounting, actually saving money when it is not. And, in exchange, you kill reimportation, which would lower prices on us and hurt our profit margin. And the White House said: Absolutely, we agree.

Senator Obama was full bore for reimportation. Candidate Obama campaigned on the issue and was very strong and vocal about it. President

Obama cut the backroom deal and killed it. Those of us who are still fighting for lower prescription drug costs here in the Senate are, quite frankly, still reeling from the setback and still trying to deal with it. But I believe we ultimately will deal with it and will recover from this major setback when the American people fully realize what went on—the corrupt, I would say, backroom deal that was cut between the White House and Big Pharma, and how seniors and other Americans are paying the price.

ObamaCare passed, and prescription drug prices continue to be sky high. They continue to hurt tens of millions of Americans, particularly those on a fixed income such as seniors. And we continue to need a solution to that very real problem. That is why I will continue to fight. I will continue to fight for any measure that makes sense to lower prescription drug prices, generics reform, streamlining at FDA, and, yes, reimportation, to level the playing field, to get a world price on the drugs we use and not force a much higher price on Americans than virtually anyone else pays around the world.

America’s seniors need that relief. I wish the Obama White House understood that and acted upon that. I wish President Obama would keep his word that he made as a Senator and as a Presidential candidate. But I will continue to keep my word on the issue and to build that support for strong, effective reimportation legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

HONORING RAOUL WALLENBERG

Mrs. GILLIBRAND. Mr. President, I rise today on a matter that has become very close to my heart; and that is, honoring Raoul Wallenberg with the Nation’s highest civilian award, the Congressional Gold Medal of Honor. I urge my colleagues to support conferring this honor on Mr. Wallenberg, and I am grateful that we already have 71 of my colleagues from every part of the political spectrum supporting our efforts.

During World War II, Raoul Wallenberg chose to leave his life of ease in Sweden for a diplomatic assignment in Hungary, which was then an ally in Nazi Germany. His assignment was the result of a recruitment effort by the United States War Refugee Board and the Office of Strategic Services to try to save the remaining Hungarian Jews from the Holocaust.

In his effort, Mr. Wallenberg succeeded beyond anyone’s expectations. He provided Swedish passports for thousands of Jews, which literally made the difference between life and death. Mr. Wallenberg rented 32 buildings in Budapest, raised a Swedish flag, and declared them protected with diplomatic immunity. Within these buildings, he housed, protected, and saved almost 10,000 precious lives.

Mr. Wallenberg's bravery and his will to act are shining examples to us all. According to eyewitnesses, Mr. Wallenberg once climbed onto the roof of a train with Jews departing for Auschwitz, handing them protective passes through the doors. Amid threats from the guards, he then marched dozens of those with passes to safety in a diplomatic convoy. As the Nazi front was collapsing and Adolf Eichmann moved to kill all the remaining Jews in Budapest, it was Mr. Wallenberg who helped thwart that plan by threatening Hungarian leaders with the promise of hanging for war crimes if they carried out the plot.

Sadly, and selflessly, Mr. Wallenberg was later taken prisoner when the Soviet Army liberated Budapest from the Nazis, and it is presumed that he died in a Moscow prison.

This hero's willingness to risk his own life for others exemplifies his outstanding spirit, his dedication to humanity, and the responsibility for all of us to speak out against atrocities. His enduring legacy lives on in the countless descendants of those he saved, the lives of New Yorkers such as Peter Rebenwurz, a New York City resident whose late father helped Jews in the Budapest ghetto, and whose father-in-law only survived because of Mr. Wallenberg's heroic efforts.

I wish also to take this moment to recognize Andrew Stevens, who was an active member of the Jewish underground during the Holocaust who worked bravely alongside Mr. Wallenberg to save Jewish lives.

As we move to award Raoul Wallenberg with this Congressional Medal of Honor upon the centennial of his birth, we pay tribute to an extraordinary man whose life should serve as a shining example of leadership and courage for all future generations to come.

Mr. President, I wish also to address the second issue of something we have been debating on the floor all morning, and that is the issue of jobs and what this Congress is doing to help our small businesses grow.

I rise in support of the Landrieu-Snow amendment and the underlying bill. These two proposals will address what every American expects us to take on; that is, coming together to create jobs, help our economy grow, and focus squarely on creating opportunities for our middle class to thrive. All across my home State of New York, too many middle-class families are continuing to struggle in this very tough economy.

Of course, the government doesn't create any jobs. Businesses create jobs and ideas, and people create jobs, especially small businesses. Small businesses have been responsible for at least 60 percent of all new jobs that have been created, and small businesses can give us the spark we actually need to create a growing economy and a thriving middle class.

I have spent months going all across New York State having roundtables

with businesses, and I have particularly hosted roundtables focused on women-owned businesses. I have been to restaurants, I have been to bookstores, I have been to recyclers, I have been to incubators, I have been to home stores, all businesses created by women all across New York State.

Women-owned businesses are among the fastest growing sector within the small business economy. More than 10 million businesses are owned by women, employing more than 13 million people and generating nearly \$2 trillion worth of sales in 2008 alone. Even though women-owned businesses start their businesses with about eight times less capital than their male counterparts, in the decade from 1997 to 2007, women-owned businesses added roughly ½ million jobs to our economy. That is the kind of growth we need right now. That is the kind of spark that could actually make a difference. And we could do our part right here in Congress this week. It is time to end all the political posturing. It is time to come together around commonsense core ideas, such as giving these businesses the tax breaks they need to grow.

We shouldn't wait another day to eliminate capital gains on investments in these small businesses. We should extend the tax breaks for businesses that allow them to invest in new property, plants, or equipment and take those deductions upfront. We should give them incentives to hire those new employees. It is our responsibility as lawmakers to do this kind of work together, in a bipartisan way, one that can set aside the political gamesmanship.

I know, just as women-owned small businesses are ready to lead us to lasting economic strength and growing economy, the women of the Senate are there to support them. Democrats and Republican women have come together around this bill in a bipartisan way to urge our colleagues to support it.

These tax provisions provide relief to the self-employed, to small businesses in their capital investments, and encourage new investment. They work hand in hand with other tax credits that encourage new hires and wage increases. The combination of these things will harness their full potential for our American businesses to grow.

We know these proposals are effective. They helped boost private sector job creation over the past 2 years. But we all know there is so much more we have to do, and we can start by renewing these commonsense steps to unlock the power of our small businesses.

These aren't Democratic ideas; they are not Republican ideas; they are just good ideas. They are good, commonsense ideas that can make a difference. We should be able to come together to do this for the American people to create a growing economy again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, yesterday the Senate voted by a wide margin to proceed to Leader REID's Small Business Jobs and Tax Relief Act.

Everyone in this Chamber claims to support both small businesses and tax relief, and Republicans know the best way to do that is to stop the \$4.5 trillion tax hike that looms over the economy, and it is crippling job creators.

Fortunately, there is an easy way to solve the problem: Vote on and pass amendment No. 2491, introduced by Senators HATCH and MCCONNELL and cosponsored by myself and several colleagues.

The amendment is simple. It prevents the looming expiration of the 2001 and 2003 tax relief for 1 year, and lays out specific conditions for progrowth tax reform in the coming months. It is similar to the approach the House will take later this month.

In other words, the Hatch-McConnell amendment stops income tax rates from rising. It stops capital gains and dividends rates from rising. It stops the job-killing death tax from rising and the related exemption from falling. And it prevents the alternative minimum tax from engulfing millions more middle-income Americans.

It is an amendment that would protect our economy more than any debt-financed stimulus bill or other kind of short-term tax credit that the Obama administration could dream up. It is an amendment that, given the history of bipartisan support for tax relief in this Chamber, should pass the Chamber today.

To be clear, stopping these tax hikes for 1 year is not a perfect solution. My preference is to continue the current rates as we move toward comprehensive tax reform for both individuals and corporations. But let's be clear about what the other options are.

First, we could let the top two marginal tax brackets increase from 33 and 35 percent to 36 and 39.6 percent respectively. That is what President Obama and Leader REID wish to do.

That strategy means that almost 1 million business owners will be hit with a massive tax increase on New Year's Day. And that is according to the nonpartisan Joint Committee on Taxation. That strategy means 53 percent of business income will be subjected to a tax hike in order to fund the historic levels of spending from the current administration. The strategy guarantees more jobs will be lost, that unemployment will stay high, and that economic growth will remain sub par.

Let me repeat that. Over half—53 percent—of all business income would be subjected to this tax increase.

If we do nothing, the current code expires and Americans will see over \$4.5

trillion taken from the private sector over the next decade. This will help push us into a recession next year, according to the Congressional Budget Office. For any Member of this Chamber who cares about job creation and economic recovery, these two options should be unacceptable. They certainly were for President Obama in 2010. Less than 2 years ago, when President Obama signed legislation into law preventing taxes from going up on any American, he noted that tax hikes, and I am quoting here, "would have been a blow to our economy just as we are climbing out of a devastating recession."

Evidently, 40 Senate Democrats agreed with the President since they too voted to stop taxes from increasing in 2010. What is the difference now? Our economy is in worse shape, growing now at less than 2 percent. At that time it was 3 percent. So there is even more reason not to raise taxes now than there was in 2010 when the President thought it was a bad idea.

I want to echo the sentiments of Senator MCCONNELL this morning. Even though the President's plan is bad for the economy, we should vote on it and we should vote on the Hatch amendment today. Let's show the American people where we stand. A unanimous consent agreement to do just that was blocked this morning by the majority leader even though President Obama said the following 2 days ago:

So my message to Congress is this: Pass a bill. I will sign it tomorrow. Pass it next week; I'll sign it next week. Pass it next—well, you get the idea.

We should follow President Obama's suggestion. We should vote on these proposals. Let's vote on his proposal. Let's vote on Senator HATCH's proposal. Senator HATCH's proposal will stop taxes from going up on any American. The other one will burden nearly 1 million business owners with job-killing higher taxes. I think Americans deserve to know where their elected officials stand on these critical issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

The Senator from Virginia.

Mr. WEBB. Mr. President, I ask to speak on an amendment I have sent to the desk.

The PRESIDING OFFICER. Amendments are not in order at this time, but it can be submitted.

Mr. WEBB. Mr. President, I ask to speak on the bill I send to the desk.

The PRESIDING OFFICER. The measure will be appropriately referred.

Mr. WEBB. Thank you, Mr. President. I thank the Parliamentarian for that clarification.

(The remarks of Mr. WEBB pertaining to the introduction of S. 3372 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEAHY. 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.

Mr. LEAHY. Mr. President, what is the current parliamentary situation?

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to S. 2237.

Mr. LEAHY. I thank the distinguished Presiding Officer, the Senator from New Mexico.

#### VERMONT NATIONAL GUARD

Mr. President, let me begin by noting that this morning, while watching "The Today Show," I saw a piece about the Vermont National Guard. We have called them the Green Mountain Boys from the time of Ethan Allen. It was fascinating to watch Savannah Guthrie, who is one of the anchors of the morning program "The Today Show." Her brother is a colonel with the Vermont National Guard who flies F-16s. She got to ride on the plane with her brother, which I thought was remarkable. I had the opportunity to fly with them before. For those of us who are usually confined to flying on airlines, this is a little bit different, both in takeoff, visibility, and maneuvers. I have never been on a commercial airplane where I was pulled anywhere from 5 to 9 Gs, as that flight was.

I was glad to see not only Colonel Guthrie recognized, but also all the men and women of the Vermont National Guard. This is a group who, in the hours after 9/11—the tragedies of 9/11—immediately took to the air and guarded the skies over New York City.

I recall when our adjutant general called me to tell me that the Green Mountain Boys were protecting New York City around the clock.

I asked her: Where are you basing them from?

She said: Vermont.

I said: Well, how long does it take you to get to New York City?

She told me: With the after burners, a matter of minutes.

I have never been quite able to make that flight on a commuter plane from Burlington, VT, to New York City. But they can be refueled in midair.

Everybody, whether on vacation or not, showed up at the Vermont National Guard—our mechanics, flight administrators, and pilots, of course. They kept those planes going around the clock for weeks. They did not miss a single day of their mission, or a single minute of their mission—even with all the calibration of weapons and radar and everything else. It was a remarkable scene.

I am glad to see them recognized this morning, and as a Vermonter, I am extraordinarily proud of our Vermont National Guard, both our Army Guard and our Air Guard. They do all the people of our State proud.

Mr. President, I wish to speak on another matter, and I ask as in morning business.

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

Mr. LEAHY. Mr. President, small businesses and working families throughout Vermont and around the country are facing incredibly challenging times. These problems are especially acute in my State, where we rely so heavily on small businesses to create jobs for our citizens and to make Vermont the desirable place to live and to visit that it is.

The Federal Government has rightly recognized the important role small businesses play in our economy. From SBA loans, to USDA Rural Development grants, to small business set-asides on government contracts, a variety of targeted Federal programs join with small businesses to help them grow and prosper.

This Congress has enacted several job-creating steps. Just last year, I was able to lead the effort here in the Senate to enact a major overhaul of our Nation's outdated patent laws. The Leahy-Smith America Invents Act is going to create jobs, but also, and very importantly, it is going to help unleash more American innovation, and it does not add a penny to our deficit. In fact, last year Vermont was awarded more patents per capita than any State in the Union. Of course, those patents mean more jobs for Vermonters.

And 2 weeks ago we made further progress by passing a transportation funding bill that will make vital investments in our Nation's roads, bridges, and transit systems, and a student loan bill that will lower the costs of college borrowing for thousands of students and their families.

I might say, these student loans are extremely important. I remember the one I had when I was in law school—a 10-year loan. Two things happened the year of that last payment, that 10th payment on my student loan from law school: first, the satisfaction my wife, Marcelle, and I had in paying off the loan, and second, it was that same year I was sworn into the U.S. Senate. I wonder if I would have been here had we not had the money to pay for school.

But I think we can and must do more to help our struggling small businesses and working families.

That is why I strongly support the bill before us today that will provide small businesses with tax incentives to begin hiring again. The bill is a multipronged strategy for spurring job creation. First, it would create a tax credit for businesses to hire new workers or increase wages for their current

workers. In other words, instead of saying that we just give a tax break to extraordinarily wealthy people and somehow jobs will be created, we say: Let's see the jobs. Show me the jobs. Show me the jobs. If you have a tax credit for businesses that hire new workers or increase wages for their current workers, then that is a good use of our Tax Code. Second, it would allow businesses to immediately write off all of the major purchases they make this year. That is a tangible incentive for new investments and new hires, right away.

I do not support this bill just because the President supports it, or the Democratic leader supports it, or most of the Members of my side of the aisle support it. They all do stand behind this effort, and I am grateful for that. I support this bill because I have heard from small business owners in Vermont, Democratic and Republican alike, who tell me they would make capital improvements and put people to work immediately if this bill were signed into law. And I suspect the same would be true in virtually every other State in this country.

On the shores of Lake Champlain, in the northern border town of Highgate, VT, sits one of America's most genuine and beautiful family resorts: the Tyler Place Family Resort. Year after year, families flock to the resort to spend time with their families, swimming and boating and enjoying a summer campfire. It is the kind of place that draws the same families year after year, where multigenerational families take time to enjoy each other's company as well as the great food and the magnificent views. It is easy to forget, especially when you are sitting there watching the sunset over the beautiful, great big Lake Champlain, that it is one of the millions of small businesses that keep America's economy moving forward and Americans at work.

Last year I heard from the owners of the resort, including Pixley Tyler Hill, a dogged advocate for Vermont, for Vermont's tourism industry, and for Lake Champlain, about their interest in seeing an extension of the bonus depreciation provision that expired in December.

Her brother Ted Tyler summed it up by saying:

These changes in the tax law make all the difference in the world in decisions whether to spend money, and thereby stimulate the economy and increase employment in the process. For example, consider a resort deciding whether to add tennis courts, put in a new sewer system, upgrade roads or do major landscaping work—say, at an anticipated cost of \$300,000. Absent bonus depreciation the company will have paid \$300,000 but it can only deduct \$20,000 that year as an expense for tax purposes. True enough that over the next 14 years, the business can continue to write off \$20,000. But how many small businesses can afford to wait that long to recoup the \$280,000 they no longer have?

Pixley and Ted had me sold the minute they explained that this tax incentive was the difference between making new investments and hiring

someone, and sitting on their hands waiting for things to change. Extending this provision alone is reason enough to pass the bill.

This bill is full of a million other reasons why we should be working with all the determination we can muster and promptly pass it. Pass it now when the economy needs it. It is a good, solid reason for each of the jobs it would create for working families and businesses all over America.

I urge all Senators to work without delay on this important legislation. Businesses in each of our 50 States are waiting for us to lend another helping hand to the economic recovery act.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. President, it has been nearly 3 months since the Senate passed the bipartisan Leahy-Crapo Violence Against Women Reauthorization Act—3 months. We are no closer to enacting this bill into law than we were in April when 68 Senators, Republican and Democratic Senators alike, voted for this critical legislation to protect women from domestic and sexual abuse.

I am concerned that politics threatens to get in the way of passing this critical legislation this year. Protecting every victim of domestic and sexual violence should be above politics. Members of Congress in both Chambers, set aside the political rhetoric. Act swiftly to reauthorize this landmark legislation and save countless lives.

Time is running out. There are only a few weeks left in this session before election-year politics take over and Congress comes to a standstill. There are critical improvements in the Leahy-Crapo reauthorization bill that will not take effect unless Congress acts. We cannot simply say: Well, if we do not enact it, maybe we can do it next year or the year after. There are a lot of major programs that can only be enacted in this bill, not in appropriations, not any other way.

Sexual assault programs will not receive the added support they need unless we pass our bill into law. The legislation's emphasis on increasing housing protection for victims and preventing homicides connected to domestic and sexual violence will not have an opportunity to help vulnerable victims across the country. Important improvements in campus safety and prevention programs for teens will not occur. Immigrant victims, Native women, and LGBT victims will continue to remain without the services and protection they need and deserve.

The legislation is too important to wait. I hear from victims and the professionals who work on their behalf. They say they need the improvements made by the Leahy-Crapo bill and they need them today.

The legislation is particularly important during difficult economic times because the economic pressures facing many Americans can pose additional

hurdles in leaving abusive relationships. Active community networks are needed to provide support to victims in these circumstances, yet budget cuts result in fewer available services, such as emergency shelters, transitional housing, and counseling.

Late last month, I had the opportunity to speak at the VAWA National Days of Action rally, where survivors and professionals in the field—those who have dedicated their lives to helping victims all over the country—gathered together to send Congress a message. They told me they are very frustrated by the lack of progress in passing VAWA, and rightfully so, because they and the victims they serve are the ones who are affected by Congress's inaction. They were so inspired when this body came together and 68 of us voted to pass it. Now they ask when are we going to finish.

Their message to Congress was loud and clear: Do your job. Pass VAWA now. Supporting the work of these tireless advocates, and the victims they help, should be our priority.

Victims should not be forced to wait any longer. They will not benefit from the improvements we made in the Senate bill unless both Houses of Congress vote to pass this legislation. The problems facing victims of domestic and sexual violence are too serious for Congress to delay. Domestic and sexual violence knows no political party. Its victims are Republican and Democratic, rich and poor, young and old. As I said so many times, a victim is a victim is a victim. Helping these victims, all of these victims, should be our goal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, we were here two winters ago, in February, when Washington was hit by a snowstorm that achieved the nickname Snowmageddon. The city and, in fact, much of the mid-Atlantic was buried under feet of snow. It was the biggest snowstorm in 90 years for this area. People in Washington were struggling to get to work and school, and people went without power for days.

This being Washington, some of our colleagues in the Senate seized on that opportunity to mock climate change and to suggest these winter snowstorms were inconsistent with the projections of what would happen from global warming and climate change. As an initial matter, that is a false comparison from the very get-go all by

itself. Climate science models have predicted consistently that as polar ice caps and glaciers melt and more water enters the system, we can expect heavier precipitation events. One of the ways it has been described is that if you have a pot on the stove and you have the heat under it and it is simmering, when you turn up the heat, you get more activity in the pot. You add energy to a dynamic system like a pot of boiling water, and it creates more energy in the dynamic environment.

In the same way, the extra energy coming in because of climate change, our carbon pollution in the atmosphere, is energizing our atmosphere and our weather, and we are getting weather extremes as a result.

There was an article in *Science Daily*, headlined "Arctic Ice Melt Is Setting Stage for Severe Winters." It says this:

The dramatic melt-off of Arctic sea ice due to climate change is hitting closer to home than millions of Americans might think.

That's because melting Arctic sea ice can trigger a domino effect leading to increased odds of severe winter weather outbreaks in the Northern Hemisphere's middle latitudes—think the "Snowmageddon" storm that hamstrung Washington, DC, during February 2010.

I ask unanimous consent that this article be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. WHITEHOUSE. That shows the original challenge to climate change theory, based on the incident of Snowmageddon, was like so much that is said to challenge climate change—phony, outright wrong, a misunderstanding of how it works, and misrepresenting what it shows.

Scientists have recently published an article in *Oceanography* that demonstrates that link between climate change and severe winter weather in the northern Hemisphere's middle latitudes. I think that can be debunked as a phony claim against the facts of climate change that are surrounding us. Look around at what is happening now. We are seeing extreme weather on the other side.

Last week, Eugene Robinson wrote a Washington Post column that was entitled "Feeling the Heat." He wrote:

Still don't believe in climate change? Then you're either deep in denial or delirious from the heat.

He points out that the evidence is mounting in irresistible and ultimately irrefutable ways. To quote from his article:

The National Oceanic and Atmospheric Administration says the past winter was the fourth-warmest on record in the United States. To top that, Spring—which meteorologists define as the months of March, April and May—was the warmest since recordkeeping began in 1895.

Again, this spring—March, April, and May—was the warmest since recordkeeping began in 1895.

He continues:

If you don't believe me or the scientists, ask a farmer whose planting seasons have gone awry.

The Bloomberg news recently wrote a story entitled "U.S. Corn Growers Farming in Hell as Midwest Heat Spreads." The story reported that corn crops are in the worst condition since 1988 and that 53 percent of the Midwest is experiencing moderate to extreme drought conditions.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the Bloomberg article I have just referenced.

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

(See exhibit 2.)

Mr. WHITEHOUSE. It is not just the agricultural sector that is getting clobbered by the drought and the heat. As the Presiding Officer, Senator UDALL of New Mexico, knows all too well, and to quote from a New York Times story:

Explosive wildfires have burned across much of the west in recent weeks. In southwestern New Mexico, the largest wildfire in state history has burned nearly 300,000 acres.

Of course, New Mexico is the Presiding Officer's home State, but the article also describes other fires on the loose in Colorado and Utah.

The High Park Fire, which has been burning for weeks near Fort Collins and is one of the largest and most destructive blazes in the state's history . . .

The article also mentions that Colorado had more than half a dozen fires burning and said conditions have not been this bad in a decade.

So we are seeing exactly the kind of extreme weather conditions the climate scientists, whom the deniers have always mocked and made fun of, actually predicted. They predicted this would happen, and it is, in fact, happening.

It is clear we can't take a particular storm and say this storm, this fire, this drought was the product of climate change. The example people use to describe what is going on is that it is akin to loading dice. The more someone loads the dice, the more the numbers they have loaded the dice to show up will show up. So we will get more weather events. Even if we don't load the dice, we are sometimes going to get double sixes. We can't show every double six is because the dice were loaded, but when we see more and more double sixes showing up—more than history would suggest or more than the odds would suggest—then something is going on. That is what we have done by loading our atmosphere with carbon pollution. We have loaded the dice for these extreme weather events, and now we are reaping that bitter harvest from the pollution we have thrown up there.

Unfortunately, the bitter harvest in this city is that we continue to listen to propaganda and nonsense from the polluters designed specifically to create enough doubt to prevent us from taking action about something that is creating these immense consequences for foresters and firefighters in the West, for corn farmers in the Midwest, and for anybody who has to experience extraordinary weather events like

"snowmageddon," so-called, here in Washington. These things are beginning to have an effect as real life begins to model what the climate scientists predicted.

NOAA's Chief Jane Lubchenco spoke before an audience in Australia, which is experiencing very similar conditions, and said these extreme weather events are convincing many Americans that climate change is a reality. We are seeing that more and more.

Yale, George Mason University, and the Knowledge Networks did some polling on this subject, and 69 percent of the respondents said they agreed that "global warming is affecting the weather in the United States" versus 30 percent who said they disagreed. So better than 2 to 1 the American people are ready for us to do something about this. They know there is a connection and they expect us to take responsible action.

Gallup polls are reflecting a rebound in the public's concern about climate change from 51 percent in 2011 up to 55 percent in March of this year. Before the recession, it was all the way up to 66 percent, until the economic issues pushed it aside.

The contention the polluting industries and their mouthpieces here in Washington make—that the jury is still out on climate change caused by carbon pollution—is simply false. The jury is not still out. The verdict is in, the verdict is clear, and we should start doing something about it.

When I come to the Senate floor to give these talks, I often quote a letter from back in October 2009 that was signed by virtually every major scientific organization in the country—the American Chemical Society, the American Geophysical Union, the American Meteorological Society, the American Society of Agronomy, the Botanical Society of America, the Soil Science Society of American, the American Statistical Association, and I could go on and on. The point is not to name all the multiple responsible and respected scientific organizations that signed the letter but to read what it was they said. If we think about it, as I read it, think about how cautious scientists ordinarily are in the language they use. Here is what they said:

Observations throughout the world make it clear—

Clear—

that climate change is occurring, and rigorous scientific research demonstrates—

Not suggests, demonstrates—

that the greenhouse gases emitted by human activities are—

Not maybe, are—

the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That is a very "sciencey" way of saying something that is pretty harsh, which is that all these contrary assertions about climate change simply cannot be reconciled with an objective assessment of the facts, of the vast body



of peer-reviewed research. If it can't be reconciled with an objective assessment, what kind of assessment is it getting? What it is getting, I submit, is a phony assessment, a political, propaganda-driven assessment, and an assessment with the purpose of creating enough doubt to slow down political action, to preserve the status quo, and to allow pollution to continue to pour out of these smokestacks.

I speak very specifically about smokestacks because Rhode Island is a downwind State, and so much of the coal pollution that gets piped up into the atmosphere through Midwestern smoke stacks ends up landing in my State. It lands in the form of ozone, in particular. There are days in a Rhode Island summer that look clear, look beautiful, and someone can be driving by sparkling Narragansett Bay in the morning on their way to work when off goes the radio and the radio jock, in giving the news announcements of the day, says: Today is a bad air day in Rhode Island. Infants should stay indoors. The elderly should stay indoors. People with breathing difficulties should stay indoors.

This is an otherwise beautiful day. Yet children, seniors, and people with breathing difficulties should stay indoors? Yes, because corporations, pumping carbon pollution and other forms of pollution out of their Midwestern smokestacks, will not clean up their act. So they get to hold Rhode Islanders, on a clear summer day, captive indoors because they will not clean it up? That is wrong. It is just plain wrong.

I am going to continue to come to the floor on a regular basis to keep pointing this out. For some reason, this has become the issue in Washington that dare not be mentioned. Enough of that. It is time we started to mention it. It is time we started to force this issue, and it is time we started to do something about it because any other form of activity faced with these facts would be wildly irresponsible.

Let me give the example I have used before. You are a parent. You have responsibility for the welfare and well-being of your child. Your child is showing symptoms. You don't know quite what is wrong, but you take her to the doctor and the doctor says: Something is wrong here. She needs treatment. Treatment is not going to be easy, it will not be cheap, but she needs it. You think: OK. That is bad news. I tell you what, I am going to be a responsible parent and I am going to go get a second opinion. So you go and get a second opinion and that doctor says the exact same thing: Your daughter is sick. She needs treatment. So you ask a couple more doctors who are friends. You get a third and fourth opinion.

Let's say you are the most determined parent in the world and you go out and you get 99 second opinions. You contact 100 doctors about your daughter's condition, and 97 of them, 97

of those doctors say your daughter is sick and she needs to be taken care of and she needs this treatment. At that point you say: There is still doubt. There are these three other doctors who aren't so sure about this, so I am not going to do it. That is not something a responsible parent would do. I suspect in some circumstances that would be so irresponsible that it might land you in the child and family services office of your local government.

That is exactly what we are being asked to do about climate change—to ignore the 97 percent of peer-reviewed climate scientists who understand this is real, this is man-made, and the consequences are going to be ferocious for us because there is a 3-percent doubt. It gets even worse because so many of the scientists involved in the 3 percent are scientists for hire who have economic ties to the polluting industries. Some of them even go back to previous fights, such as those over whether cigarette smoking is good for you or whether lead paint is safe for children. These are scientists who have made a career of manufacturing doubt on behalf of the cigarette and tobacco industry, on behalf of the lead paint industry, and now on behalf of the big carbon polluters. In a nutshell, they are phonies, and we are being asked to believe them.

I see the Senator from Florida is here, and I think my time at this point has probably expired. I appreciate the time to come before this body and share these views again. I will close by pointing out if there is one place we truly need to worry about climate change and about the effects of our carbon pollution, it is not just in our atmosphere, it is not just in the climate or in the weather, it is in the oceans. The oceans are undergoing historic changes as a result of the amount of carbon in our atmosphere. We are acidifying our oceans at a rate that is unprecedented. We are now out of a bandwidth that has lasted for 8,000 centuries—8,000 centuries. Our entire species has developed within a safe bandwidth of atmospheric carbon and of ocean acidity that we have now, for the first time, stepped out of and a long way out of. If we do not take this issue on in a responsible way, we are going to bear an even more bitter harvest.

#### EXHIBIT 1

[From the ScienceDaily, June 6, 2012]

#### ARCTIC ICE MELT IS SETTING STAGE FOR SEVERE WINTERS

(By Anne Ju)

The dramatic melt-off of Arctic sea ice due to climate change is hitting closer to home than millions of Americans might think.

That's because melting Arctic sea ice can trigger a domino effect leading to increased odds of severe winter weather outbreaks in the Northern Hemisphere's middle latitudes—think the "Snowmageddon" storm that hamstrung Washington, D.C., during February 2010.

Cornell's Charles H. Greene, professor of earth and atmospheric sciences, and Bruce C. Monger, senior research associate in the same department, detail this phenomenon in

a paper published in the June issue of the journal *Oceanography*.

"Everyone thinks of Arctic climate change as this remote phenomenon that has little effect on our everyday lives," Greene said. "But what goes on in the Arctic remotely forces our weather patterns here."

A warmer Earth increases the melting of sea ice during summer, exposing darker ocean water to incoming sunlight. This causes increased absorption of solar radiation and excess summertime heating of the ocean—further accelerating the ice melt. The excess heat is released to the atmosphere, especially during the autumn, decreasing the temperature and atmospheric pressure gradients between the Arctic and middle latitudes.

A diminished latitudinal pressure gradient is associated with a weakening of the winds associated with the polar vortex and jet stream. Since the polar vortex normally retains the cold Arctic air masses up above the Arctic Circle, its weakening allows the cold air to invade lower latitudes.

The recent observations present a new twist to the Arctic Oscillation—a natural pattern of climate variability in the Northern Hemisphere. Before humans began warming the planet, the Arctic's climate system naturally oscillated between conditions favorable and those unfavorable for invasions of cold Arctic air.

"What's happening now is that we are changing the climate system, especially in the Arctic, and that's increasing the odds for the negative AO conditions that favor cold air invasions and severe winter weather outbreaks," Greene said. "It's something to think about given our recent history."

This past winter, an extended cold snap descended on central and Eastern Europe in mid-January, with temperatures approaching minus 22 degrees Fahrenheit and snowdrifts reaching rooftops. And there were the record snowstorms fresh in the memories of residents from several eastern U.S. cities, such as Washington, New York and Philadelphia, as well as many other parts of the Eastern Seaboard during the previous two years.

Greene and Monger did note that their paper is being published just after one of the warmest winters in the eastern U.S. on record.

"It's a great demonstration of the complexities of our climate system and how they influence our regional weather patterns," Greene said.

In any particular region, many factors can have an influence, including the El Nino/La Nina cycle. This winter, La Nina in the Pacific shifted undulations in the jet stream so that while many parts of the Northern Hemisphere were hit by the severe winter weather patterns expected during a bout of negative AO conditions, much of the eastern United States basked in the warm tropical air that swung north with the jet stream.

"It turns out that while the eastern U.S. missed out on the cold and snow this winter, and experienced record-breaking warmth during March, many other parts of the Northern Hemisphere were not so fortunate," Greene said.

Europe and Alaska experienced record-breaking winter storms, and the global average temperature during March 2012 was cooler than any other March since 1999.

"A lot of times people say, 'Wait a second, which is it going to be—more snow or more warming?' Well, it depends on a lot of factors, and I guess this was a really good winter demonstrating that," Greene said. "What we can expect, however, is the Arctic wildcard stacking the deck in favor of more severe winter outbreaks in the future."

## EXHIBIT 2

[From Bloomberg, July 9, 2012]

U.S. CORN GROWERS FARMING IN HELL AS  
MIDWEST HEAT SPREADS

(By Jeff Wilson)

The worst U.S. drought since Ronald Reagan was president is withering the world's largest corn crop, and the speed of the damage may spur the government to make a record cut in its July estimate for domestic inventories.

Tumbling yields will combine with the greatest-ever global demand to leave U.S. stockpiles on Sept. 1, 2013, at 1.216 billion bushels (30.89 million metric tons), according to the average of 31 analyst estimates compiled by Bloomberg. That's 35 percent below the U.S. Department of Agriculture's June 12 forecast, implying the biggest reduction since at least 1973. The USDA updates its harvest and inventory estimates July 11.

Crops on July 1 were in the worst condition since 1988, and a Midwest heat wave last week set or tied 1,067 temperature records, government data show. Prices surged 37 percent in three weeks, and Rabobank International said June 28 that corn may rise 9.9 percent more by December to near a record \$8 a bushel. The gain is threatening to boost food costs the United Nations says fell 15 percent from a record in February 2011 and feed prices for meat producers including Smithfield Foods Inc. (SFD)

"The drought is much worse than last year and approaching the 1988 disaster," said John Cory, the chief executive officer of Rochester, Indiana-based grain processor Prairie Mills Products LLC. "There are crops that won't make it. The dairy and livestock industries are going to get hit very hard. People are just beginning to realize the depth of the problem."

## TOP COMMODITIES

Corn rallied 18 percent in the month through July 6 on the Chicago Board of Trade to \$6.93, trailing only wheat among 24 commodities tracked by the Standard & Poor's GSCI Spot Index, which rose 2 percent. The MSCI All-Country World Index of equities advanced 4 percent, and the dollar gained 1.3 percent against a basket of six currencies in the period. Treasuries returned 0.5 percent, a Bank of America Corp. index shows. Corn for December delivery in Chicago extended the rally today, jumping 5.3 percent to settle at \$7.30.

About 53 percent of the Midwest, where farmers harvested 60 percent of last year's U.S. crop, had moderate to extreme drought conditions as of July 3, the highest since the government-funded U.S. Drought Monitor in Lincoln, Nebraska, began tracking the data in 2000. In the seven days ended July 6, temperatures in the region averaged as much as 15 degrees Fahrenheit above normal. Soil moisture in Illinois, Indiana, Ohio, Missouri and Kentucky is so low that it ranks in the 10th percentile among all other years since 1895.

Fields are parched just as corn plants began to pollinate, a critical period for determining kernel development and final yields. About 48 percent of the crop in the U.S., the world's largest grower and exporter, was in good or excellent condition as of July 1, the lowest for that date since 1988 and down from 77 percent on May 18, government data show.

## YIELD LOSSES

The USDA may cut its production forecast by 8.5 percent, the biggest July reduction since a drought in 1988 led the government to cut its estimate by 29 percent, a separate Bloomberg survey of 14 analysts showed. Farmers probably will collect 13.534 billion bushels, compared with the USDA's June

forecast for a record 14.79 billion, based on the average of estimates in the survey.

Goldman Sachs Group Inc. said July 2 that yields will reach 153.5 bushels an acre, below the USDA estimate for an all-time high of 166.

"Corn yields were falling five bushels a day during the past week" in the driest parts of the Midwest, said Fred Below, a plant biologist at the University of Illinois in Urbana. "You couldn't choreograph worse weather conditions for pollination. It's like farming in hell."

## RECORD CROP

Even with the drought, U.S. production in 2012 is expected to rise 9.5 percent from last year to a record after farmers sowed the most acres since 1937, the survey showed. Higher output would help boost inventories before next year's harvest, up from what analysts said will be a 16-year low on Sept. 1 of 837 million bushels.

Futures fell 2.2 percent on July 6, the most in two weeks, after the USDA reported a 90 percent drop in export sales in the week ended June 28. U.S. refiners curbed output of corn-based ethanol last week to the lowest since September as gasoline demand weakened, government data show.

Corn's rally also may stall if Europe's widening debt crisis and a faltering global economy erode record demand for the grain. The International Monetary Fund will reduce its estimate for growth this year because of weakness in investment, employment and manufacturing in Europe, the U.S., Brazil, India and China, Managing Director Christine Lagarde said July 6.

"The shrinking global economy is the elephant in the room that no one wants to discuss as long as U.S. crops are under siege," said Dale Dorcholz, the senior market analyst for Bloomington, Illinois-based AgriVisor LLC. "Corn demand at \$5 is much more robust than when it costs \$7."

## CHANGING EXPECTATIONS

Corn tumbled into a bear market in September and kept dropping as farmers planted more crops. Robert Manly, the chief financial officer at Smithfield Foods, the largest U.S. pork producer, told analysts on a June 14 conference call that hog-raising costs would "begin to decline starting in the fall." Corn has surged 41 percent since then, reaching a nine-month high today.

U.S. corn production may drop to 11 billion bushels, the smallest crop in seven years, because the hot, dry weather killed the pollen and rains now may be too late to reverse the damage, according to Cory, the Indiana mill owner and a former investment banker. Prices may reach \$9 before demand slows, he said.

World corn use rose to a record every year since 1997 as the expanding economy boosted incomes and the consumption of meat and dairy products from animals raised on the grain. The USDA projected last month a 6.4 percent increase in global demand to 923.39 million tons in the year that starts Sept. 1, the biggest gain in six years. More U.S. output went to ethanol production than livestock feed in 2011 for the first time ever.

## VULNERABLE PERIOD

While the U.S. harvest is about two months away, the drought reached plants at the most vulnerable period in their growing cycle, said Nick Higgins, a London-based analyst at Rabobank, predicting a 13.488 billion-bushel harvest.

Based on current soil moisture and June temperatures, the drought is probably the worst since 1988, said Joel Widenor, a vice president at the Commodity Weather Group in Bethesda, Maryland. The private forecaster said July 5 that corn output this year

will be 13.52 billion bushels, and that hot, dry weather in the next two weeks may reduce yields further.

The drought may spark a rebound in global food prices this month through October, halting a slide that sent costs in June to the lowest level in 21 months, Abdolreza Abbassian, an economist in Rome at the United Nations' Food & Agriculture Organization, said July 5.

## BASE INGREDIENT

"Corn is key because of its widespread use as a base ingredient in so many foods and for its use in feed for livestock," said Stanley Crouch, who helps oversee \$2 billion of assets as chief investment officer at New York-based Aegis Capital Corp. "We are at the tipping point."

In May, retail prices of boneless hams, ground beef and cheese in the U.S. were close to all-time highs set earlier this year, while chicken breast jumped more than 12 percent during the first five months of the year, government data show.

"When people look at rising prices for hamburger, butter, eggs and other protein sources from higher corn costs, that's when more money ends up in the food basket," said Minneapolis-based Michael Swanson, a senior agricultural economist at Wells Fargo & Co., the biggest U.S. farm lender. "We were hoping for a break, and we aren't going to get it."

Mr. WHITEHOUSE. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from South Dakota.

Mr. THUNE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in postcloture time.

## HEALTH CARE

Mr. THUNE. Mr. President, when Congress began debating health care in 2009, the goal was to lower the cost of care and give Americans the care they need from a doctor they choose.

Americans were promised that if they liked the insurance they had and the doctor they had, they would be able to keep the plan and to continue to see the doctor they liked. Americans were promised that the negotiations would be transparent and televised on C-SPAN. Americans were promised the bill wouldn't add a dime to the deficit, and that it would lower the cost of care. Americans were promised their premiums would go down by \$2,500. Americans were promised this President would not raise taxes on families with incomes below \$250,000.

Instead, Congress passed a massive governmental takeover of the health care industry. In the last 2 years, we have seen that Americans can't keep the insurance they had, continue to see the doctor they like, and are paying more for health care now than they would have if this administration had not pushed through the massive 2,700-page bill. The law adds billions to the deficit. And at the end of the day, Americans will find they are left holding a bag full of empty, broken promises.

Today I want to focus on the broken promises of taxes. The President pledged not to raise taxes on individuals making less than \$200,000 and families making less than \$250,000 per year.

Yet the new individual mandate tax—which the Supreme Court affirmed as a tax increase—will raise \$54 billion in new taxes, largely on middle-income Americans between 2015 and 2022.

In fact, according to the Congressional Budget Office, 77 percent of those projected to pay the tax in 2016 will be those earning less than \$120,000 per year. Americans earning less than \$120,000 clearly meet the President's definition as middle income.

The Congressional Budget Office projections confirm that at least three out of every four Americans subjected to the new individual mandate tax will be the same middle-income taxpayers President Obama promised would not see their taxes raised by one dime.

In fact, when asked by George Stephanopoulos of "ABC News" in September of 2009 if the President rejected the notion that the individual mandate was a tax, the President stated, "I absolutely reject that notion." The President wasn't equivocal and he didn't leave any room for interpretation.

So let's be clear. This President and the Democratic leaders here in Congress sold ObamaCare as if it did not contain significant new tax increases on the middle class. Yet what they now know what they were selling was an incredible bait and switch. They were in fact enacting \$54 billion in new individual mandate taxes primarily on the middle class by calling it something else.

I would note that this tax increase is larger than the "Buffett rule" tax increase the President has spent much of the year promoting.

The Supreme Court ruled that the individual mandate is not constitutional under either the Commerce Clause or the Necessary and Proper Clause of the Constitution. So there are only two options: Either the individual mandate is a tax—and it happens to be a tax that falls hardest on the middle class—or it is unconstitutional.

It is estimated that average tax on an American subject to this new tax increase will be about \$1,100 per year. And after paying this tax, these Americans still won't have health insurance.

We should not forget that the national health insurance tax is not the only tax increase in ObamaCare affecting individuals. Starting next year, individuals will be able to save less money, taxfree, in Flexible Spending Accounts to pay for their own healthcare expenses. Currently, there is no statutory limit on FSA contributions, though many FSAs set their own limits. Starting next year, ObamaCare will cap the amount Americans can save in a Flexible Savings Account at only \$2,500 per year, and ObamaCare will limit tax deductions for those with the largest health care needs by reducing the medical expense deduction from expenses above 7.5 percent of adjusted gross income to expenses above 10 percent of adjusted gross income. So at the very time ObamaCare is driving up health care costs, it is also making

it more difficult for American families to pay for their own healthcare needs.

These tax increases don't even take into account the new 3.8-percent tax increase on investment income or the almost 1-percent Medicare surtax that will be imposed on higher income Americans starting in 2013, making it more expensive for small business owners to hire new workers or otherwise invest in our economy.

These taxes on individuals are in addition to the ObamaCare taxes on businesses, such as the new medical device tax or the tanning tax. We know these taxes on businesses will ultimately be passed through to consumers of health care, driving health care prices even higher.

In fact, of the \$552 billion in new taxes included in ObamaCare, according to the Joint Committee on Taxation and the Congressional Budget Office, the Joint Economic Committee has estimated that roughly \$250 billion is tax increases that will hit the middle class either directly or through the health care products they consume.

In addition to this new national health insurance tax of \$1,100 a year and other increases in ObamaCare, Americans will see that health care costs will continue to rise.

Despite the President's promise that his health care plan would reduce insurance premiums, premiums have increased by over \$2,200 since Obama took office, according to the Kaiser Family Foundation. And according to the President's own Actuary at the Centers for Medicare and Medicaid Services in a report from this month on national health expenditure projections, premiums under the new health care law will rise faster than if we had done nothing at all. I want to quote from that report.

In 2014, growth in private health insurance premiums is expected to accelerate to 7.9 percent, or 4.1 percentage points higher than in the absence of health reform.

Think about what is actually being said here. The cost of health insurance would have gone up a lot less per year had we done nothing than what we did with this bill, which is to increase those expenditures for health care by about 7.9 percent.

Americans are going to be stuck paying higher costs for health insurance medical devices due to the tax on these sectors that this bill imposes.

Americans know firsthand that we are going to continue to struggle with an economy that is not performing well. The unemployment rate remains above 8 percent for 41 consecutive months. On the immediate horizon the American people stare down an enormous tax increase, from a health reform law they didn't want and still don't want.

Americans are also seeing this law has impacted our economy. According to a recent poll, 48 percent of businesses that are not currently hiring list the potential cost of health care regulations as a reason for not seeking

new employees. And according to the Congressional Budget Office, ObamaCare will mean 800,000 fewer jobs over the next decade. The last 3 years have made it very clear that ObamaCare is making our economy worse by driving up costs and discouraging job creation.

Moving forward, Congress needs to start by repealing ObamaCare. We need to repeal ObamaCare and enact commonsense, step-by-step reforms that protect Americans' access from the care they need, from the doctor they choose, at a lower cost.

Republicans will not repeat the Democrats' mistakes. We will not rush to pass a massive bill the American people don't support. We need to do this the right way: No backroom deals or 2,700-page bills that no one has read.

This President owes it to Americans to admit his broken promises, and to work with Republicans to put in place real health care reforms that will actually help lower health insurance costs for individuals and families and ensure that Americans can get the care they need when they need it.

The taxes I have mentioned in the health care law are going to add up to a massive tax increase on average ordinary Americans. All the analyses that have been done by the Joint Committee on Taxation, the Congressional Budget Office, and the Joint Economic Committee come to that very same conclusion.

This is a tax that is going to hit middle-class Americans, notwithstanding the President's promise that he wouldn't raise taxes on those making less than \$200,000 a year. Seventy-five percent of that tax burden from that individual mandate tax—which is \$54 billion—will hit those making less than \$120,000 per year.

So the whole idea of promises made and promises broken I think is the narrative that has attached itself to this health care reform law. I submit that the Congress and the President need to work together to repeal this law and to work in a constructive way to put in place commonsense, step-by-step reforms that actually will drive the cost of health care down for Americans, because that is the one thing that Americans, as they look at the health care economy today, want to see. They want to know their costs are going to go down rather than up, and they continue to see these increases in premiums year over year and that continues to affect our economy.

The mandates that are imposed upon employers in this health care law as well are going to lead to fewer jobs. That is the outcome of this health care law. It is higher costs for Americans, and it is going to mean fewer jobs for American workers.

Coupled with that, we have seen as recently as yesterday the President saying he now wants to raise taxes on those small businesses in our country.

The tax he has proposed on those making more than \$250,000 a year, interestingly enough, hits 940,000 small business owners. Fifty-three percent of the passthrough income would face higher taxes as a result of the proposal he made yesterday. The people who run those businesses employ 25 percent of the American workforce. So we are talking about huge new burdens on our economy at a time when we absolutely cannot afford it: 41 consecutive months of 8-percent or higher unemployment; 23 million Americans either unemployed or underemployed; 5.4 million Americans who have been unemployed for a long period of time; and the weakest recovery literally since the end of World War II. Those are the economic circumstances we find ourselves in today, and now we have proposals coming out of the White House, in addition to the burdens imposed by ObamaCare, that would lead to higher taxes on the very people we look to to get us out of this economic circumstance, and that is our small businesses and entrepreneurs, all of whom are going to be faced with higher taxes because of the President's proposals.

We can do better for the American people. We can get this economy growing again with commonsense health care reforms, commonsense tax reforms, regulatory reforms that lower the cost and the burden of doing business in this country, a comprehensive energy policy that will make sure we are developing our own energy sources in this country, and getting Federal spending under control.

We need a smaller Federal Government and a bigger, more robust private economy. You cannot do that by continually piling more taxes and more regulations and more mandates and more requirements on the very people who create jobs. The American people deserve better and we can do better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

#### ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, as a courtesy to Senator INHOFE, I ask unanimous consent that Senator INHOFE be recognized after my remarks.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Florida the Senator from Wyoming be recognized, and then I be recognized after the Senator from Wyoming for up to 35 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### VETERANS UNEMPLOYMENT

Mr. NELSON of Florida. Mr. President, on the battlefield there is a code among the military that you don't leave anybody behind. That principle ought to apply to our returning veterans as well. It is essential for us to care for our veterans when they get

home and show them the same respect and loyalty they showed us during their service.

This economic downturn has been especially tough for many of our veterans as they come back from Iraq and Afghanistan. The unemployment rate among veterans returning from those two countries was 9.5 percent in June. While this is clearly an improvement from last year, and an improvement in the entire economy over the last couple of years, it is still more than a point higher than the national average. For our youngest veterans, it is even worse—29 percent in 2011.

Our servicemembers have already done the toughest jobs out there. They are highly trained and extremely skilled. We ought to give them as many opportunities as possible to succeed when they get home. That means when veterans come back from war, they shouldn't have to do battle with bureaucrats.

I wanted to make a commonsense suggestion, so I filed a bill—which recently passed both the House and the Senate—to remove some of those bureaucratic obstacles in our veterans' way and to make it easier for them to get occupational and professional licenses when they get home. The Veteran Skills to Jobs Act is a bipartisan bill cosponsored by 17 Senators and supported by veterans organizations such as the American Legion. I ask unanimous consent that the American Legion's commentary on this legislation be printed in the RECORD.

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

(See exhibit 1.)

Mr. NELSON of Florida. The bill directs Federal agencies to recognize relevant military training when certifying veterans for Federal occupational licenses. It is common sense. If veterans have skills learned in the military, they ought to be able to utilize those skills, that training, without having to go through duplicate training when they get into a specialized civilian job. If the military training is found to be comparable to the civilian requirements, the veteran would be deemed qualified for that occupation.

These are the licenses people need in order to get jobs in the civilian sector.

I want to give an example. Let's say an Air Force or Navy aircraft mechanic gets out of the service. That veteran may want to use those skills learned in the military to work in the commercial airline business. To do so, that veteran must be certified as an aircraft mechanic technician, certified by the Federal Aviation Administration. This requires an airframes and powerplant license from the FAA.

Although the veteran has trained to do this, this highly skilled occupation for our military, what we are seeing all too often is common sense goes out the window, and that veteran may have to go through redundant and expensive training to get that airframes and powerplant license. Of course, that does not make sense.

This is not just a Federal issue. Many States are starting to recognize military training when certifying veterans for State licenses, such as nurses and truckdrivers. I am pleased that the Federal Government will now move in this direction as well. We have already passed it unanimously in the Senate; likewise, they have passed it in the House. Both bills are down in the other's respective Chambers. We need to go ahead and pass this legislation. Today I will move for final passage of the bill, and I know of no objection since we got it out of the Senate unanimously.

One of the greatest honors I have in my job is getting to meet and thank our veterans and current members of our military and all of our national security apparatus. It is up to us to stand by these folks. Passing legislation to help employ veterans, such as the Veteran Skills to Jobs Act, is one way we can thank them.

#### EXHIBIT 1

THE AMERICAN LEGION,  
OFFICE OF THE NATIONAL COMMANDER,  
Washington, DC, March 30, 2012.

Hon. BILL NELSON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR NELSON: On behalf of the 2.4 million members of The American Legion, I would like to express support for S. 2239, the Veteran Skills to Jobs Act of 2012, which provides for Federal certification of veterans who have been qualified for licensure through relevant military training.

With an anemic economy and a downsizing military, it is essential veterans be given the ability to quickly find civilian employment upon separation from the military. Without these types of opportunities, separating military personnel could add to the unemployment problem currently faced by millions of Americans. Federal certification and licensure of veterans who have received relevant training will assist in this process of ensuring that veterans are able to smoothly and quickly transition between military and civilian employment. Matching qualified veterans with Federal licenses which require their expertise is good for veterans, good for the economy and good for the country.

Again, The American Legion fully supports enacting S. 2239 and applauds your leadership in addressing this critical issue facing our nation's veterans and their families.

Sincerely,

FANG A. WONG,  
National Commander.

The PRESIDING OFFICER. The Senator from Wyoming.

#### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I do week after week, ever since the President's health care law has been passed, to offer a doctor's second opinion about this health care law, which I believe is bad for patients, bad for providers—the nurses and doctors who take care of those patients—and terrible for taxpayers.

We saw the Supreme Court issue its historic decision on the President's health care law. The Court confirmed that the individual mandate in the President's health care law is a tax. The President said it was not a tax. I

will just say the Supreme Court confirmed that it is in fact a tax. The decision makes it clear that the Internal Revenue Service, the IRS, will now play an unprecedented role in America's health care system.

That is not something American citizens have asked for or want, but it is something many American citizens fear. Recently, the Associated Press highlighted this concern in an article titled, "Tax Man Cometh to Police You on Health Care."

"Tax Man Cometh to Police You on Health Care."

The article points out that the health care law contains the largest set of tax changes in more than 20 years. To be specific, according to the Congressional Budget Office, there are at least 18 separate taxes contained in the health care law. These taxes are expected to cost taxpayers more than \$500 billion over the next 10 years.

The Associated Press points out that the IRS is expected to spend over \$880 million just to implement the law from 2010 to 2013, and to do this they are going to hire more than 2,700 new government workers. This could be just the tip of the iceberg. According to a report issued by the House Ways and Means Committee, the Internal Revenue Service may need as many as 16,500 additional bureaucrats to enforce the President's health care law—now the President's health care tax.

One of these taxes the agents are going to be enforcing is something called the individual mandate. This is the part of the law that forces every American to have health insurance. If they do not have it, the law forces them to purchase health insurance—and not just any health insurance. No, no, not at all. They need to purchase government-approved health insurance. This is not necessarily something this family thinks is right for them and their needs and their insurance and their family. No, that is not good enough. They have to purchase government-approved insurance, and the IRS is going to check on them to make sure they do.

According to the Congressional Budget Office, 77 percent of those forced to pay the tax will be people making less than \$120,000 a year. President Obama repeatedly promised he would not raise taxes on the middle class. Specifically, he promised that no family making less than \$250,000 a year would see any form of tax increase.

Let me just quote. The President of the United States said:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase . . .

The President went on to say "not your income tax." He said "not your payroll tax." He said "not your capital gains tax." He finished it by saying "not any of your taxes."

But when the President's lawyers went before the Supreme Court, they did just the opposite. They argued that this mandate was indeed a tax. The So-

licitor General even stated that the Court had an obligation to construe the mandate as a tax. He said it could be upheld on that basis.

As it turns out, a majority of the Supreme Court agreed that the mandate was constitutional, but only because it is a tax. In short, the Supreme Court confirmed that the President has broken his promise to middle-class families; and it is the promise that he made to not raise taxes. In fact, the President's individual mandate tax will produce more tax revenue for the government than the so-called Buffett rule that this administration has been supporting.

While supporters of the health care law may support using the IRS to scare people into getting health insurance, most Americans do not think this is the right policy for our country. Back when Congress was debating this health care law, the American people were looking for reform, health care reform that would actually lower the cost of care, not raise their taxes. They wanted a law that helped train more doctors and more nurses to take care of them, not more tax collectors to look into their life and their records. The last thing they want is the IRS breathing down their necks and banging down their doors. But that is what the American people have gotten through the President's health care law, and that is what they are stuck with unless Congress and the White House repeal and replace this flawed and failed law.

As a physician with 25 years of experience taking care of families all around Wyoming, I believe there is a better way. We can implement commonsense reforms in a step-by-step way that allows people to purchase insurance across State lines, reform medical liability laws, and strengthen State high-risk pools. These simple changes will help lower the cost of care without forcing millions of Americans to live in the fear of the Internal Revenue Service.

That is why I am going to continue to come to the Senate floor and call on Congress to repeal the President's health care law. It is time for Americans to get what they were looking for in the beginning but do not get as a result of the President's health care law. What they are looking for is the care they need from the doctor that they choose at a lower cost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### GLOBAL WARMING HYSTERIA

Mr. INHOFE. Mr. President, I have to say that I enjoy these second opinions when they come from such a well-known doctor who knows what he is talking about. Quite often we in this body are forced to kind of assume we are experts in every area. It is nice to have a few who really are. I think I don't say it very often, but I actually learn something when I hear him talk.

Anyway, that is not why I am here today. I hope to help provide some

sense and balance and accuracy which is clearly lacking in the mainstream media trying to drum up support for the global warming hysteria again.

I have to say it is like we are back to the good-old days. We talked about this for 10 years. There are different people coming up with legislation, the cap-and-trade legislation. They found out, of course, that the American people realized it was a gigantic tax and there were no benefits, so it kind of went by the wayside. But there is a new thing happening, and it was interesting because just last Friday one of the Obama appointees to the National Oceanic and Atmosphere Association said to the Associated Press:

The wildfires and hot temperatures over the past few weeks will likely convince Americans that global warming is real.

In other words, they are now trying to tie them together. They have never tried to do this before because that is one of the few things that all experts agree on: that one isolated case doesn't make a case for major changes in the weather. This is kind of a dangerous game to play because what are they going to say when winter comes and it is going to get cold? As soon as it gets cold I can tell you what they are going to say. They are not going to use global warming; they are going to use climate change.

As the season changes, the terminology changes, and they will start saying just because the temperatures are freezing doesn't mean the planet is not overheating—if you follow through the double negatives.

My good friend from Rhode Island commented on the famous igloo. This was pretty prominent two summers ago. Let me tell you the story of where we got to the igloo. As most people know, because I brag about it all the time, I have 20 kids and grandkids.

This happens to be one family. You cannot see them as well. It is six of the most beautiful people we have ever seen. It happens to be my daughter and her husband and their family of four kids.

Anyway this would have been in February 2010. Some of us remember how cold it was during that time. It happens that one of my kids—the only one who is adopted is a little girl, an orphan from Ethiopia, whom we found and nursed back to health. My daughter Molly, who had nothing but boys, adopted this little girl.

Put her picture up there. She is a pretty little girl. She has become kind of a hero.

Every February I sponsor something called the African dinner where about 400 of our friends from Africa come over, and we are establishing close, intimate relations with them. It happens that 12 years ago, we found the little girl who is pictured on the poster. She is now a 12-year-old little girl. She reads at college level. She is smart and she is the main speaker every time we have this dinner.

In February 2010, little Zegita Marie was up here and she brought her whole

family and made her speech. It was a beautiful thing. Afterwards, as they were getting ready to take the plane back home, the blizzards came, and all of the airports in the area shut down. There was no way they could get back. So what do you do with a family of six when you are snowbound and there is nothing but snow and ice on the ground? You make an igloo. So they did.

That is a real igloo. It sleeps four people. I know that; I was in it. It was right by the Library of Congress. The sign on the top said: Al Gore's new home. Actually, I think it may have said: Honk if you want global warming—or something like that. Anyway, everyone was having a good time.

Some of my liberal friends were so upset. One of them was Keith Olbermann. Keith Olbermann, who was with MSNBC, designated my daughter Molly's family of six as the worst family in America. Now, there is her husband who is very prominent in Fayetteville, AR. My daughter Molly is a professor at the university. She was designated as Outstanding Professor of the Year this year. She will be marching out during the homecoming on November 3 to accept that award. It is quite an outstanding family, and the kids are all straight-A students and all of that wonderful stuff.

So that is the famous igloo. It has been a long time since we had a chance to talk about it. There we have Molly, James, Jase, Luke, Jonah, and Marie enjoying that. Believe it or not, that is the worst family in America.

Well, just after the igloo story broke, a reporter by the name of Dana Milbank warned the alarmists. Keep in mind the terminology we use. Those people who think the world is coming to an end because catastrophic global warming is coming is all due to man-made gases, so we need to shut down America. Those are the alarmists.

The skeptics are people like me, those who look at it and say science has been stripped out by the United Nations for an ulterior motive. Dana Milbank has been very much on the other side of the issue and warned the alarmists to stop using weather to justify global warming because then what do they do when the weather doesn't cooperate with their predictions of the melting planet.

He wrote:

In Washington's blizzards, the greens were hoist by their own petard.

He said:

If the Washington snows persuade the greens to put away the slides of polar bears and pine beetles and to keep the focus on national security and jobs, it will have been worth the shoveling.

But not everyone got that memo. In July 2010, the hot summer that followed the intense blizzards when my family put up the igloo, Jon Karl of ABC News asked me to do an interview outside in the heat. It was obviously an ambush. People who know me well know I enjoy ambushes, so I went out

there in the heat. They got ready with the cameras rolling, and they had a pan with an egg on it. They were going to fry it, but it didn't fry. Nice try, but it didn't work.

I am sure some here may have noticed that somebody else tried this last weekend. Last weekend I happened to be in the Farnborough Airshow, which I go to every year. While I was at the airshow, I got a call from home telling me that they have kind of resurrected the igloo, and they were talking about that. They were planning a great big event on The Mall, and in the event they were going to take the thing, called "Hoax"—let me go back to 2003.

In 2003 when I realized and I started hearing from a lot of the real scientists that it was a hoax, I made the comment that the notion of catastrophic global warming is due to manmade anthropogenic CO<sub>2</sub> and manmade gases. It is the greatest hoax ever perpetrated on the American people. So that is where "Hoax" came from.

So they had a great big thing made of ice. Apparently, it was the size of a car. It said "Hoax" with a question mark. They were going to put it out there and it was going to melt and they were going to make a big issue out of it.

The problem is nobody showed. So what did they do? They felt they couldn't do this if there were no cameras, so they called it off. They used the excuse that there had been a storm, and they thought this might be offensive to people who lost electricity in the storm. Anyway, that thing went under too.

So in addition to the recent activity from my alarmist friends, the hot weather has also brought some of my favorite global warming reporters out of hiding, and they have been all too eager to link today's weather events to manmade greenhouse gases. Of course, many of the most outspoken global warming alarmists and scientists have been happy to play along. The important point is that no one, not even the most committed alarmist, can claim that any percentage of the warm weather is due to manmade greenhouse gases. I will go into more detail in just a minute.

This is an inconvenient truth that global warming reporters have kept out of their headlines, and in some cases their stories as well.

Seth Borenstein of the Associated Press is a good guy. He is on the other side of this issue, but he is one of these guys I still like. He is one of the most prominent global warming reporters. He came out last week with another scary headline proclaiming: "This US summer is what global warming looks like."

Some quotes and stories appeared in Reuters, The Hill, and Politico. Yesterday morning Time magazine ran a piece by Bryan Walsh with the headline, "Now Do You Believe in Global Warming?" I was happy to see that Mr. Walsh began his article in Time magazine with a picture of my family in

their igloo. He concluded his piece with:

We're living in an igloo in the summertime, and the ice melting all around us.

It is kind of interesting that they try to talk about global warming, but all of a sudden they changed it to cooling.

This was in the New York Times. They said:

This summer has been conspicuously different in New York City, not one 99-degree day in Central Park. Not a single day that the temperature even approached 90. For just the second time in 140 years of record keeping, the temperatures failed to reach 90 in either June or July.

The daily average last month was at or below normal every day but two. The temperature broke 80 on 16 days in New York.

So it goes on to say that the problem they are having is it is unusually cool. But that didn't inure to the benefit of the alarmists, so that wasn't used.

So it is time to take a trip down Memory Lane. Don't forget that Time is the same publication that told us in 1974 that we should be very concerned about the coming ice age.

There it is. Every magazine had it. Newsweek had the same thing. All the other magazines said another ice age is coming, and we are all going to die.

Since there is time to do this, I will mention one thing which is not in my notes. Think about how many times this has happened. Let's look at the last 100 years. We will start with 1895. From 1895 to 1925, we went through a 30-year period that was a cooling period. Everyone back then was saying another ice age is coming, and we are all going to die.

From 1925 to 1945, for that 20-year period, we went through a warming period. That is when they coined the phrase "global warming." That was way back in the 1930s. From 1945 to 1975 we went into a cooling period. Again, we talked about how an ice age is coming. After that, we went into a warming period that went up to the turn of the century. Now it is actually going down into a cooling period again, but that was actually a chart.

I guess what I am saying is every 20 or 30 years, we go through this. We go through the same hysteria, and everyone goes crazy and says the world is coming to an end. The interesting thing about this is that the time in world history when we had the greatest surge of CO<sub>2</sub> was right after World War II. That was in 1945, and that precipitated not a warming period with all of that CO<sub>2</sub>, but a cooling period that endured for 30 years. Those were the headlines in the paper.

Now 30 years later, during the height of the global warming movement, they changed their tune. The image that is sealed in everyone's mind is the Time magazine cover, which we have: "Be Worried, Be Very Worried." There is the last polar bear standing on the last cube of ice. Everything is melting, and we are all going to die. Again, that is Time magazine.

If I were on the board of directors of Time magazine, I would probably do



the same thing. It is a competitive business, and they have to sell magazines. The truth is when we ask the alarmists directly, they will specifically link the recent weather events to human activity. How do we know this? We recently came across a reported conference held by a group called Climate Communication. This is a very liberal group. As their Web site confirmed, this call was held to spoonfeed talking points to reporters on how to link the heat over the past few weeks to manmade global warming.

To his credit, AP reporter Seth Borenstein asked the most important question of the call. He asked: What percentage of the recent warm weather can be attributed to manmade gases? I want to be completely accurate, so I would like to quote in full Borenstein's question as well as the answers he got from Dr. Michael Oppenheimer and Dr. Steven Running, two of the foremost global warming alarmist scientists. This is what Seth Borenstein said:

Let me try to put you more on the spot, Mike and Steve: I know there's attribution—you haven't done attribution studies, but if you ballparked it right now and had to put a percentage number on this, on the percent that the heat wave, the percentage of blame you can put on anthropogenic climate change, on this current heat wave, and on the fires, what percentage would the two of you use?

Dr. Oppenheimer, who is a scientist, said:

Come on, I'm not going to answer that. Yes, I will answer it, and my answer is: I won't do it. You know, we have to do things carefully, because if you don't, we are going to end up with bogus information out there. People will start disbelieving because you'll be more wrong, more often. This is not the kind of thing I want to do off the top of my head. Nor do I think it can be done, you know, convincingly without really taking—doing careful analysis, so I'll pass on this one and see if Steve has a different view.

Well, Dr. Steve Running said:

Well, I already got way too hypothetical on my last answer. Yeah, it's . . . probably really dangerous for us to just lob out a number.

Well, this goes on and on and on. I have all of this down. It is actually all in the record at this point, so it is redundant. He keeps trying to get them to say there is a percentage of chance that this warm weather is due to global warming.

Now, we have to stop for a minute because we have seen that Seth Borenstein was asking the inconvenient question. One of the moderators tried to step in and tell the AP reporter that his question was a bad one.

Let me quote that one again, Susan Hossel, moderator for the event, said:

Seth, most of the scientists I talk to say it is a contributing factor and that's what we can say and that it's really not even really a well-posed question to ask for a percentage, because it just—what you're asking really is for a model to determine the chances of this happening without climate change or with climate change and models are not very good.

So we see how he responded. He said:

I understand, I've been covering this for 20 years, I understand. I don't need a lecture, thank you very much. What I'm asking for is—

And he went on. Obviously, he was never able to get it.

Here is the irony: Their Web site specifically explains that the purpose of the call is to give reporters a link relating hot weather to human-caused global warming.

It states:

Climate Communication hosted a press conference featuring experts discussing the connections between extreme heat and climate change.

But when pressed, they couldn't make the link. Again, Borenstein asked a great question, a question that badly needed to be asked. Unfortunately, none of the information appeared in his article for the AP. Without that link, Borenstein was forced to make his article about what global warming could look like in the future. But in doing so, he left out any mention of uncertainty expressed by the scientist.

Borenstein quoted Chris Field, a leading author of the Intergovernmental Panel on Climate Change. That is the United Nations that started this whole thing, and they are the ones who were stacking the scientists. He is one of the individuals. According to Field, this report warns of "unprecedented extreme weather events" due to global warming. But, as usual, Borenstein failed to mention that even the IPCC, which normally heightens the fear factor as much as possible, admitted in that same March report that there is significant uncertainty regarding linking extreme weather events to human causes.

Also missing from the article was the mention of Borenstein's interview from climatologist Judith Curry of the Georgia Institute of Technology. Fortunately, she was good enough to post her answers on her blog since he didn't use it. Curry explained:

We saw these kinds of heat waves in the 1930's, and those were definitely not caused by greenhouse gases. Weather variability changes on multidecadal time scales, associated with large ocean oscillations. I don't think that what we are seeing this summer is outside the range of natural variability for the past century. In terms of heat waves, particularly in cities, urbanization can also contribute to the warming.

There was another interesting part of the conference call that I think is worth mentioning. When ABC News reporter Bill Blakemore asked about the effect of La Nina and El Nino on today's hot weather, Dr. Oppenheimer was again uncomfortable about this question and said it was "off message." Yet NOAA—that is, the N-O-A-A—came out yesterday with a different opinion. Andrew Revkin of the New York Times explained on his blog:

In a briefing and several postings today, the National Oceanic and Atmospheric Administration reviewed the most notable climate and weather events of 2011. Many of these events—from an extreme East African

drought to Australian deluges—were significantly driven by a "double-dip La Nina" cooling of the tropical Pacific Ocean, agency scientists said.

In other words, it is La Nina and El Nino that made the difference.

In yesterday's Tulsa World, there was an opinion piece that directly addressed this El Nino and La Nina debate and how it affects Oklahoma specifically; that is, my State of Oklahoma. The editorial mentions an interview in April of 2008 with Tulsa National Weather Service meteorologist Nicole McGavock regarding Oklahoma's record rainfall that month. McGavock said:

Don't go blaming global warming, but rather blame El Nino's counterpart, La Nina. La Nina happens when the weather is cooler near the equator along the Pacific Ocean.

It has nothing to do with global warming.

That same opinion piece mentioned another article published in December of 2011 which was about Oklahoma's drought-filled summer of 2011. In it, associate State climatologist Gary McManus said:

Did this hot summer happen due to global warming? [No.] I think when we study this summer, we will find that we would have had the warmest summer regardless of global warming.

With all this in mind, it is no wonder that when Time magazine asks the question, "Now do you believe in global warming?" the answer is resounding: The American people are no longer buying it. As the Washington Post recently reported, global warming is no longer an issue of concern for Americans, and one of the reasons is that the public doesn't trust those who try to use hot weather as proof of global warming. The public has clearly grown weary of the alarmists' fear campaigns. After all, they have been going on for 12 years.

Just how bad have things gotten for the global warming movement? Well, one indication is that no one is even talking about global warming except for myself and Representative MARKEY over in the House. As a Politico article said yesterday, Representative MARKEY accused Republicans of being silent on the threat of global warming and called for Republicans to hold hearings.

While Representative MARKEY is quick to accuse Republicans of silence, he says nothing about the silence we are hearing from the Democrats here in the Senate. We haven't heard anybody. I haven't heard the term "global warming" coming from any Senator. When was the last time anyone heard President Obama or the Democrats mention global warming? In fact, their campaign has failed so miserably that President Obama, running for reelection, is pretending to support oil and gas to gain votes.

The irony is that the President, who came into office promising to slow the rise of the oceans and all that, has presided over the complete collapse of the global warming movement. Since

President Obama took office nearly 4 years ago, not one global warming cap-and-trade bill has been debated on the Senate floor. In fact, if anything, they are regressing in support for their pet issue. Last year 64 Senators went on record as wanting to rein in the Obama EPA's global warming regulations.

We have said several times that there have been numerous bills introduced ever since the Kyoto Treaty was never submitted for ratification. That was back in the early 1990s. Ever since that time, there have been numerous bills that would be cap-and-trade bills and they have gone down. Each time, they go down by a greater percentage than the one before did. In fact, if anything, they are regressing in their support.

So the far-left environmental community has clearly been instructed to keep quiet, although sometimes they can't help themselves and they get into trouble, like 350.org that I referred to. They are no doubt assured that if President Obama is reelected, he will do everything he can to achieve his global warming agenda through regulations because the American people have rejected legislation. That is what has happened. Actually, the cost of it, which is not controversial—it is because people recognize and nobody has actually refuted the fact that if it were to pass either by legislation or by regulation, it would cost the American people between \$300 billion and \$400 billion a year. So people now realize that and know we can't afford to do something that really is not going to accomplish anything.

Anyway, the Obama administration is already doing—we have identified right now some \$68 billion that he has, through regulations, been able to have on all of his climate agenda. So it has already been very expensive. Nobody is really aware of it, but nonetheless that is what is happening. He just doesn't want the American people to know it. How can he convince them that so much economic pain is necessary now that the global warming movement has completely lost its trust in the public? That would stop some of the usual suspects from continuing to try to drum up global warming hysteria, but we wouldn't count on Al Gore coming out of hiding to help or President Obama saying anything to back him up—at least not now, before the election.

Just the other day, George Mason University, I believe it was, did a polling of all of the 480 TV meteorologists. Only 19 percent of them said we are having global warming due to man-made gases. Now, that is a major change from before. So the trendline is going back the other way. The polling has definitely gone the other way.

Back to last weekend's failed effort to blame hot weather on global warming, I would like to mention three things on which scientists agree.

First of all, we can't blame global warming on one event. Let me share with my colleagues what Roger Pelke, professor of environmental studies at the University of Colorado, said:

Over the long term, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, whom I already mentioned, is a well-established scientist. She said:

I have been completely unconvinced by any of the arguments . . . that attributes a single extreme weather event, a cluster of extreme weather events, or statistics of extreme weather events to anthropogenic forcing.

Myles Allen, the head of the Climate Dynamics Group at the University of Oxford's Atmospheric, Oceanic and Planetary Physics Department, said:

When Al Gore said . . . that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms, and droughts . . . my heart sank.

I was on "The Rachel Maddow Show." She doesn't have Republicans on very often. She is one of my favorite liberals, and I enjoy being on. I found out then that Bill Nye, her science guy, actually is one—one of the things he states is, don't fall into the trap of trying to say that because somebody is at some place that is very, very hot, that somehow that supports global warming. In fact, Dana Milbank, a Washington Post columnist who is a major Maddow contributor, said:

When climate activists make the dubious claim, as a Canadian environmental group did, that global warming is to blame for the lack of snow at the Winter Olympics in Vancouver, then they invite similarly specious conclusions about Washington's snow . . . Argument-by-anecdote isn't working.

That was Dana Milbank, who is really on the other side of this issue.

So I mentioned that there are three things. One is a fact that is incontrovertible, that people agree on, which is that one or two events aren't going to reflect climate change or global warming.

The second thing is the cost. Years ago when the Kyoto Treaty was up, I wasn't sure which way to go. I assumed the scientists were all together on this, only to find out they weren't.

One thing we did find out when we got a report from several universities, including MIT, was that the cost of this, if we were to pass any of the bills, would have been between \$300 billion and \$400 billion a year. What I always do when I hear about billions and trillions of dollars is I try to, if I can, find out how that affects my family and the State of Oklahoma.

Back when we had the largest tax increase in 1993 called the Clinton-Gore tax increase, they increased marginal rates, the death tax, capital gains tax and all of that, and it was at that time the largest tax increase in three decades. We were all pretty outraged about it. Yet that was a \$32 billion tax increase. Here we are talking about a \$300 billion to \$400 billion tax increase.

The last thing I would say is that if we have a tax increase like this, what do we get for it?

I sometimes appreciate—in fact, I always appreciate the Administrator of

the EPA, Lisa Jackson. She is an appointee of President Obama. I asked her this question on live TV in one of our committee hearings: If you guys are going to do this by regulation or if you are going to have cap and trade and punish the American people with all of the cost of this and everything else, if they are successful, if that happened, would this reduce the CO<sub>2</sub> worldwide? Her answer: No, it wouldn't. Because this isn't where the problem is. The problem is in China and Mexico and India. One could carry that argument on out further and conclude that if we have that kind of a regulation in this country and drive our manufacturing base overseas, they would go to places such as China and India where there are no emissions restrictions, so it would have the effect of actually increased CO<sub>2</sub>.

Anyway, I appreciate very much Time magazine coming out and bringing up the igloo again. It is a thing of beauty, and it is very meaningful to me, and I think it told a story that a lot of people needed to hear, and they have heard it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

#### HEALTH CARE

Mr. BENNET. Mr. President, I thank you for the recognition. I come to the floor to briefly talk about the Supreme Court decision on health care.

I was in Colorado last week. We had a wonderful time traveling across the Western Slope of our State. We spent time in Gunnison County and other places. We fished in Hartselle. One thing people were not talking about there was the Supreme Court decision on health care. What they were talking about was how we get our economy moving again; how we recouple our economic growth in this country to job growth and wage growth again; how we create a comprehensive and thoughtful approach to reducing our deficit and our debt; how we educate our kids for the 21st century; how we build this economy to make sure we leave our kids with something better than what we found. In short, they were talking about exactly what people inside the beltway are not talking about.

Today the House of Representatives—I don't know whether voting has started yet—in the wake of the Supreme Court decision, is voting to repeal the health care reform bill for the 31st time. They have been successful 30 times. They have voted to repeal the bill 30 times, but they feel the need now to do it a 31st time.

I saw on the TV in my office today the Twitter traffic that was rolling at the bottom of the screen. One person after another announced that they were voting to repeal the health care bill for the 31st time.

I thought about a Facebook post I saw last week from somebody I know in Denver named Mary Seawall. She is on the school board there, but she is not a politician. This is what she wrote

the day after the Supreme Court reached its decision on health care:

Yesterday's Supreme Court decision upholding the Affordable Care Act came on a hard day for our family. Yesterday afternoon, we learned that our 6-year-old Annie has type 1 diabetes. She and I sat in a doctor's office crying through her first finger prick, her first insulin shot. Our life is now different.

She will have this disease for her entire life or until there is a cure. A few years ago, our entire family might have lost our insurance. She now has a preexisting condition that likely would have made her uninsurable as an adult.

Mary wrote:

What I am saying is not political; it's a mother's sigh of relief.

"A mother's sigh of relief."

When I heard the Supreme Court ruling, I was waiting for the call—

"I was waiting for the call"—

to tell me why my baby looked too thin, why she had to take breaks walking up a flight of stairs, why she had started wetting her bed. The ruling means she lives in a country that won't leave her behind.

We are very lucky that we caught this early before she lost consciousness or went into a coma, something that would have likely happened in the next few days.

I know our luck came from health insurance that allowed her worried parents to take her to the doctor because we had a "bad feeling." Many families, even insured ones, can't do what we did. I was raised on the idea of "better to be safe than sorry." Our health care system has been "better sorry than safe" for too long.

Mary goes on to say that this Supreme Court decision "couldn't have come at a better time, our family's worst day."

I hope the folks who are twittering about their repeal for the 31st time of this bill rather than working to try to improve it, rather than working to try to fix it, incapable of actually telling us what they would replace this with, would take a moment to read what a mother in Denver posted on Facebook last week.

I do not think this health care bill was perfect, and I said that from the day we passed it. There are issues around cost, in particular, that I continue to be very concerned with because despite the rhetoric around this place, the reality is that we cannot solve our deficit and debt problem without dealing with a restructuring of how we deliver health care in the United States. Maybe the bill is not perfect, and maybe there are suggestions that could be made to improve it. I have my own. I tried, when we passed the bill, to put a fail-safe in place that would actually hold this Congress to the numbers that it said it would save, the dollars that we said we would save, and that if we did not, we had to figure out how to cut or make other changes to get there. So there is more work to be done. But the thing I find amazing—and this is why I wanted to come to the floor—is how far away this conversation is from the people I represent and what a masquerade so much of this conversation is.

I know there were a lot of people who were disappointed that the health care bill was declared constitutional by the Supreme Court, and there were people who said they were going to declare it unconstitutional, and they did not.

So the next day—and really for the next week—what we heard was, well, the bill imposes a tax on the middle class of this country, that the President broke a promise because he said he would not raise taxes on the middle class.

I want everybody to know what is being talked about when people talk about this. They are talking about a piece of the legislation called the health care mandate. Some people call it a penalty, and some people call it a tax. That is something that has been debated around here for the last week. It has not been debated before this.

I do not care what label you put on it, frankly, because people at home are not talking to me about this. Do you know why they are not talking to me about this? Because it applies to 1 percent—1.2 percent, to be precise—of the American people. That is what the Congressional Budget Office told us when we were passing this legislation. And if you do not believe me, it is on page 33—I will not enter the whole opinion into the RECORD—of the Supreme Court's finding of fact, where Justice Roberts finds as a matter of fact that the CBO said this mandate would cost \$4 billion and that roughly 4 million people would be affected. Those are the 4 million people after Medicare and Medicaid and private employers' insurance and personal insurance that people buy. That is a group of people, a sliver, 1 percent of the American people who can afford to buy insurance but do not and choose to pay the penalty or the tax or the mandate instead of buying their insurance—\$4 billion; 4 million people.

Mr. President, I ask unanimous consent that the portion of the Supreme Court Opinion of the Court that I referred to on page 33 of the opinion be printed in the RECORD.

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

#### OPINION OF THE COURT

The exaction the Affordable Care Act imposes on those without health insurance looks like a tax in many respects. The "[s]hared responsibility payment," as the statute entitles it, is paid into the Treasury by "taxpayer[s]" when they file their tax returns. 26 U.S.C. §5000A(b). It does not apply to individuals who do not pay federal income taxes because their household income is less than the filing threshold in the Internal Revenue Code. §5000A(e)(2). For taxpayers who do owe the payment, its amount is determined by such familiar factors as taxable income, number of dependents, and joint filing status. §§5000A(b)(3), (c)(2), (c)(4). The requirement to pay is found in the Internal Revenue Code and enforced by the IRS, which—as we previously explained—must assess and collect it "in the same manner as taxes." *Supra*, at 13–14. This process yields the essential feature of any tax: it produces at least some revenue for the Government.

*United States v. Kahriger*, 345 U.S. 22, 28, n. 4 (1953). Indeed, the payment is expected to raise about \$4 billion per year by 2017. Congressional Budget Office, *Payments of Penalties for Being Uninsured Under the Patient Protection and Affordable Care Act* (Apr. 30, 2010), in *Selected CBO Publications Related to Health Care Legislation, 2009–2010*, p. 71 (rev. 2010).

Mr. BENNET. What the health care bill was intended to do—and again, it may not have done it perfectly, and there may be other ideas we ought to be legislating around—what it was intended to do is solve a problem that confronted not 1 percent of the American people, not 4 million people, but a problem that conservatively—extremely conservatively—affects 50 percent of the American people and is a \$58.5 billion problem, not a \$4 billion problem, because it is 50 percent of the people who are covered today by their employers who have to pay \$1,100 a year in additional premiums to subsidize the uninsured in the United States of America. That was one of the big objectives of dealing with this health care issue. And I say it is conservative because this number does not even include the people who are buying insurance on their own. So maybe if you add those numbers together, you get to about 70 percent of the American people.

So we spent a week on cable television, on the floor of the Senate, occupied completely with this 1 percent number over here, with no theory at all about what we are doing for 50 percent of Americans. That is how comical this conversation has become. I should not say comical. That is how detached this conversation has become from what is actually going on in the real lives of the people whom I represent and others in this Chamber represent.

What is so amazing to me, having watched this as somebody who has not been around here for very long and may not understand all the ways of Washington, is that when you look at the history of this so-called mandate or so-called tax, it is really puzzling to understand the politics around this.

This is a chart, I show you in the Chamber, that is part of an article that ran in the *New Yorker* a couple weeks ago called the "Unpopular Mandate" by Ezra Klein. I ask unanimous consent that the article be printed in the RECORD.

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

[From the *New Yorker*, June 25, 2012]

#### UNPOPULAR MANDATE—WHY DO POLITICIANS REVERSE THEIR POSITIONS?

(By Ezra Klein)

On March 23, 2010, the day that President Obama signed the Affordable Care Act into law, fourteen state attorneys general filed suit against the law's requirement that most Americans purchase health insurance, on the ground that it was unconstitutional. It was hard to find a law professor in the country who took them seriously. "The argument about constitutionality is, if not frivolous, close to it," Sanford Levinson, a University

of Texas law-school professor, told the McClatchy newspapers. Erwin Chemerinsky, dean of the law school at the University of California at Irvine, told the Times, "There is no case law, post 1937, that would support an individual's right not to buy health care if the government wants to mandate it." Orin Kerr, a George Washington University professor who had clerked for Justice Anthony Kennedy, said, "There is a less than one-per-cent chance that the courts will invalidate the individual mandate." Today, as the Supreme Court prepares to hand down its decision on the law, Kerr puts the chance that it will overturn the mandate—almost certainly on a party-line vote—at closer to "fifty-fifty." The Republicans have made the individual mandate the element most likely to undo the President's health-care law. The irony is that the Democrats adopted it in the first place because they thought that it would help them secure conservative support. It had, after all, been at the heart of Republican health-care reforms for two decades.

The mandate made its political debut in a 1989 Heritage Foundation brief titled "Assuring Affordable Health Care for All Americans," as a counterpoint to the single-payer system and the employer mandate, which were favored in Democratic circles. In the brief, Stuart Butler, the foundation's health-care expert, argued, "Many states now require passengers in automobiles to wear seat-belts for their own protection. Many others require anybody driving a car to have liability insurance. But neither the federal government nor any state requires all households to protect themselves from the potentially catastrophic costs of a serious accident or illness. Under the Heritage plan, there would be such a requirement." The mandate made its first legislative appearance in 1993, in the Health Equity and Access Reform Today Act—the Republicans' alternative to President Clinton's health-reform bill—which was sponsored by John Chafee, of Rhode Island, and co-sponsored by eighteen Republicans, including Bob Dole, who was then the Senate Minority Leader.

After the Clinton bill, which called for an employer mandate, failed, Democrats came to recognize the opportunity that the Chafee bill had presented. In "The System," David Broder and Haynes Johnson's history of the health-care wars of the nineties, Bill Clinton concedes that it was the best chance he had of reaching a bipartisan compromise. "It should have been right then, or the day after they presented their bill, where I should have tried to have a direct understanding with Dole," he said.

Ten years later, Senator Ron Wyden, an Oregon Democrat, began picking his way back through the history—he read "The System" four times—and he, too, came to focus on the Chafee bill. He began building a proposal around the individual mandate, and tested it out on both Democrats and Republicans. "Between 2004 and 2008, I saw over eighty members of the Senate, and there were very few who objected," Wyden says. In December, 2006, he unveiled the Healthy Americans Act. In May, 2007, Bob Bennett, a Utah Republican, who had been a sponsor of the Chafee bill, joined him. Wyden-Bennett was eventually co-sponsored by eleven Republicans and nine Democrats, receiving more bipartisan support than any universal health-care proposal in the history of the Senate. It even caught the eye of the Republican Presidential aspirants. In a June, 2009, interview on "Meet the Press," Mitt Romney, who, as governor of Massachusetts, had signed a universal health-care bill with an individual mandate, said that Wyden-Bennett was a plan "that a number of Republicans think is a very good health-care plan—one that we support."

Wyden's bill was part of a broader trend of Democrats endorsing the individual mandate in their own proposals. John Edwards and Hillary Clinton both built a mandate into their campaign health-care proposals. In 2008, Senator Ted Kennedy brought John McDonough, a liberal advocate of the Massachusetts plan, to Washington to help with health-care reform. That same year, Max Baucus, the chairman of the Senate Finance Committee, included an individual mandate in the first draft of his health-care bill. The main Democratic holdout was Senator Barack Obama. But by July, 2009, President Obama had changed his mind. "I was opposed to this idea because my general attitude was the reason people don't have health insurance is not because they don't want it. It's because they can't afford it," he told CBS News. "I am now in favor of some sort of individual mandate."

This process led, eventually, to the Patient Protection and Affordable Care Act—better known as Obamacare—which also included an individual mandate. But, as that bill came closer to passing, Republicans began coalescing around the mandate, which polling showed to be one of the legislation's least popular elements. In December, 2009, in a vote on the bill, every Senate Republican voted to call the individual mandate "unconstitutional."

This shift—Democrats lining up behind the Republican-crafted mandate, and Republicans declaring it not just inappropriate policy but contrary to the wishes of the Founders—shocked Wyden. "I would characterize the Washington, D.C., relationship with the individual mandate as truly schizophrenic," he said.

It was not an isolated case. In 2007, both Newt Gingrich and John McCain wanted a cap-and-trade program in order to reduce carbon emissions. Today, neither they nor any other leading Republicans support cap-and-trade. In 2008, the Bush Administration proposed, pushed, and signed the Economic Stimulus Act, a deficit-financed tax cut designed to boost the flagging economy. Today, few Republicans admit that a deficit-financed stimulus can work. Indeed, with the exception of raising taxes on the rich, virtually every major policy currently associated with the Obama Administration was, within the past decade, a Republican idea in good standing.

Jonathan Haidt, a professor of psychology at New York University's business school, argues in a new book, "The Righteous Mind," that to understand human beings, and their politics, you need to understand that we are descended from ancestors who would not have survived if they hadn't been very good at belonging to groups. He writes that "our minds contain a variety of mental mechanisms that make us adept at promoting our group's interests, in competition with other groups. We are not saints, but we are sometimes good team players."

One of those mechanisms is figuring out how to believe what the group believes. Haidt sees the role that reason plays as akin to the job of the White House press secretary. He writes, "No matter how bad the policy, the secretary will find some way to praise or defend it. Sometimes you'll hear an awkward pause as the secretary searches for the right words, but what you'll never hear is: 'Hey, that's a great point! Maybe we should rethink this policy.' Press secretaries can't say that because they have no power to make or revise policy. They're told what the policy is, and their job is to find evidence and arguments that will justify the policy to the public." For that reason, Haidt told me, "once group loyalties are engaged, you can't change people's minds by utterly refuting their arguments. Thinking is mostly just ra-

tionalization, mostly just a search for supporting evidence."

Psychologists have a term for this: "motivated reasoning," which Dan Kahn, a professor of law and psychology at Yale, defines as "when a person is conforming their assessments of information to some interest or goal that is independent of accuracy"—an interest or goal such as remaining a well-regarded member of his political party, or winning the next election, or even just winning an argument. Geoffrey Cohen, a professor of psychology at Stanford, has shown how motivated reasoning can drive even the opinions of engaged partisans. In 2003, when he was an assistant professor at Yale, Cohen asked a group of undergraduates, who had previously described their political views as either very liberal or very conservative, to participate in a test to study, they were told, their "memory of everyday current events."

The students were shown two articles: one was a generic news story; the other described a proposed welfare policy. The first article was a decoy; it was the students' reactions to the second that interested Cohen. He was actually testing whether party identifications influence voters when they evaluate new policies. To find out, he produced multiple versions of the welfare article. Some students read about a program that was extremely generous—more generous, in fact, than any welfare policy that has ever existed in the United States—while others were presented with a very stingy proposal. But there was a twist: some versions of the article about the generous proposal portrayed it as being endorsed by Republican Party leaders; and some versions of the article about the meagre program described it as having Democratic support. The results showed that, "for both liberal and conservative participants, the effect of reference group information overrode that of policy content. If their party endorsed it, liberals supported even a harsh welfare program, and conservatives supported even a lavish one."

In a subsequent study involving just self-described liberal students, Cohen gave half the group news stories that had accompanying Democratic endorsements and the other half news stories that did not. The students who didn't get the endorsements preferred a more generous program. When they did get the endorsements, they went with their party, even if this meant embracing a meaner option.

This kind of thinking is, according to psychologists, unsurprising. Each of us can have firsthand knowledge of just a small number of topics—our jobs, our studies, our personal experiences. But as citizens—and as elected officials—we are routinely asked to make judgments on issues as diverse and as complex as the Iranian nuclear program, the environmental impact of an international oil pipeline, and the likely outcomes of branding China a "currency manipulator."

According to the political-science literature, one of the key roles that political parties play is helping us navigate these decisions. In theory, we join parties because they share our values and our goals—values and goals that may have been passed on to us by the most important groups in our lives, such as our families and our communities—and so we trust that their policy judgments will match the ones we would come up with if we had unlimited time to study the issues. But parties, though based on a set of principles, aren't disinterested teachers in search of truth. They're organized groups looking to increase their power. Or, as the psychologists would put it, their reasoning may be motivated by something other than accuracy. And you can see the results among voters who pay the closest attention to the issues.

In a 2006 paper, "It Feels Like We're Thinking," the political scientists Christopher Achen and Larry Bartels looked at a National Election Study, a poll supported by the National Science Foundation, from 1996. One of the questions asked whether "the size of the yearly budget deficit increased, decreased, or stayed about the same during Clinton's time as President." The correct answer is that it decreased, dramatically. Achen and Bartels categorize the respondents according to how politically informed they were. Among the least-informed respondents, Democrats and Republicans picked the wrong answer in roughly equal numbers. But among better-informed voters the story was different. Republicans who were in the fiftieth percentile gave the right answer more often than those in the ninety-fifth percentile. Bartels found a similar effect in a previous survey, in which well-informed Democrats were asked whether inflation had gone down during Ronald Reagan's Presidency. It had, but many of those Democrats said that it hadn't. The more information people had, it seemed, the better they were at arranging it to fit what they wanted to believe. As Bartels told me, "If I'm a Republican and an enthusiastic supporter of lower tax rates, it is uncomfortable to recognize that President Obama has reduced most Americans' taxes—and I can find plenty of conservative information sources that deny or ignore the fact that he has."

Recently, Bartels noticed a similar polarization in attitudes toward the health-care law and the Supreme Court. Using YouGov polling data, he found that less-informed voters who supported the law and less-informed voters who opposed it were equally likely to say that "the Supreme Court should be able to throw out any law it finds unconstitutional." But, among better-informed voters, those who opposed the law were thirty per cent more likely than those who supported it to cede that power to the Court. In other words, well-informed opponents realized that they needed an activist Supreme Court that was willing to aggressively overturn laws if they were to have any hope of invalidating the Affordable Care Act.

Orin Kerr says that, in the two years since he gave the individual mandate only a one-per-cent chance of being overturned, three key things have happened. First, congressional Republicans made the argument against the mandate a Republican position. Then it became a standard conservative-media position. "That legitimized the argument in a way we haven't really seen before," Kerr said. "We haven't seen the media pick up a legal argument and make the argument mainstream by virtue of media coverage." Finally, he says, "there were two conservative district judges who agreed with the argument, largely echoing the Republican position and the media coverage. And, once you had all that, it really became a ballgame."

Jack Balkin, a Yale law professor, agrees. "Once Republican politicians say this is unconstitutional, it gets repeated endlessly in the partisan media that's friendly to the Republican Party"—Fox News, conservative talk radio, and the like—"and, because this is now the Republican Party's position, the mainstream media needs to repeatedly explain the claims to their readers. That further moves the arguments from off the wall to on the wall, because, if you're reading articles in the Times describing the case against the mandate, you assume this is a live controversy." Of course, Balkin says, "if the courts didn't buy this, it wouldn't get anywhere."

But the courts are not as distant from the political process as some like to think. The first judge to rule against the individual

mandate was Judge Henry Hudson, of Virginia's Eastern District Court. Hudson was heavily invested in a Republican consulting firm called Campaign Solutions, Inc. The company had worked with the Presidential campaigns of John McCain and George W. Bush, the Republican National Committee, the Swift Boat Veterans for Truth, and Ken Cuccinelli—the Virginia state attorney general who is one of the plaintiffs in the lawsuits against the Affordable Care Act.

The fact that a judge—even a partisan judge in a district court—had ruled that a central piece of a Democratic President's signature legislative accomplishment was unconstitutional led the news across the country. Hudson's ruling was followed by a similar, and even more sweeping, ruling, by Judge Roger Vinson, of the Northern District of Florida. Vinson declared the entire bill unconstitutional, setting off a new round of stories. The twin rulings gave conservatives who wanted to believe that the mandate was unconstitutional more reason to hold that belief. Voters who hadn't thought much about it now heard that judges were ruling against the Administration. Vinson and Hudson were outnumbered by other district judges who either upheld the law or threw out lawsuits against it, but those rulings were mostly ignored.

At the Washington Monthly, Steve Benen kept track of the placement that the Times and the Washington Post (where I work) gave to stories about court rulings on the health-care law. When judges ruled against the law, they got long front-page stories. When they ruled for it, they got shorter stories, inside the paper. Indeed, none of the cases upholding the law got front-page coverage, but every rejection of it did, and usually in both papers. From an editorial perspective, that made sense: the Vinson and Hudson rulings called into question the law's future; the other rulings signalled no change. But the effect was repeated news stories in which the Affordable Care Act was declared unconstitutional, and few news stories representing the legal profession's consensus that it was not. The result can be seen in a March poll by the Kaiser Family Foundation, which found that fifty-one per cent of Americans think that the mandate is unconstitutional.

What is notable about the conservative response to the individual mandate is not only the speed with which a legal argument that was considered fringe in 2010 had become mainstream by 2012; it's the implication that the Republicans spent two decades pushing legislation that was in clear violation of the nation's founding document. Political parties do go through occasional, painful cleansings, in which they emerge with different leaders who hold different positions. This was true of Democrats in the nineteen-nineties, when Bill Clinton passed free trade, deficit reduction, and welfare reform, despite the furious objections of liberals. But in this case the mandate's supporters simply became its opponents.

In February, 2012, Stuart Butler, the author of the Heritage Foundation brief that first proposed the mandate, wrote an op-ed for USA Today in which he recanted that support. "I've altered my views on many things," he wrote. "The individual mandate in health care is one of them." Senator Orrin Hatch, who had been a co-sponsor of the Chafee bill, emerged as one of the mandate's most implacable opponents in 2010, writing in *The Hill* that to come to "any other conclusion" than that the mandate is unconstitutional "requires treating the Constitution as the servant, rather than the master, of Congress." Mitt Romney, who had both passed an individual mandate as governor and supported Wyden-Bennett, now calls

Obama's law an "unconstitutional power grab from the states," and has promised, if elected, to begin repealing the law "on Day One."

Even Bob Bennett, who was among the most eloquent advocates of the mandate, voted, in 2009, to call it unconstitutional. "I'd group us"—Senate Republicans—"into three categories," he says. "There were people like me, who bought onto the mandate because it made sense and would work, and we were reluctant to let go of it. Then, there were people who bought onto it slowly, for political advantage, and were immediately willing to abandon it as soon as the political advantage went the other way. And then there's a third group that thought it made sense and then thought it through and changed their minds." Explaining his decision to vote against the law, Bennett, who was facing a Tea Party challenger in a primary, says, "I didn't focus on the particulars of the amendment as closely as I should have, and probably would have voted the other way if I had understood that the individual mandate was at its core. I just wanted to express my opposition to the Obama proposal at every opportunity." He was defeated in the primary, anyway.

But, whatever the motives of individual politicians, the end result was the same: a policy that once enjoyed broad support within the Republican Party suddenly faced unified opposition—opposition that was echoed, refined, and popularized by other institutions affiliated with the Party. This is what Jason Grumet, the president of the Bipartisan Policy Center, a group that tried to encourage Republicans and Democrats to unite around policy solutions, calls the "think-tank industrial complex"—the network of ideologically oriented research centers that drive much of the policy debate in Washington. As Senator Olympia Snowe, of Maine, who has announced that she is leaving the Senate because of the noxious political climate, says, "You can find a think tank to buttress any view or position, and then you can give it the aura of legitimacy and credibility by referring to their report." And, as we're increasingly able to choose our information sources based on their tendency to back up whatever we already believe, we don't even have to hear the arguments from the other side, much less give them serious consideration. Partisans who may not have strong opinions on the underlying issues thus get a clear signal on what their party wants them to think, along with reams of information on why they should think it.

All this suggests that the old model of compromise is going to have a very difficult time in today's polarized political climate. Because it's typically not in the minority party's interest to compromise with the majority party on big bills—elections are a zero-sum game, where the majority wins if the public thinks it has been doing a good job—Washington's motivated-reasoning machine is likely to kick into gear on most major issues. "Reasoning can take you wherever you want to go," Haidt warns. "Can you see your way to an individual mandate, if it's a way to fight single payer? Sure. And so, when it was strategically valuable Republicans could believe it was constitutional and good. Then Obama proposes the idea. And then the question becomes not 'Can you believe in this?' but 'Must you believe it?'"

And that means that you can't assume that policy-based compromises that made sense at the beginning will survive to the end, because by that time whichever group has an interest in not compromising will likely have convinced itself that the compromise position is an awful idea—even if, just a few years ago, that group thought it was a great one. "The basic way you wanted

to put together a big deal five years ago is that the thoughtful minds in one party would basically go off and write a bill that had seventy per cent of their orthodoxy and thirty per cent of the other side's orthodoxy and try to use that to peel off five or six senators from the other side." Grumet says. "That process just doesn't work anymore." The remarkable and confusing trajectory of the individual-mandate debate, in other words, could simply be the new norm.

I asked Ron Wyden how, if politicians can so easily be argued out of their policy preferences, compromise was possible. "I don't find it easy to answer that question, because I'm an elected official and not a psychiatrist," he said. "If somebody says they sincerely changed their minds, then so be it." But Wyden is, as always, optimistic about the next bipartisan deal, and, again, he thinks he knows just where to start. "To bring about bipartisanship, it's going to be necessary to win on something people can see and understand. That's why I think tax reform is a huge opportunity for the economy and the cause of building coalitions." Perhaps he's right. Or perhaps that's just what he wants to believe.

Mr. BENNET. I urge people to read this because what Mr. Klein does in this article is chart the political course of this mandate from about 1989 to the present. The red shown on the chart is the years in which this was a Republican idea, advanced by Republican Members of Congress and by think tanks like the Heritage Foundation that actually came up with the idea to begin with to deal with the fact that there were people in this country who were not buying health insurance and whom we were all subsidizing, and then when it became a Democratic idea in more recent times.

It strikes me as one person watching all of this that this might have more to do with the party that is in the White House or not in the White House than it does with respect to the merits of the idea. But it is, of course, the merits of these ideas that we should be debating and talking about. But we should not be telling the American people that something that affects 1 percent of the American people is a broad-based assault on the middle class, and we should be bringing to this floor the ideas we have for improving what 50 percent of the American people or 70 percent of the American people are already facing. That is what people in our States believe.

Here is part of an editorial from the Greeley Tribune, which I think was published yesterday, where they wrote:

In 2010, the North Colorado Medical Center provided more than \$71 million in services to indigent patients who didn't have health insurance. It wrote off another \$29 million in bad debt.

The Greeley Tribune writes:

Eventually, insured patients [must] pay for that, in higher premiums and co-pays.

Mr. President, I ask unanimous consent that editorial be printed in the RECORD.

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

TRIBUNE OPINION: REFORMS FROM AFFORDABLE CARE ACT WILL IMPROVE ACCESS TO CARE

Depending on who you talk to, the U.S. Supreme Court decision to uphold the Affordable Care Act is either a great step toward improving health care for millions of Americans or it's the end of the world as we know it.

But we applaud the court's decision for many reasons. We think the hysteria surrounding the Affordable Care Act is generally unfounded and while not perfect, the Affordable Care Act is a step in the right direction toward reforming our health care system.

The Supreme Court specifically upheld the individual mandate provision, which will eventually require everyone to have health insurance. Those against the measure say it is an example of a government mandate aimed at controlling what should be a personal freedom to choose not to carry health insurance.

We argue, however, that this really isn't that different than being required to carry auto insurance if you drive a car or being required to pay your taxes. It's something we should all do to be contributing citizens of this nation.

But even more, those of us who do have insurance end up paying for those who don't through higher health care costs.

In 2010, North Colorado Medical Center provided more than \$71 million in services to indigent patients who didn't have health insurance. It wrote off another \$29 million in bad debt. Eventually, insured patients pay for that, in higher premiums and co-pays.

This provision isn't meant to be a punishment. Programs are being developed to help those who truly can't afford medical insurance.

There are other aspects of the act that are also good, including stopping insurance companies from denying coverage for people with ongoing conditions and the provision that will allow children to stay on their parent's insurance until they are 26.

Frankly, in Colorado, where many aspects of the act have already been instituted, the numbers are hard to ignore. According to Gov. John Hickenlooper's office:

Because of GettingUsCovered, a high-risk insurance pool, 1,331 people with pre-existing conditions have received coverage.

43,997 more adults have gained health insurance coverage.

Nearly 1 million residents of the state with private health insurance now have coverage for preventative health care.

Nearly 2 million residents do not have to worry about lifetime limits on coverage, freeing those suffering from chronic diseases such as cancer of the threat of losing their coverage, and their ability to receive treatments.

There are many more reforms that are needed in our health care system. There needs to be more emphasis on preventative care. There needs to be more access to treatment for some patients who are suffering from chronic illnesses. The skyrocketing cost of health care needs to be addressed.

We do believe this act will head the United States toward some of those reforms that eventually will be a direct benefit to patients.

Unfortunately, we also realize this is going to continue to be a political issue, and that is unfortunate. Access to good health care should be a right in this country for every single citizen, regardless of their income level. It shouldn't be a tool for politicians to use scare tactics and myths to gain more power.

We hope this historic affirmation of the constitutionality of the Affordable Care Act

is just the first step toward improving access, and our health care system as a whole.

Mr. BENNET. Mr. President, I believe that folks in Colorado have moved on here, that they want us to improve this legislation, that they want us to get focused on the real matters at hand, which are getting this economy going again, getting us into an environment where we have more jobs and rising wages again, and they are a lot less interested in these talking points.

I do not understand why people who are in politics can simultaneously make such a big deal about this that affects 1 percent of the people in this country and at the same time support legislation, for example, that forces women, that mandates women to have procedures before they can make a choice about their own reproductive health. It does not make any sense because it is completely inconsistent.

I have a daughter Anne who is 7, not 6 like Mary's daughter. But it is her health care and the certainty in her life and in her sisters' lives and the thousands of children across my State whose health care we should be interested in.

I can see that other colleagues of mine have come to the floor, so I am going to move along here. But before I do that and before I yield to the Senator from Maryland, I want to say that if this repeal happened in the House and then this repeal happened in the Senate and it were signed into law, 932,000 Coloradans who have pre-existing conditions would lose their insurance, 50,000 young adults in Colorado who can now stay on their parents' insurance until they are 26 would no longer be able to, and women could once again be discriminated against simply because they are women. It is welcome to 696,000 women in Colorado who need maternity care or other women's health services who are not going to be charged higher premiums since this law is in effect. And when these exchanges are set up, 521,000 Colorado children will, for the first time, have better vision and dental coverage.

I want to work in a bipartisan way going forward to try to make sure we are doing everything we can to follow the examples of places such as St. Mary's Hospital in Grand Junction or the University of Colorado Hospital in Denver or Denver Health in Denver to drive higher quality and to drive lower costs. It is essential. It is essential for our economy, and it is essential for our competitive position in the world. And it is essential that we put these talking points down and start actually dealing with the facts as they are.

With that, Mr. President, I thank you for your patience, and I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. First, Mr. President, I thank Senator BENNET for his comments as they relate to the Affordable Care Act. I appreciate very much the



point the Senator made that what was passed by Congress and signed by President Obama was really an evolution of work that had been done and recommendations that had been made by Democratic and Republican administrations over a long period of time and that what the Supreme Court did was uphold Congress's ability to move forward with a plan that will give every American access to affordable quality health care.

I could not agree more with the Senator that we need to do work on this. We need to improve the bill. There are different things we need to work on, and Democrats and Republicans should be working together to move forward on the health care debate.

I also appreciate the point the Senator raised that the House of Representatives—I think it is the 31st time they are acting on legislation that repeals all or part of the Affordable Care Act. But their strategy is to repeal the law, and they have nothing to move forward with. They do not have a plan. As the Senator pointed out, if that were to become the case—and it will not; we are not going to pass it in the Senate—parents who now have their children on their insurance policy, who are 23-, 24-, 25-years-old, would lose that opportunity, and parents who can now get their children covered by insurance who have preexisting conditions would lose that protection.

The Patients' Bill of Rights that we have incorporated against abusive practices of private insurance companies—so that if someone goes into an emergency room with emergency conditions, they need to be reimbursed under prudent layperson standards—that could be lost. Our seniors could lose their wellness exams that are covered under Medicare. And we are closing the coverage gap on prescription drugs. That could be lost.

Let me also point out that our seniors appreciate the fact that what we did in the Affordable Care Act extends the life of Medicare for about a decade. That would be lost.

Small businesses will be able, in 2014, to go into exchanges and not be discriminated against by paying more for their insurance than a larger company. That would be lost.

As the Senator knows, the attack on women's health care—this bill that is now law allows women to be treated equally with men as far as premiums are concerned. That would be lost.

So I appreciate Senator BENNET taking the time on the floor to go over exactly what would happen if we were to repeal the Affordable Care Act.

What we need to do, and I think the Court gave us this opportunity—they spoke to the fact that it is up to Congress to move forward on this—it gives us a chance, Democrats and Republicans, to say: How can we make sure our health care system is as cost-effective as possible.

In the Senate Finance Committee today, we had a roundtable discussion

with experts as to how we can do delivery system reforms, use ways we can manage people with serious illnesses and bring down the cost. That is what we need to do.

But the Affordable Care Act itself reduced health care costs. Look at the record. We will lose all that. We actually add to the deficit by repealing the Affordable Care Act. As the Senator knows, the House changed their rules so they can repeal the bill, even though it adds to the deficit.

So I wanted to first thank the Senator for bringing this to the attention of our colleagues as to what is involved. I do think Democrats and Republicans need to work together. The one comment I hear more and more from my constituents is stop the gridlock in Washington. Stop debating the old issues. Let's move forward. Let's create jobs. Let's work together. Let's get the job done for the American people.

Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

#### TOURETTE SYNDROME

Mr. CARDIN. I rise to bring attention to Tourette syndrome, a neurological disorder that affects more than 200,000 Americans in the most severe form and as many as 3 million more who exhibit milder symptoms. Tourette syndrome or TS is characterized by repetitive involuntary movements and vocalizations called tics.

The disorder is named for a French neurologist who in 1885 first described the condition in an 86-year-old woman. TS occurs in people from all ethnic groups and is present in males three to four times more often than in females.

The early symptoms are typically noticed first in childhood, usually when a child is between the age of 3 and 9 years of age. Although TS can be a chronic condition with symptoms lasting a lifetime, most patients experience the most severe symptoms in their early teens, with some improvements occurring in the late teens and continuing into adulthood.

In May, a 13-year-old boy named Jackson Guyton from Parkton, MD, visited my office to tell me about his experiences with Tourette. Jackson first noticed symptoms 5 years ago during the summer of 2007. While on vacation with his family at the beach, his body started making strange movements he could not control. First, came a head jerk, then eye-squinting and rolling; later, he started emitting high-pitched squeaking sounds. As Jackson put it: "I was a regular kid one moment, with good grades and very few problems, then in the next I was rolling my eyes and making sounds. . . . like a fire alarm going off."

In school, the sound was so loud his friends would cover their ears and avoid sitting near him in class, and parents of other children began com-

plaining about his being in their children's class. With teachers who were uneducated on TS, the symptoms continued throughout the school year.

So as to avoid ridicule, Jackson began skipping school or spending more time in the nurse's office than in class. Fortunately, Jackson's parents found a physician who was able to quickly diagnose the condition as Tourette Syndrome. Jackson changed schools and spent the next few years in treatment, trying various medications prescribed by his doctors.

Those medicines were somewhat helpful. Jackson tried other treatments and clinical trials at Johns Hopkins University, where he met Dr. Matthew Specht, a professor of child and adolescent psychiatry who teaches children exercises to help control the tics.

That technique, cognitive behavioral intervention therapy or CBIT requires patients to use a great amount of focus and it does not work for everyone. But it did help Jackson control his squeaks. In the middle school, he encountered a guidance counselor named Mrs. Oates who helped change his life. In Jackson's words:

She learned as much as she could about TS and helped me learn how to deal with the kids better and talk to teachers about what was happening. She also gave me a safe place to hang out when things were bad. Through her and a group that my mom started to help other families with TS in our area, I made a few friends who understood me better.

She also helped Jackson develop a presentation for the 6th grade class in his school. Jackson is now 13 years of age, and in September he will enter the 9th grade at Hereford High School. He is no longer feeling depressed, and he no longer retreats from others because of his condition. Rather, he welcomes the opportunity to use his experiences to educate teachers and other students as a Youth Ambassador, a position for which he was trained at the National TSA Conference with about 40 other young people.

Recently, he presented information about TS to more than 400 elementary school students. He says he truly enjoys answering their questions. He believes, as I do, it is important for people to understand that children with TS are not doing strange or disruptive things on purpose, and he just wants to be treated like everyone else.

Jackson still has unpredictable and sometimes painful tics, but he knows now that TS will not stop him from accomplishing everything he wants to do in life. Last year, Jackson's little brother Davis was also diagnosed with TS. Jackson says that having a teacher who understands the problem and knows how to help is one of the most important things in the life of a child with TS.

He is preparing a special presentation for Davis's class that he will deliver when the 2012–2013 school year starts. I am very proud of this young man. I am hopeful the examples set by him, his

guidance counselor Mrs. Oates, and other TSA Youth Ambassadors are blazing a trail for those who are newly diagnosed.

I am also pleased Congress understands how important public awareness of Tourette is. In 2000, Congress created the Tourette Syndrome Public Health Education Research Outreach Program at the Centers for Disease Control and Prevention. The purpose of this program is to increase recognition and diagnosis of TS, reduce the stigma attached to the disorder, and increase the availability of effective treatment.

The program also includes a public-private partnership between the CDC and the Tourette Syndrome Association, or TSA, that provides educational programs for physicians, allied health professionals and school personnel as well as those who have TS, their families, and the general public. To date, the CDC-TSA outreach program has conducted more than 520 educational programs for 32,000 professionals and community members nationwide.

This program is working well. In addition, CDC has entered into a cooperative agreement with the University of Rochester and the University of South Florida to better understand the public health impact of tic disorders, including TS, for individuals and their families and the community.

One of the areas being assessed is education, as they are looking at the effect of TS on standardized test scores, grade retention, and the presence of an individualized education program. Significantly, they are also measuring teachers' understanding of TS, and this information will be used to inform and improve outreach programs.

I urge my colleagues to support full funding of this program again this year so we might expand awareness of TS and lead to a better quality of life for people such as Jackson and families across the Nation who are affected by this disorder.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

#### HEALTH CARE

Mr. CORNYN. Mr. President, I have listened to some of my friends across the aisle talking about the vote in the House to repeal what has now come to be known as ObamaCare, which the official title is the Patient Protection and Affordable Care Act. But I think history has now demonstrated it is not the Affordable Care Act; it is the "Unaffordable Care Act."

My colleagues suggest the only way we can possibly protect people from preexisting disease exclusions under their insurance policy or make sure young adults up to 26 years old can remain covered under their parent's coverage is to pass this \$2.5 trillion mon-

strosity. That is not the case. We could easily address these other issues as well as affordability if we were to take a step-by-step approach to try to make sure the patient-physician decision-making process is preserved, while making health coverage more affordable for more Americans.

But unfortunately that was not the approach taken under ObamaCare. In fact, under ObamaCare, there was almost no attention paid to trying to make coverage more affordable. The focus was on expanding coverage, an admirable goal but one that ignored affordability almost entirely. We now know ObamaCare was based, the vote in favor of and the public support, such as it is for ObamaCare, was based on a litany of what has now proven to be broken promises. The promise that if someone likes what they have, they can keep it, we know that is not true. More and more employers are dropping their employer-provided coverage for their employees.

The President himself said a family of four would actually see their premiums reduced an average of \$2,500 a year. What has happened? Premiums continue to go up, roughly at the rate of 10 percent a year.

The President said, and I heard my colleague from Maryland just say, ObamaCare cuts the deficit. How they can spend \$2.5 trillion and take \$½ trillion more from Medicare, an already fragile, unsustainable program—unless we fix it—and that cuts the deficit is, I think, beyond the understanding of most Americans. Certainly, it is beyond mine.

I would like to ask my colleague this question: What we know is that now the Supreme Court has decided the constitutionality of ObamaCare. The Supreme Court has said—and under our system of government it is the Supreme Court that is the final word on these matters. It said the only way ObamaCare could be constitutional is for the individual mandate to be considered a tax—a tax. Indeed, it is a tax, a broad-based tax on the middle class.

I want to know how many votes in the House, how many of our colleagues in the Senate would have voted for ObamaCare if it had been called what it is, a middle-class tax increase—a middle-class tax increase. I think it is important to have a vote in the House today, and I think it is important to have a vote in the Senate, as Senator MCCONNELL has proposed to do, to see whether, based on the fact that the Supreme Court has finally decided this is a tax on the middle class, whether it would enjoy the support across the aisle it did in 2009 and 2010.

But I wish to talk a moment more about taxes and indeed the challenges that face small businesses and working families across the country and the need for the Senate to stop contributing to the class warfare rhetoric and gamesmanship that seems to encompass us 118 days now before the general election and the importance of actu-

ally addressing taxes in a constructive manner, in a way that will helpfully get our economy growing again.

To that end, it is my sincere hope that the majority leader will allow an open amendment process on this piece of legislation and allow it to go forward and give Senators the opportunity to offer ideas about how to improve this legislation and help small business job creation.

What we do know for a fact is that unless Congress and the President act before December 31, 2012, American taxpayers will face the single largest tax increase in American history. Why is that? Because the tax provisions we passed in 2001 and 2003 and then again in 2010, under President Obama, will expire at the end of this year.

For example, in less than 6 months, the highest individual tax bracket will rise from 35 percent to just under 40 percent. I think it is important for everyone to realize we are just talking about Federal taxes. We are not talking about State taxes or local taxes. Many States—thank goodness not Texas but many States—have a State income tax which is added to the Federal tax burden. Of course, virtually everyone in the country pays some form of sales tax.

We need to think about, when we add to the tax burden of the American people, what that means in terms of their cumulative tax burden, including Federal, State, and local taxes.

Unless Congress acts, people in the lowest tax bracket will see a 50-percent tax increase. Indeed, the marriage penalty will increase, the child credit will be cut in half, and taxes on capital gains and dividends will increase.

Why are lower taxes on capital gains and dividends important? Well, on capital gains it is important because we want to incentivize people to make long-term investments, to create jobs.

Why is the lower dividend rate important? Many seniors who are retired depend on dividend income from their retirement funds in order to help pay their cost of living.

The bottom line is unless Congress and the President act before December 31—and I submit it is important to act sooner rather than later to send a signal to the markets and job creators about their tax burden on January 1—every taxpayer in the country will pay higher taxes.

Unfortunately, instead of engaging in a serious manner on this issue, the President earlier this week reverted to his old playbook of class warfare and gamesmanship. He advocated again another policy which has failed to pass the laugh test, if you think about it. The President previously proposed the so-called Buffet rule—named for Warren Buffet—and said if we pass the Buffet rule and raise taxes, our problems would all be solved.

Do you know how much revenue would be generated by the Buffet rule if it passed? It would be enough revenues to run the Federal Government for 11 hours—less than half a day.

Well, I have to admit the President's recent announcement that he wants to raise taxes on small businesses has left me scratching my head. I remember back in 2010, when President Obama said raising taxes during a fragile economic recovery "would have been a blow to our economy." That is what President Obama said in 2010. But in 2012, he seems to be singing an entirely different tune. At the time, in 2010, economic growth was roughly 3.1 percent. That is when President Obama said raising taxes would be a blow to our economy. Do you know what the economic growth numbers are today? Our economy is growing at roughly 2 percent of GDP, gross domestic product. Instead of 3.1 percent, it is growing even slower right now.

Of course, as I mentioned, this tax increase the President and the majority leader are proposing is on top of the ObamaCare taxes. It is not just the individual mandate I alluded to earlier that will penalize people who don't buy government-approved health care, but that is on top of approximately 20 different other tax increases that are part of the ObamaCare legislation. Not only do these new taxes break the President's own pledge not to raise taxes on individuals who make less than \$200,000 a year or families making less than \$250,000 a year, but it also creates barriers to new investment and job creation.

Recently I attended a meeting downstairs with Bob Zoellick, head of the World Bank, and the president of the New York Federal Reserve office—a gentleman whose name escapes me. The president of the Federal Reserve in New York said: When talking with business people across the country, I ask them what is your attitude, your mood? Are you going to invest or sit back on the sidelines? He said almost universally the message is: We are done. We are not doing anything else until Washington—in other words, Congress and the President—figure this out.

Who in their right mind would want to start a new business with the uncertainty as far as taxes are concerned, or the burdens that are imposed upon individuals and small businesses because of ObamaCare? I mentioned that in addition to what the Supreme Court found to be a tax—the individual mandate—ObamaCare includes a new 3.8-percent surtax on capital gains, dividends, rents, and interest earned by many taxpayers. This new surtax goes into effect next year, in 2013.

Another thing I found amazing in terms of the audacity of those who supported ObamaCare in 2009 and early 2010 is that a lot of the taxes that were included in the bill didn't go into effect until after this next election. Isn't that an amazing coincidence?

Enacting this permanent tax hike was a mistake then, and it continues to be a mistake now. It will discourage savings and investment, reduce productivity, and it will depress wages and

the standard of living for millions of Americans.

According to one nonprofit economic policy research and educational organization, a 2.9-percent tax increase would depress economic growth by 1.3 percent. You heard me a moment ago say our economy is growing roughly at 2 percent. This think tank says they estimate a 2.9-percent tax increase would depress economic growth by 1.3 percent, and it would reduce capital formation by 3.4 percent. Those are numbers that come out of, obviously, a think tank, but that means fewer jobs and a lower standard of living for many Americans. The damage to job creation and economic growth would be even greater from a 3.8-percent investment tax. You don't have to be an economist or a rocket scientist to figure out that higher taxes are going to depress economic activity. Indeed, it is all about incentives. If we create incentives for people to be productive, work hard, and make investments, then they will respond. If we raise the bar and make it more expensive and harder, they are going to do less of it. It is that simple.

Taxpayers, including small businesses, are already scheduled to get hit with the largest tax increase in history at the end of the year, as I have already mentioned.

I will close on this, as far as this subject is concerned: We know the key to job creation is to grow the economy and allow small businesses to flourish, invest, and create jobs. That is what we are missing now. Government has grown and grown and grown. It has spent money it didn't have under the stimulus bill passed early in the Obama administration. Do you know what the projection was at that time that unemployment would be today if we passed this spending bill using borrowed money? The President's administration said unemployment would be at 5.6 percent. Yet it continues to persist at over 8 percent. So we know that obviously didn't work.

I believe it is important that we put into place an insurance policy against any Senate effort to increase taxes on small businesses. For that reason, I have offered time after time a proposal that would require a supermajority to raise taxes on small businesses. The last time I raised this proposal, when we considered the 2010 budget—which is actually the last time the Senate passed a budget, but that is another subject altogether—the amendment passed with the support of 82 Senators, including 42 Democrats, many of whom still serve in the Senate.

Raising taxes on small businesses that represent the primary engine of job growth in this country is not the answer to getting our economy back on track.

I know about 400,000 small businesses in Texas that employ 4 million people especially cannot afford to pay higher taxes, particularly at this time. We know it is small businesses that create the vast majority of new jobs.

Given that the administration has said it is committed to creating jobs, I am left wondering why they would want to increase taxes on those we are depending upon to do just that. I know the millions of Americans who remain out of work are wondering the same thing today.

#### VOTER IDENTIFICATION

Mr. President, I want to make a brief comment about the voter identification debate. This is particularly important in my State, but it is important across the country, because many States have passed commonsense voter identification laws to protect the integrity of the ballot and prevent dilution of the vote for majority and minority members and everyone across the board, and to protect against voter fraud.

Yesterday Attorney General Holder spoke in Houston, TX, at a gathering of the NAACP. I am sorry to say his remarks were completely inappropriate and misleading. Mr. Holder knows—or he should know—that the Texas law that requires a photo ID in order to cast a ballot will be issued free of charge to any voter who asks for one—free of charge.

He conveniently ignores the fact that the Supreme Court of the United States has previously—in an Indiana case—dispositively held that voter ID laws are constitutional and necessary to protect the integrity of the vote. This is the low point of the Attorney General's remarks. He once again defamed my State and our State legislature by equating our commonsense voter ID law with a poll tax.

By invoking the specter of Jim Crow racism, the Attorney General is playing the lowest form of identity politics. Mr. Holder knows better. This rhetoric is irresponsible and a disgrace to the office of the Attorney General. Shame on him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### GROWING THE ECONOMY

Mr. RUBIO. Mr. President, I wanted to come to the floor today because of the good news I have heard recently, that the Senate is going to spend the next couple of weeks, maybe the whole month, talking about tax policy. I think that is very encouraging, because this is one of the issues I was hoping we would deal with early on, when I got here last year. And I am, quite frankly, surprised it has taken this much time, a year and a half, to pivot to this issue. I am hopeful—I don't know if it has been determined yet—but I am hopeful on this legislation currently before the Senate, the minority will be given an opportunity

to introduce ideas. I think that is important for this place to work well.

I have read the history of this distinguished place and it only works well, it only functions when the ideas of both sides are allowed to be heard. I know we can count votes here, and from time to time we may have a chance to pass a few things, but when one is in the minority, as I am, it is harder to get ideas passed. But I would love to at least get a vote on some of these ideas we are hoping to push forward, and our hope is that will happen. So let's hope that works out.

What I want to remind us all about a little bit today is what our goal is. We can't arrive at the right solutions if we don't know exactly what it is we are trying to get to. Our goal, I believe—and there is a consensus now throughout this country, and it is actually something that unites both political parties—needs to be to grow the economy. That is our goal, to grow the economy. And what will result from growing the economy is that good will happen for everybody.

How does the economy grow is the first fundamental question we have to answer. The economy grows when two things happen: either someone starts a business or someone grows their existing business. That is what leads to economic growth. It is that simple. Someone starts a new business because they think they can make money at it or someone goes into their existing business and says, I think we can make more money, let's grow this thing. That is how the economy grows.

So the issue before us here as Federal policymakers has to be what can the Federal Government do to help that kind of growth. In essence, what the Federal Government can do is to encourage people and make it easier for people to either start a business or to grow their business. So if that is our goal, then every time a measure comes before this body—tax policy, regulatory policy—what we should ask ourselves is, does this make it easier or harder for someone to start a business? Does it make it easier or harder for someone to grow an existing business? Does this measure make it easier or harder for the economy to grow? Because if we are indeed united by this goal of growing the economy, that should be the measure of anything we take on. And it is through that lens that I want to examine some of what we are talking about right now. Because it seems to me, at least in some of the policies I have heard proposed this week, that maybe some folks have the goal wrong. Because if we closely examine some of these policies, it sounds as if the goal is, let's take a limited economy that isn't growing and let's divide it. And primarily it sounds like, let's take this limited economy that isn't growing and let's allow us to take money from people who are maybe making a little too much, give it to the government, and the government can then spend it on

behalf of people who maybe aren't making enough.

I know that may sound appealing to the folks who are among those Americans who aren't making enough money, but I want you to know something: It never works. That idea never works. Here is why it never works. It actually never works because, first of all, the money doesn't get to you. When you give government money to spend, it invariably doesn't usually spend it very well. In fact, when you give government money to spend, the people who end up getting that money are the people who can afford to hire people to come to Washington and influence how the money is spent. So sometimes the money never even gets to you, if in fact you allow the government to do this.

But it is more complicated than that. It can actually cost people their jobs, and here is why. How you create businesses or how you expand an existing business is pretty straightforward. Someone is in business, someone makes some money or gets a hold of some money and they decide to take that money and invest it. They use the money they have made and they reinvest it in their business so the business grows or they use the money they have made to start a brandnew business. This stuff works. This is how the American economy has grown and how we became the most prosperous people on Earth.

I know this works not just because I read about it in a magazine. I know it works because I have lived it. As I have detailed and talked about in the past on this floor, my father was a bartender. He worked at a hotel as a bartender. My mother had a lot of different jobs, but for a while she worked as a maid in a hotel. The reason I talk about this is to explain how and why my mom and dad had a job that paid them money to raise us and give us a chance to do all the things my siblings and I were able to do. Someone made some money, they took that money and opened up this hotel. That is why my parents had a job. They didn't have a job because the President of the United States back in 1965 or 1975 gave them a job. They had a job because someone who made money took that money and used it to start a new business or to grow an existing business and hire them. They also had a job because other people who had money decided to use that money to go on vacation and they came to Miami Beach or to Las Vegas, when I lived in Las Vegas, and they spent that money at these hotels.

The point is, people had money, and they either invested it or spent it. And that allowed a bartender and a maid—my mother and father—to raise my siblings and me and to give us opportunity. That was true in the 1950s, in the 1960s, in the 1970s, in the 1980s, in the 1990s, and it is still true. That is what is needed to grow this economy. And the problem is, if we go after these people, if we go after the money they

have made and give it to the government, maybe they will decide not to open that new business or maybe they will decide this is not the year to take that vacation or instead of taking the 5-day vacation, they take the 3-day vacation. And you know who gets hurt? The bartender and the maid and the people who work in these places. Because money has to go somewhere. If you are taking it out of the hands of the people who invest it and spend it, they can't invest it or spend it, and it is people who are trying to make it—like my parents were—who get hurt by it.

So we have to get our goal right. Because if our goal is to grow the economy, we don't have to call trick plays. What we can do at the Federal level to grow the economy is pretty straightforward. All we have to do is talk to the people who grow the economy. If we go out and talk to the people who have a great idea and are trying to start a business, they will tell us what they are looking for. It is pretty straightforward stuff: tax reform.

What do we mean by tax reform? Simple. We want a Tax Code that is stable, predictable, and affordable. Of course we have to have taxes. Government needs revenue to be able to pay for what we all expect from government. But it has to be a predictable system and it has to be an affordable system. If taxes get too high, people may decide not to invest it in this country or to leave it in the bank, and that doesn't help anybody. So the point is we need to have a Tax Code that is stable, predictable, and affordable.

We need regulations that are the same: stable, affordable, and predictable. Look, we need regulations; right? I want this water to be clean. I don't want the water to poison me. We don't want to walk out on the street and breathe in air that will hurt us. There is a role for regulation. The problem is that most Federal regulations are set by bureaucrats who work for the government, and all they think about is can this regulation maybe help. They do not think at all about the impact of that regulation on businesses. That is not part of the equation. When they sit down and write a regulation, that is not part of the equation at all. So we end up having these regulations that may not even help that much but hurt a lot; that help wipe out entire industries, but the impact on helping the environment or whatever else is nebulous at best. So we have to change that.

That is why we need to pass a law here like the REINS Act, which says any regulation that has an economic impact beyond a certain amount of money should have to be approved by elected people, who are accountable, who have to measure both the effectiveness of the regulation but also whether it is going to cost jobs or wipe out an industry. Because that is important too. Protecting our industries and our sources of job creation is as important as some of these other things we

are trying to protect through regulations and they have to be balanced against one another. We do not want to simply be making decisions in a vacuum.

Along those lines, something that is both a tax and a regulation is ObamaCare. Look, we have a health insurance problem in America. There is no denying that. But there are better ways to deal with it. The problem is this bill that passed has created a tremendous amount of uncertainty. For example, it says if you have more than 50 full-time employees, there are certain requirements you have to meet. So imagine if you are a company with 48 or 49 employees. This may not be the year to hire the 50th. And maybe you are going to be the 50th, but now you don't get hired or, worse, maybe you will decide this is the year to turn all your employees into part-time employees. That is not good for the workers. Yet that is the impact this law is having, not to mention the fact it is a tax increase.

That is what the IRS does. The IRS collects taxes. And guess who you have to prove you have insurance to. And not just any old insurance, but insurance they deem to be acceptable. The IRS. Millions of Americans now every year will have to prove to the IRS they have insurance or they will owe the IRS money. That is a tax, and that is not going to help job creation, especially if you are a small business.

I outlined this last week. Imagine a small business run by a husband and wife with two kids, and the business—not them, but their business—makes \$95,000 a year. It will cost them between \$4,000 to \$6,000 to buy health insurance. If they do not, they will owe the IRS \$2,000. Tell me that is good for that business. Or imagine if you are thinking about going into business and you realize this is what is going to happen to you and you decide not to go into business. That is not good for growth. That is why this law needs to be repealed and it needs to be replaced.

Something else we need in this country is a pro-American energy policy. Do people realize the American innovator has come up with this technology over the last 5 years that now has made us a very energy-rich country? I don't know if people fully understand how energy-rich America is. If you want a small glimpse of what it can mean to our future, go to North Dakota. They are having a jobs boom. They can't find enough people to work there.

Energy is important and we need to start behaving like an energy-rich country, with a true all-of-the-above strategy where the energies we choose are decided by the marketplace and not by politicians. When politicians decide which energy source to use, you know who wins? The people with the best lobbyists. The people with the best lobby. The people with the most political influence. That is how we got a Solyndra-type situation, where a company that was going to go bankrupt got

all this money—your tax dollars—and meanwhile America is sitting on over 100-some-odd years of natural gas at our disposal and no concise national energy policy to utilize it.

Let me tell you why energy matters. If we can get energy costs down and stable and predictable, manufacturing will start coming back to America. That is one of the leading costs of manufacturing, energy. We are an energy-rich country. Some of those factories that closed, we can actually get them to come back here. Imagine what that would do for economic growth, not to mention the fact that America could potentially now begin to sell overseas as well, creating yet another industry and all the things that come with it.

How about free and fair trade? There is an emerging middle class all over the world now. One of the great things that has happened over the last 20 years is that all over the world there are now people who a decade ago were living in poverty and can now afford to buy the products we invent and build, people all over the world, by the way, who can now afford to take vacations. And do you know where they want to come? To the United States of America. They want to come to Florida. They also want to come here.

I think that is fantastic, that now there are millions of people all over the world who can afford to visit the United States and leave their money at our hotels, at our restaurants, and at our amusement parks. That creates jobs, that creates growth, free and fair trade, that allows the American people to build things we can sell overseas to other places and lowers the cost of buying certain things here.

Last year, we ratified the free trade agreement with Colombia, Panama, and South Korea. We are already seeing the economic benefits of that in south Florida. Imagine if we were able to do that with more countries in a free and fair way. It has to be fair.

One last thing we could probably do to help grow this economy is deal with the long-term debt. And that is what it is, it is a long-term debt problem that hovers all over all of this conversation and creates uncertainty. People are afraid—especially people with lots of money are afraid—to invest in the American economy because they look at this debt problem, they look at this political process's inability to deal with it, and they think, Do you know what. That country is destined for confiscatory tax rates. They are going where Europe is going. We don't want to invest in a country that is going to wind up like Europe in 5 years. That is why we have to deal with the long-term debt, and the sooner the better.

To deal with the long-term debt, by the way, you have to deal with what is causing it. That is why it is so important we save Medicare. Medicare is a very important program. My mother is on Medicare. I would never support anything that hurts my mother or people like her. But people in my genera-

tion need to understand that if we want to keep Medicare the way it is for our parents and if we want Medicare to even exist when we retire, Medicare is going to have to look different for us, for 41-year-olds. We have to save Medicare. And to deal with the long-term debt, we have to deal with that. That is what is driving part of the debt. That is not being driven by foreign aid, which is less than 1 percent of our budget. The debt is not being driven by food stamp programs. The debt is not being driven by defense spending.

Look, if money is being misspent or wasted, it is never a good idea to do that. If there are ways to save money on foreign aid, we should save it. If there are ways to save money in the food stamp program, we should save it. If there are ways to save money in the defense budget, we should save it. But that is not what is driving our long-term debt. To pretend we are going to get 100 percent of our savings from 25 or 20 percent of our budget leads to the kind of catastrophic cuts we talk about in this town, because no one wants to touch the big issues that have to be dealt with.

What would happen if we did these six things? Let's say that tomorrow, overnight, magically these things happened: We got real tax reform, real regulatory reform, we repealed and replaced ObamaCare, we had a pro-American energy strategy, we expanded free and fair trade, and we had a plan in place that began to deal with the long-term debt in a serious and sustainable way. Let me tell you what would happen: explosive economic growth, primarily by the creation of jobs.

Do you know what more jobs means? It means, No. 1, more taxpayers. It means you can now generate revenue for government to pay for what we all want government to do, and you don't have to raise tax rates to do that. It means you have more taxpayers who are now paying into the tax system who give you the revenue you need to bring the debt under control. Everything gets easier if the economy grows. The debt gets easier, our budgets get easier.

Jobs also mean more customers for your business. If someone is unemployed, it is hard for them to spend money. It is hard for them to buy a house, much less the things that go in it. It is hard for them to take vacations. More jobs means more stability for your business or for the place you work in. More jobs means more taxpayers, it means more customers for your business. And, by the way, it means a more stable society, a place where hard work can earn them a decent wage so they can save money for their kids' college, so they can save money for their retirement, so they can buy a home and furnish it, so they can afford to take a couple weeks vacation a year with their families. Millions of Americans can't do that anymore.

Millions of Americans have done everything we have asked of them. They

went to school, they graduated. They were told if they did that, they could find a job that paid them a decent wage, and they are struggling to do that now.

By the way, all of the strategies for growth aren't at the Federal level. It is important that States take on the issue of education reform. It is important for us as parents to be honest with our kids. In the 21st century, it is going to be hard to find a job if all you have is a high school diploma. It is that simple.

If you look at the unemployment rate between people who have a college degree or a post-high school degree and those who don't, it is stunning. It is stunning. If you don't have more than a high school education, you are going to struggle to succeed in this new century. We have to let our kids understand that. It is our job as parents and as a community to do that.

By the way, it is important for us to work with the States, as I outlined earlier, to modernize our education system. Why have we stigmatized career education? Why can't we graduate kids from high school with both a diploma and an industry certification and a career? We need to begin to teach our kids to compete with the world, not just with other States. These are other things that have to happen as well.

The point I wanted to drive today is we need to remind ourselves of what the goal is here. The goal is growth. The goal is, What can we do at the Federal level to help grow the economy? Ultimately, the economy grows because of the private sector, because someone who has made some money takes that money and invests it by starting a new business or by growing their existing business. We should find ways to make that easier and encourage people to do that. That has to be our goal. It doesn't require trick plays; it doesn't require some complicated new gimmick. We don't have to reinvent the wheel. The American people haven't run out of good ideas. Americans haven't forgotten how to start businesses or even entire new industries. Even as I speak to you right now, I am 100 percent convinced that within walking distance of this building there is someone somewhere drawing up the great next American company business plan on the back of a napkin or a scrap piece of paper. And if we give them a chance to do it, they are going to do it.

We are still the same people we have always been. There is nothing wrong with the American people. They just need a little help from their government. I think if we get our goals right around here, we can do a few simple but important things that allow Americans to do, once again, what we do better than any country or any people in the history of the world, and that is create prosperity and create opportunity.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, before I get into the substance of my remarks, I heard the concluding remarks of my colleague, Senator RUBIO, talking about ideas and education and small business growth.

I agree with his basic concept that we are still the greatest country in the world, that we encourage entrepreneurs and people with great ideas, that education means a great deal to making that happen; that no other country inspires young people, middle-aged people, even older people to start new businesses. I hope it means he is going to vote for the proposal that is now before us. Because what this proposal does is take that young person within walking distance of Washington, DC, who has a great idea and, once they start a business, allows them to get that business to move more quickly. There are lots of those businesses, and probably some within Washington, DC, as well. So I hope my colleague from Florida will vote for our Small Business Jobs and Tax Relief Act.

The proposal will spur economic growth. It will create nearly 1 million new jobs in this country. If my Republican colleagues care about small business in America, they would work with us to pass this commonsense bill immediately instead of playing procedural games that are thinly veiled attempts to block these tax cuts that spur hiring. The bill is based on bipartisan ideas that have traditionally enjoyed Republican support, yet they are obstructing their passage. Why are our Republican colleagues changing their tune? The only explanation is that Republicans continue to block proposals that will help create jobs and spur our economic recovery for their own political gain.

This is a simple proposal. It is a smart proposal. It is a tax cut proposal. In my home State of New York, small businesses from Cattaraugus to Clinton County are poised to grow and make the jump to the next level. These business owners know the economy is slowly turning a corner, but we are not there yet to full unthrottled growth, so they are looking for Congress to do more—not less—to spur hiring.

This initiative is aimed at the small businesses that are truly the lifeblood of our Nation, and we need to help them jumpstart expansion plans this year. There is simply no time to waste.

There is a business in Cortland, NY, central New York, called Precision Eforming. It is a great small business that would use this tax cut to buy a new piece of equipment called a Dipcoater to help the company create high-end acoustics such as hearing aids. With the Dipcoater, Precision

Eforming will increase yield and need to hire new employees.

There are stories like this throughout my State. Napoleon Engineering Services, a new ball-bearing plant in Olean, hopes to hire more employees and will purchase new equipment for its growing business. Quinlan's Pharmacy and Medical Supply in Livingston County wants to add an additional location in Schuyler County. In Staten Island, the owner of a small restaurant chain recently told me this proposal could help him expand to additional locations.

Simply put, this bill makes equipment purchases and capital improvements for thousands of small businesses cheaper, and, by doing that, provides a real jolt to the economy. In fact, it is estimated that every \$1 of tax cuts devoted to writing off the cost of a business's purchases generates about \$9 of GDP growth. Let me repeat that. One dollar of tax cuts devoted to writing off the cost of a business's purchases generates nine times that in GDP growth. Why wouldn't we do it? Economists of every stripe will tell you that hiring incentives like the ones in this bill are the best ways to kick-start an economy and get people back to work. Why wouldn't we do it?

In fact, a new nonpartisan analysis of the proposal before us has determined it will create nearly 1 million jobs this year. Look at your State: 22,000 in Washington State, 10,000 in Nebraska, 11,000 in Iowa, 40,000 in Pennsylvania, 63,000 in my home State of New York, 77,000 in Texas. Huge numbers of new jobs will be created by this proposal. Why won't our colleagues move forward on it?

It is estimated that 93,000 jobs will be added to the construction industry, 61,000 new jobs added to manufacturing. The report concludes that the proposal's impact would be felt across every State and in a range of industries, with a significant jump in employment in construction and manufacturing. The proposal is targeted toward the mom-and-pop Main Street businesses that will benefit most from this relief.

You want to talk about job creators? You want to help job creators? Well, these small business owners are real job creators and they are the ones who make this country run. They come in early, they stay late, they work hard, and they deserve a tax break.

Here lies an important contrast between what we are proposing and a different tax cut proposal that the House Republicans have passed. The House Republican proposal is neither focused on true small business nor does it make the tax cut dependent on a company doing any hiring at all. Our proposal rewards actual job creation by true small businesses, rather than giving more tax breaks to millionaires and billionaires who may not create a single job. They have profits; they get a cut in their taxes for their profits even if they fire people. Does that



make any sense? Our bill's common-sense measures have had broad bipartisan support. There is no reason Democrats and Republicans alike should not support them now. The relief in this bill would be a grand slam for our economy as a whole. It puts more people to work, expedites the expansion of successful small bills throughout the country, expands businesses to new communities, and keeps money flowing through local economies. For too many business owners, this relief simply cannot wait. Let's get this bill to the President's desk and get our business owners started on the developments that will propel them into the next decade.

Once we pass this bill, we must work together to give certainty to American families that they will not see a mass tax hike at the end of the year. We should all agree our small businesses deserve tax cuts and a Small Business Jobs and Tax Relief Act that will help them hire workers. We should all agree no middle-class families should face a tax increase at the end of the year. Let's take care of our areas of agreement and then we can turn to debate on whether our country can afford to give more tax breaks to the wealthiest 2 percent.

I yield the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Ms. LANDRIEU. Madam President, as chair of the Small Business Committee of the Senate, I am pleased to come to the floor to give some supporting remarks for Senator SCHUMER's small business tax reduction bill. The bill will invest, basically, \$20 billion to the bottom line of small businesses—owners of businesses that are dynamic and that are growing. I would like to make that distinction. It is not all small business that will get tax relief. It is small businesses that are dynamic and growing and adding employees or increasing wages.

The bill is smartly and narrowly targeted to motivate and to reward those small businesses, a subgroup of the 28 million small businesses that exist in the country today, many of which are in the Senator's State, Minnesota, that has some very high-growth, high-potential small business development in the medical field, I understand. In my State, it would be those businesses that are growing because of the increased demand for energy and the new technologies that are coming out, not only for oil and gas production, which is important, but also other sources of energy. In Ohio and Michigan, it could be those small business suppliers that are rallying around the emerging and strengthening automobile industry,

which President Obama and the Democratic Members of this Congress had so much to do with salvaging.

Our business is not just throwing money against the wind. It is taking precious taxpayer dollars and targeting them to those businesses that are growing. That is why, as the chair of the Small Business Committee, I strongly endorse Senator SCHUMER's proposal over the proposal that came from the House of Representatives.

The House of Representatives' bill basically is taking \$40 billion that we do not have—we do not have the \$20 billion either but one is half the cost—taking \$40 billion and throwing it at businesses, 50 percent of which, according to the CBO study, will accrue to the highest income earners in the country—over \$1 million. It is not targeted. It is just about business profits, which are important. I know businesses are in business to make profits. I have no problem with that. We want our businesses to be profitable. But the Schumer proposal, relative to the Cantor proposal, is targeted to those businesses making a profit and reinvesting it in the business to grow—hiring workers and putting behind this recession we are coming out of—a recession because of poor policies of previous administrations—coming out of this recession to help grow the economy.

We can give tax cuts in a variety of different ways. If we had all the money in the world, maybe we could afford to do both, but we are not that fortunate. We have to make choices. That is what we do on the floor of this Senate every day, make choices, make distinctions between wise ways to spend money and poor ways to spend money.

I suggest, if we have \$20 billion to spend, if everybody agrees we have at least that, that the Schumer approach is much more efficient, will be much more effective, will get much more bang for the buck than the Cantor approach.

I commend Senator SCHUMER for putting his bill on the floor, the Small Business Tax Relief and Job Creation Act of 2012. According to the National Economic Council, the tax credit would provide \$20 billion in direct tax relief for businesses that hire new workers or increase wages, and it could encourage an additional \$200 to \$300 billion in new wages and jobs this year.

This tax credit, as I said, makes sense. It will help create jobs. According to the Congressional Budget Office report released last year, the CBO report from November of 2011, policies that have the largest effect on output and employment per dollar of cost in 2012 and 2013 are the ones that would reduce the marginal cost of hiring. That is exactly what the Schumer bill does.

Firms that make capital investments in 2012 would be allowed to deduct the full value of the investment on their 2012 return. We know this kind of targeted tax cut can spark demand that small businesses have been clamoring

for. This tax cut is an extension of a tax provision that expires in 2011 and had yielded an estimated \$50 billion in added investments and lowered the average cost of capital for business investment by over 75 percent, according to the National Council of Economic Advisers.

We have had a lot of experience in the Small Business Committee and in the Finance Committee, on which Senator SCHUMER serves, in the last couple years designing and implementing tax cuts for the middle class, tax cuts for the job creators. Again, if we look very objectively, considering the Schumer proposal costs half as much as the Cantor proposal and will probably do three times if not four times better, it is a no-brainer which one is more effective; that is, the Schumer proposal.

Our hope is if Senators come to the floor and begin to look more carefully at the Schumer proposal versus the proposal that came from the House, they will realize the benefit of the Schumer approach and give it the 60 votes we need to move it forward and will reject the Cantor approach as being too expensive relative to the other option that is on the table and much less effective. In the event the Senate decides to do neither, which might happen because there have been logjams around here for a while now, I have to say I was very proud of my colleagues BARBARA BOXER and JIM INHOFE for working to break the logjams in a spectacular way just 2 weeks ago on the Senate floor when they finally negotiated a 2-year transportation bill, the flood insurance bill, the RESTORE Act, and the student loan reduction bill, which is the remarkable work the Congress did last week.

In the event the Cantor proposal fails and the Schumer proposal fails, I am hoping to offer an amendment that the leadership is considering now that was put together by the Snowe staff and the Landrieu staff over the course of the last several weeks. The only name on this right now is mine, but it has been put together by a variety of Senators who have been working across the aisle for months on items that are very important to the small business community.

Again, we have 28 million small businesses in America; 22 million of them are single employers. In other words, they are self-employed professionals who are doctors, lawyers, landscape architects, architects, other service providers, network professionals, and IT professionals who are working in their own business and employ themselves. They are very valuable. We encourage entrepreneurship in America. We may have more entrepreneurs per capita than any place in the world. We believe in it and we are excited.

We are also excited for our businesses that start with two or three employees, and before we know it they have 200 or 300 employees. Then, when we close our eyes and open them, they have 2,000 employees. That is very exciting. We

call them the gazelles. We look for accelerating opportunities.

As I said, we put this package together with the significant input of Senator SNOWE and her staff, along with input from Senator KERRY, who has been an extraordinary leader in this way. Senator MERKLEY, Senator CARDIN, and a list of other Senators whom I am going to refer to have been working for years on some of these issues. I wish to make sure I give them the credit for these issues.

First in our package is the very popular and very effective 100-percent exclusion of capital gains for investments in small businesses. It was part of the small business tax extenders package. President Obama has recommended this and Senator KERRY is the lead sponsor, along with Senator SNOWE, on the Finance Committee.

Let me give a little background. Until 2009, noncorporate taxpayers were allowed to exclude 50 percent of the gain from the sale of the stock of a qualified small business if taxpayers held the stock for 5 years. The Recovery Act increased the 50 percent to 75 percent and the Small Business Act of 2010 subsequently increased it to 100 percent. As of January this year, it was reverted down to 50 percent and startup investments are no longer entitled to the preferred capital gain treatment.

Our proposal would basically take this up to 100 percent exclusion from the sale of capital gains that noncorporate taxpayers purchased in 2012 and 2013 and hold for 5 years. It has bipartisan support. As I said, Senator KERRY has been the lead advocate. Senator SNOWE has worked side by side with him, and along with Senator MORAN, Senator WARNER, Senator COONS, and Senator RUBIO have all called for this provision to be permanent. I wish we could make it permanent. This bill will not make it permanent, but we will extend it for another year and a half.

According to the Kauffman Foundation paper published earlier this year—and the Kauffman Foundation, for those who don't know, is the leading think tank. It is not political at all. It is just a middle-of-the-road, well-respected think tank on small business development. They published a paper earlier this year, the 100-percent exclusion “boosts the after-tax returns on such investments in startups and should induce substantial levels of new investments in startup firms.” They further estimate that making this provision permanent would increase risky investments by, conservatively, 50 percent more than the overall cost of the provision. So they are supporting this provision very strongly and would like to see it permanent, but we can only afford in this package to have it for the next year as we again build our way out of this recession.

I guess, from a conservative point of view, one of the good things about this provision—after we vote on the Schumer proposal and the Cantor proposal—

it only scores at \$4 billion. We get a tremendous benefit for a very small investment of taxpayer money, relatively speaking. Not that \$4 billion is chump change, but compared to the \$20 billion we are considering for the Schumer package and the \$40 billion for the Cantor package, we think we can take that \$4 billion and, similar to yeast, make it stretch and grow to affect a lot of people and to spur a lot of investment.

The next provision is the small business tax extenders, the increased deduction for startup expenditures. Again, this has been a Snowe and Merkley initiative. I think Senator MERKLEY has truly stood up to fight for this.

Under current law, taxpayers can elect to deduct up to \$5,000 of startup expenditures in the taxable year in which they start a trade or business. The \$5,000 is reduced—but not below zero—by the amount by which the startup costs exceed \$50,000.

Examples of potential startup costs: studies of potential markets, products, labor markets or transportation systems; advertisements for the opening of a new business, et cetera; compensation for consultants who help get one's business started.

The Small Business Jobs Act temporarily increased the amount of the startup expenditures entrepreneurs could deduct from their taxes in 2010 from \$5,000 to \$10,000, with a phaseout threshold of \$60,000. Senator MERKLEY fought to have this provision in the Small Business Jobs Act. This proposal has been repeatedly endorsed by the National Association for the Self-Employed and the National Federation of Independent Businesses.

As part of his “Startup America” legislative agenda, President Obama has called for making this permanent. Again, my amendment doesn't make it permanent, but it does make it effective through 2013.

According to a Kauffman Foundation survey, on average, new firms inject about \$80,000 into their businesses during the first year of operation. The vast majority of small business owners—between 80 percent and 90 percent—also invest significant amounts of their own money. I wish to underscore this. The way this amendment came together is we conducted in the Small Business Committee—and had very good turnout—about three or four high-level roundtables, where instead of just having 2 or 3 people testify, we had 20 people at a roundtable show up. For 2 hours, in a very informal setting, they were answering questions, such as: What is the best thing we could do to help you now? What are the barriers to growth? What does a healthy ecosystem for small business look like and what could we do to strengthen and make healthier that ecosystem in America? That is where these ideas came from.

Of course, Senator MERKLEY picked up on some of this and understood. The

Kauffman Foundation was there. They said that even though I have talked a lot on the Senate floor about how small businesses need to borrow money—and many do—when they start a company, they don't want to borrow money unless they absolutely have to because the chances of it not working are pretty significant. Most new startups fail, and so people do not want to go into debt unless they have to or unless they are a little bit more sure their idea is going to work.

The benefit of this proposal is that we are actually rewarding the risk-takers who are digging into their savings and taking second mortgages out on their homes and putting some of their other savings at risk behind their idea. What we are saying is if they do that, we will give a significant tax break, considering it costs about \$88,000 to start an average business. So this is targeted to those risk-takers. It is not just taking money out of the Treasury and throwing it at all small businesses. It is taking that money—and this is only \$4 billion total—and saying: Ok. Let's target it to those individuals who are putting their lives on the line. They are putting their livelihood on the line and their future on the line. What can we do to support them? I am a very big believer in this provision, and I thank Senator MERKLEY for bringing it to us.

I see Senator CASEY and Senator SHAHEEN are on the Senate floor to speak and that my time has expired. Since I am going to be on the floor most of the afternoon explaining this amendment, I would be happy to yield the floor.

I see Senator SESSIONS is here and ask unanimous consent that Senator CASEY speak for 10 minutes, Senator SESSIONS for the next 5 or 10 minutes and Senator SHAHEEN for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, if the Senator would make that 10 minutes, I think that will be fine.

Mrs. LANDRIEU. I will amend that to 10 minutes each in the order of Senator CASEY, Senator SESSIONS, and Senator SHAHEEN.

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

The Senator from Pennsylvania.

Mr. CASEY. Madam President, I wish to commend the senior Senator from Louisiana not only for her work on this legislation but for her many years laboring in the vineyard, so to speak, on small business issues and job-creation strategies to help our small business owners across the United States.

I rise to speak about this legislation as well because when I go to Pennsylvania and travel across our State, I get two basic messages from the people of our State. They are very clear. They say two things: First, work on job creation. Put your time into putting in place ways to create and incentivize the creation of jobs. The second message is work together and get things

done. Work with people in both parties to move a strategy forward to create jobs.

I think this legislation does both. It is focused on creating jobs, especially as it relates to our small business owners and their workers and their communities, but it also is a way to bring Democrats and Republicans together to create jobs. The Small Business Jobs and Tax Relief Act will, indeed, help small businesses hire people by reducing the cost to small firms of bringing on a new worker or increasing their hours or pay. The economics of this are clear and compelling. By providing small businesses with new incentives to hire, we can create jobs and bolster economic recovery.

Small businesses are at the center of the economy of the United States and are vital to our recovery. I know in Pennsylvania there are nearly 250,000 small businesses. Four out of every five firms in the State are small businesses. This legislation is commonsense legislation and I hope will have strong bipartisan support when we vote on the bill itself.

It includes a business payroll tax incentive similar to legislation I introduced back in the year 2010 that will make it easier for small businesses to grow and to encourage economic growth throughout the country. It will give businesses a 10-percent income tax credit on new payroll for hiring new workers or increasing employee wages. It is, in fact, targeted legislation. It is targeted to small business owners. It is because it is capped at \$500,000 per firm or 10 percent of a payroll increase of \$5 million.

In addition to being targeted, it is timely. It will be available immediately for any new hires or increased wages for the remainder of 2012.

Thirdly, it is very effective. The Congressional Budget Office, known around here by the acronym CBO, said a tax credit based on increased payroll would create the most jobs and have the greatest positive impact on America's gross domestic product when compared to other job creation policies that have been proposed. Under this legislation small businesses that hire a new worker would, on average, see more than \$4,000 in tax savings per worker hired. That is a substantial help to a small firm, and people can just do the math as they hire more than one person. That is a smart step in the right direction to help these small businesses themselves as well as boost job creation throughout our country.

As the chairman of the Joint Economic Committee, our committee just produced a report recently—I know my colleagues can't see all the lettering on this report I am holding, but it is a very simple report that is just a couple of pages—outlining in very clear fashion the impact that small businesses have on our economy in terms of the predominance of small businesses when we consider businesses across the

board. The name of the report is "Tax Incentives for Small Business Hiring and Investment: Strengthening the Backbone of the Economy." In fact, that is the truth. The backbone of the American economy is our small business sector.

The report finds that enacting a tax credit for businesses that hire additional workers or increase the hours and wages of existing employees will help both sustain and accelerate the recovery. Across the Nation, 79 percent of business establishments are either single-establishment businesses with fewer than 100 employees or are parts of multi-establishment companies with total employment of under 100 employees.

Small businesses are responsible for more hiring in the U.S. economy than medium-sized or large businesses. As the labor market has begun to recover, small businesses have led the way again and again. If we look at the time period of February 2010 to February 2012, small establishments were responsible for 46 percent of the hires versus 34 percent for medium-sized businesses and 20 percent for large establishments.

This is a critical point: Small firms accounted for nearly half of the hiring from early 2010 to early 2012. Small businesses truly are the engines that power our economy.

The recent monthly unemployment reports, which show job growth at a slower pace than earlier in the year, underscore the need to provide new incentives to hire and invest in businesses. Many small firms want to hire more workers, and they also want to increase hours. This legislation will help them do that.

In addition to the payroll tax credit, the legislation will extend the 100 percent depreciation deduction for major purchases through the end of 2012 so that businesses that want to make a big investment—a new building, a new significant piece of equipment—can get the benefit of that this year. An extension of this business expensing would reduce the cost of investment and promote economic growth.

So, in summary, the Small Business Jobs and Tax Relief Act would help create jobs and strengthen the economy and move our recovery forward. These are objectives we all share. I hope we can move forward in a bipartisan manner to pass this legislation because, in the end, it meets that two-part test my constituents give to me every day; that is, they want me to do everything I can to help create jobs, and they want me to do it in a bipartisan way. This legislation, in fact, does this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### HEALTH CARE

Mr. SESSIONS. Madam President, this afternoon the House of Representatives voted 244 to 185 to repeal the President's health care law, the Afford-

able Care Act. It was a bipartisan vote. A number of Democrats voted in support of the law, although not as many as voted originally to pass it, because a lot of the Democrats, even those who voted against it, got shellacked in the last election, and it was a pretty rough, intense debate.

The American people never felt comfortable with this legislation. I believe it will be repealed. I do not believe it will be implemented. The reason is, whether one likes it or not, we simply do not have the money.

I wish to talk about that today. I am the ranking Republican on the Budget Committee, and I wish to share some thoughts with my colleagues as we wrestle with what to do on health care and how to undo the legislation that passed by the narrowest single margin in this Senate on Christmas Eve and was based on false accounting.

President Obama promised, before a joint session of Congress in 2009, to spend \$900 billion over 10 years on the law. He said:

Now, add it all up, and the plan I'm proposing will cost around \$900 billion over 10 years.

\$900 billion is a lot of money. It is almost twice the defense budget.

The President went on to say in support of this health care legislation that it would reduce the debt of the United States. We are going to add all of these new people to the insurance rolls, and it is going to pay for itself and reduce the debt. No one really believed that, but that is what the arguments were and the representations that were made.

But once we add up all the different spending provisions in the health care law, including closing the doughnut hole, implementation costs, including all of those IRS agents and other spending in the legislation, the total gross spending for the law over the 2010-2019 period—the 10-year budget window used at the time it was enacted—was actually \$1.4 trillion. I will just show this to my colleagues with this chart because it is very important. The President promised the American people in his speech before a joint session of Congress that it would cost \$900 billion. People knew it would cost more. But even then, in the initial 10 year budget window, as he proposed, when we count up all the spending in the Congressional Budget Office estimates of the legislation, including the enforcement mechanism through the IRS agents, closing the doughnut hole and other spending in the law outside of the major coverage provisions, the law spends \$1.4 trillion over that same 10 year period. That is almost 50 percent more right there. I think that fact is indisputable. I will ask my colleagues to come tell me if I am wrong.

I would just note parenthetically, one of the most important components of health care reform should have been resolving the doc fix. Under current

law, we are projected, without legislation that takes effect, to reduce Medicare payments to doctors by roughly 30 percent by the end of this year.

At the time the health care law passed, the cost of a permanent doc fix added up to about \$200 billion to \$250 billion over a 10 year period. Democrats originally included the doc fix in earlier drafts of the bill. But in the end when they looked at the numbers, if they included the doc fix—which is critical and needs to be fixed permanently; not continuing to hang out there every year and to be fixed by borrowed money—then the bill couldn't have continued in surplus. In fact, according to the Congressional Budget Office, it wouldn't continue to be paid for as the President was saying. So they just didn't do it. They just decided they wouldn't fix one of the most important issues in health care, and it remains that way today.

So, as I work through this, we are using nonpartisan Congressional Budget Office numbers.

Most of the major spending provisions in the law, as our colleagues should know, do not take effect until 2014. So the true 10-year score should be 2014 through 2023. That is the 10-year window of full implementation. How much will the bill cost then? Each year it goes up because until 2014 we don't really see a 10-year full cost of the legislation.

So what Democrats did was—and the President deliberately did, with help from his OMB Director, Mr. Peter Orszag—they manipulated CBO's scoring conventions. In the initial 10 year budget window they only included 6 years of spending on the major coverage provisions so that CBO would appear to score it over 10 years and say it would only cost \$900 billion. That delay tactic was a pure budget gimmick. So we can look at this chart and see that from 2014 through 2023, each year these red lines represent a situation in which we are closer and closer to 10 years of full implementation and how much the cost will be.

So we go from 2014, and the next 10 years, as the bill is fully implemented, and it will cost \$2.6 trillion, almost three times the amount the President promised it would cost.

So people ask: How do we get in a situation where we are borrowing 40 cents of every dollar we spend? This kind of deception. A CEO in a court of law would go to jail if he proposed using that kind of accounting in his business practice and asked people to invest in his stock.

Analysis by my staff on the Budget Committee, based on the estimates and growth rates the Congressional Budget Office utilizes, finds that the total spending under the law, including the other spending not directly related to the coverage provisions, will amount to at least \$2.6 trillion, and could be much more.

Now, how did they get this done? It is a sad state of affairs, frankly. The

Obama administration, Mr. Orszag, the Office of Management and Budget Director who works directly for the President, also asserted that "health care reform is entitlement reform." In other words, this is going to fix an entitlement danger—the problems we have with Medicare, Social Security, and Medicaid; entitlement programs, each one of which are growing at fast rates that are unsustainable, that will head to bankruptcy in the years to come.

However, a simple comparison of the Federal Government's unfunded obligations for health care programs, before and after the health care law was enacted, clearly proves that the President's health care reform is not entitlement reform. It will not improve our long term spending trajectory. It will not make these programs more viable in the future. It did not put Social Security, Medicare, or Medicaid on a sustainable path. Those programs remain disastrously unsustainable.

The President does not even talk about that any more. Here we are running into a reelection campaign and the country is facing a colossal financial danger from unsustainable debt, and the President would not even talk about it. He says things are getting along fine. I think it is a failure of leadership for him not to talk honestly with the American people about our fiscal challenges.

So before the President's health care law was enacted, unfunded obligations for the Federal health care programs totaled \$65 trillion over a 75-year period. That is how much we are going to run short in money to pay for the obligations we have incurred under Medicare and Medicaid—and some other programs, but those are the big ones. After the recent passage of this health care bill, however, the figure, according to my staff's estimates, has gone up to \$82 trillion. So the difference in the two numbers is what has been added to the unfunded liabilities of the United States. By the way, \$17 trillion is 2½ times the unfunded liabilities of Social Security, which is \$7 trillion.

If my colleagues think I am in error about any of these numbers, I hope they will correct me. Perhaps I am, but we work hard to be accurate about them, and I don't believe I am off in any substantial degree.

The bottom line is this: We cannot afford this law and the additional burden it places on our country's finances.

We must repeal this health care law in its entirety and replace it with reforms that will improve our finances and reduce health care costs for Americans, not drive up their costs. This bill, whether you like it or not, will not be implemented. We simply do not have the money. At this time of high unemployment, and almost no growth, it will be hard to do the things that are necessary, that we have to do: fix Social Security, fix Medicare, provide for the common defense. Those things have to be done. We have no money to pay

for a \$2.6 trillion program over a 10-year period. We have to save these programs we are committed to first.

The President's health care law will not be fully implemented until 2014. It is not too late to stop it now. And we are going to have to, simply because the finances of this country will not allow for it to go forward.

I thank the Presiding Officer and yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Madam President, I am pleased to come to the floor this afternoon to join my colleagues, Senator LANDRIEU and Senator CASEY, in talking about the importance of addressing some of the concerns that face small business.

Senator CASEY said something that I think is very important. He said, when he goes around Pennsylvania, one of the things he hears from his constituents is that they expect us to work together here in Washington, in the Senate, in Congress, to get things done for the people of this country. I hear that from my constituents. I am sure the Presiding Officer hears that from her constituents. People throughout the country expect us to work together, and they want to see us address the economic challenges we are facing in this country.

Well, one of the best ways to address the fiscal issues we are facing is to be able to grow this economy. Nothing is more important to growing the economy, to creating jobs, than small businesses.

Senator CASEY talked about the recent report that came out from his congressional committee talking about the importance of small business. The fact is that over the last decade, businesses with fewer than 250 employees accounted for nearly 80 percent of all new hires. Economists tell us that about two-thirds of the jobs that are going to be needed to get us out of this recession are going to come from small businesses.

In New Hampshire, small businesses are particularly important. We are a small business State. Over 95 percent of all New Hampshire companies have fewer than 500 employees. About 85 percent of New Hampshire companies have fewer than 20 employees.

We have to look at how we can help those small businesses continue to grow.

Yesterday afternoon, I met with a group of small business owners from New Hampshire. They were all owners of construction companies. The construction industry in New Hampshire has been one of those industries that has been hardest hit in our State, and these businesses still need help. These business owners need help if they are going to be able to keep their businesses prospering and create jobs.

The legislation that is before us, the Small Business Jobs and Tax Relief Act, will help these small businesses.

The Landrieu amendment that I want to speak specifically to is critical as we look at how we can provide additional help to these small businesses. I want to talk specifically to two provisions that are in the Landrieu amendment, also known as the SUCCESS Act.

The first one would deal with export issues. What I have learned, as I have been working with business and looking at how we can improve our economy and help create jobs, is that giving those small businesses access to international markets is critical.

What we know is that about 95 percent of the markets are outside of the United States, and yet only 1 percent of our small and medium-sized businesses actually export. So what we have to do is help in every way we can through our policies to give them access to those international markets.

Senator AYOTTE and I both serve on the Small Business Committee. We represent New Hampshire. Last year we held a field hearing in New Hampshire, and we heard from small businesses in our State about what we can do here in Washington that might help them export. As a result of what we heard, we have introduced some stand-alone legislation. But provisions in that stand-alone legislation have been incorporated into the SUCCESS Act—the amendment that Senator LANDRIEU is going to be offering.

Those provisions would help our small businesses. One, they would improve governmentwide export promotion. Right now we have a lot of independent silos, independent efforts that exist in different agencies to help small businesses with exporting. What we want to do is provide more coordination among those independent programs.

It would also increase State events that are targeted to help small businesses export. Both provisions, as we heard from our small businesses in New Hampshire, are important to them, as they think about what they can do to improve their chances of exporting, getting into those international markets, and having the jobs that can be created as a result.

So that is one of the provisions in the Landrieu amendment, the SUCCESS Act, that I think is very important. Senator AYOTTE and I and our staffs have worked very hard on this.

Another provision that again is from stand-alone legislation that was introduced by Senator LANDRIEU, Senator SNOWE, Senator ISAKSON, and myself—so it is also bipartisan legislation—would extend the 504 refinancing program through the Small Business Administration.

As I go around New Hampshire, I still hear the small businesses in my State saying that they are still having challenges accessing credit. Well, extending the 504 refinancing program is to me a no-brainer as we think about how we can give those small businesses access to credit. What these provisions would

do is extend for a year and a half the ability for the Small Business Administration to continue refinancing short-term commercial real estate debt into long-term fixed-rate loans, again, through the existing 504 loan program—something that makes eminent sense, something that we ought to do.

So those are two provisions I have worked on specifically with other Members of this body. They are provisions that are bipartisan. I think they have a lot of support. If we can get this amendment to the floor, I think there will be a lot of support for it. And it reflects all of the provisions of the SUCCESS Act that Senator LANDRIEU has been putting together.

Again, I want to end with where I started; that is, the people of New Hampshire and the people of this country expect us to work together to address the issues facing the country. Nowhere is that more important than in what we need to do to help create jobs and helping small businesses have the support they need so they can create the jobs that are going to get us out of this recession. Providing long-term help to those people who are unemployed is absolutely critical. This legislation would help do that. I hope our colleagues, when it comes to the floor, will decide this is one more way we can help small businesses create jobs and grow this economy.

I thank Senator LANDRIEU for her leadership and Ranking Member SNOWE on the Small Business Committee for her leadership and hope we can move this legislation forward this week.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from New Hampshire for not only being such an aggressive and fine and thoughtful member of the Small Business Committee, but for her constant encouragement to me and to Senator SNOWE to try to pull together some of the ideas that we all can agree on and move forward.

It may not be the most perfect package, it may not be the most extensive package, but as the Senator from New Hampshire said, it is a package that most all of us can agree to, and it has a pricetag of only \$4 billion.

That is a lot of money. But compared to the Republican proposal that has come over here from the House at \$40 billion, and the Schumer proposal, which I support because it is much more targeted and much more responsible at \$20 billion, this \$4 billion amendment could have a tremendous bang, a tremendous leveraging power for its cost. And the two proposals Senator SHAHEEN explained beautifully actually have zero cost because the 504 program is a program that pays for itself. All we are doing is extending its authorization so people—and there are thousands of them in Louisiana, in Rhode Island, in New Hampshire, and other States—who are caught paying higher interest rates on short-term

loans for commercial buildings—and I am sure we all know someone in that category—can now, if this amendment passes, go to their local bank—it is not a government program; it is a partnership with the local banks and through the SBA—and refinance their building and get a longer term loan.

In fact, I am told that this program, this 504 program, is basically taking up the majority of the space in this lending, that still the lenders are very weak. They are not extending credit out in a long fixed rate. They are lending short term. They are lending with adjustable rates. As the Presiding Officer knows, and many others, when a person is starting a small business and taking so much risk, one risk that can be eliminated is the cost of their money. It is very comforting to a small business owner—who has to borrow, who does not have the savings or has run through their savings or the equity in their home and they have to extend and take that risk—to be able to have a fixed, longer term rate.

So again, this proposal came from Senator ISAKSON, who truly is acknowledged as the expert in this entire Chamber on commercial real estate and on residential real estate. He is known and respected on both sides of the aisle. This is his proposal with Senator SHAHEEN. I thank him for his leadership.

Also, the Senator spoke about the export coordination. Again: zero cost; just smarter government, at no cost. We need more of that around here: smarter government, less spending. That is what Senator SHAHEEN's proposal does, which is a portion of this amendment, the Small Business Export Growth Act.

Let me reiterate that 95 percent of the world's customers are located outside of the borders of the United States. It might be shocking to people in America to realize this, but we represent only 4 to 5 percent of the population of the Earth. We think of ourselves as the biggest and the best, and we are the best. We are not necessarily the biggest when it comes to population, though.

So there are growing markets all over the world. Mr. President, 95 percent of our customers and a majority of the market are outside of the boundaries of the United States. What we are recognizing is, right now only 1 percent of the 28 million small businesses in America export. Why would that be? One, it can be intimidating for a small business, even though they have a great product, they have a great idea, they have great technology. And India needs that technology or some countries in Africa might absolutely want that product or that service. The small businesses are intimidated. They do not have the accountants, they do not normally have access to high-powered, expensive lawyers and trade executives and experts. So that is what our government—and, frankly, State governments are doing this. Smart governments at the State level—whether it is

California, Oregon, Louisiana—all States are now recognizing: Gee, we need to get behind our small businesses in our State and help them to export.

I was very proud to put a substantial investment in the jobs act of 2010, which gave competitive grants to States. And it is remarkable; just a little bit of investment at the Federal level is leveraging a tremendous amount of excitement at the State and local level as those governments accept those grants and then put them to work.

In Louisiana, our department of economic development has been very aggressive in using its step grants. So, again, this is not an additional grant program. This Shaheen-Ayotte proposal has no cost. It is perfecting, coordinating this export initiative by establishing an interagency task force between the SBA, the USDA, and the Ex-Im Bank. It is really encouraging cooperation that now does not exist at the Federal level and requires the SBA, in coordination with other agencies, to conduct one outreach event in each State per year, which I think would really help to motivate our State governments and our stakeholders at the State level to be helpful.

Let me go back to the beginning. We have the SUCCESS Act amendment. I talked earlier about 16 provisions in this amendment. We talked about the 100-percent exclusion of capital gains. We have talked about the increased deduction for startup expenditures, which is Senator MERKLEY's provisions.

Now I want to talk about the S corp holding period. This has come out of the Finance Committee. Senator SNOWE and Senator CARDIN have been very strong advocates of this provision. Under current law, when a corporation becomes an S corporation—and there are, of course, benefits to becoming that kind of corporation—right now it is required to hold its business assets for 10 years or pay punitive taxes. In our mind, this 10-year holding period is too long. It ties up assets that could be sold to raise capital. In 2010, in our small business bill, we reduced this holding period to 5 years so businesses would be better able to manage their planning cycles. So this proposal is to extend the 5-year holding period through 2012 and 2013. You know, potentially, if we could afford it, we would like to make this proposal permanent, but in the Landrieu SUCCESS Act amendment, it would extend it through 2012 and 2013 and has a minimal cost.

The next provision is a carryback provision—up to 5 years of general business credits. This is a proposal about which Senator SNOWE feels very strongly. The proposal would extend the carryback period from 1 year to 5 years for general business credits earned in 2012 and 2013. It would provide tax refunds to businesses that were previously healthy but are currently running losses.

The proposal would improve the effectiveness of business credits that are

intended to expand investment and employment. The provision would allow businesses greater immediate benefit from credits designed to encourage specific types of activity. By providing businesses with greater opportunity to claim business credits, the provision would also give an infusion of cash to businesses, which might promote investment. So that is another provision of our SUCCESS Act.

Section 179 is probably the most popular part of our amendment and, again, Senator SNOWE has championed this in the Finance Committee. Many Finance Committee members are completely aware of section 179 in the Tax Code, which deals with expensing that many restaurants and retailers use. Basically, it provides a credit for them if a small business buys machinery and equipment or property contained in or attached to a building other than structural components, such as refrigerators, grocery store counters, office equipment, gasoline storage tanks, pumps at retail service stations, even livestock, including horses, cattle, sheep, and goats, other fur-bearing animals—all of the equipment or products or purchases small businesses make to run their businesses. This would allow an immediate writeoff of up to \$500,000 for this kind of property. So, again, it is \$2.3 billion over 10 years. It is the most expensive part of this whole amendment, but we think it is \$2 billion well invested to encourage those small businesses to make these investments now, to get jobs and expansion opportunities underway.

Twenty-six national business groups, such as the NFIB, the U.S. Chamber of Commerce, the National Association of Home Builders, and the National Association for the Self-Employed, have endorsed this and have sent a letter to us with very enthusiastic support.

The next section is expanding access to capital for entrepreneurs. This was actually mentioned in President Obama's State of the Union Message to us when he talked about his small business proposals. He outlined maybe half a dozen things, a few of which we have implemented and a few of which we have not yet implemented. This was on his bucket list, if you will. And I am a strong proponent of this provision.

We created a small business investment company in a bipartisan way decades ago. It has been one of the most successful programs created to spur business development in the country. It basically operates on a sustainable level and does not cost the Federal Government anything. It is like venture capital—not really like venture capital—it is like an investment; not a bank but a nonbank investment company that was created many years before I became chair of this committee. It is something that was done through Democratic and Republicans administrations because it worked.

All this does is raise the statutory cap from \$3 billion to \$4 billion, and it increases the amount of leverage of li-

censees from \$225 million to \$350 million. They are bumping up against that \$3 billion cap. It has been very successful. We would like to take it to the next level. And, of course, some of the most successful funds within SBIC are bumping up against their \$225 million cap per fund. So this is one of the great ideas that came out of our roundtable. Again, not only does President Obama support it, it has my strong support and Senator SNOWE's, the ranking member of the Small Business Committee.

The next provision would be the SBA 504 refinance. This extends for a year and a half the ability of the SBA 504 Loan Program. We talked about this. Senator SHAHEEN spoke about this, and I have already explained it. So this is really the Isakson-Shaheen-Snowe proposal.

The next is the small business lending activity index. This is something I have put forward. We have talked with the banks and the SBA. They are all on board and accepting of this concept. It is a way to measure the small business lending activity that is being done at the city-State level through the 7(a) and 504 Lending Program.

It was very curious to me, when I became chair of this committee, that we did not have the measurements in place to actually judge whether some of our programs were really working. Were they working really well or working moderately or were they very weak? So I have instructed my staff and we have been working together to see in every way if we measure and really record the activities of the Small Business Administration. It is only a \$1 billion agency, one of the smaller agencies of the government, but that billion dollars comes from taxpayers and we want to make sure that money is spent well and wisely.

So this legislation, again, is at no cost. It can be done within the current budget. It will be called the lender activity index. It will be posted on the SBA Web site. It will have the name of the bank, the number of SBA loans made by each bank, the total dollar amount of SBA loans, the ZIP Code of bank activity, the industries lent to, so we can sort of see how our banks are lending and to what areas, the stage of the business cycle, and then whether it was a woman-owned, minority-owned, or veteran-owned business, if that information can be obtained. It is very simple. We made sure the language is easy for the banks. They already have to report this data; it is just not in a useable format. This will require them to put it in a useable format.

The next is access to global markets. This is what Senator SHAHEEN spoke about. So the major part of this bill is tax cuts to businesses and then some oversight of the SBA, tightening up, coordinating our export strategy. And then the next and final part of this—or next to last part of our amendment is basically access to mentoring, education, strategic partnership.



In our roundtable—I am not going to go into all of the details of these items, but the bottom line is that in our roundtable, experts—business owners and the Kauffman Foundation and others—came to us and said: Senator, you are right, businesses need capital. You are right, we need access to global markets. You are right that we need a fair tax code. But what businesses also need is technical advice and support and training, and we need more education, entrepreneurship education.

The Small Business Administration is not the education agency, so we have been very careful not to mission creep. We have designed a couple of proposals that can encourage better activity within the SBA to form partnerships with nonprofits and even for-profits, not-for-profits, and schools to promote entrepreneurship appropriately. The Federal Government can be a model. It is only one model. But we believe technical training is important. We have partners already established—the women's small business centers and minority business centers. Getting them to be more effective and providing additional counseling is very important.

Finally on this amendment, access to government contracting is another method for small businesses to be able to grow. Governments—whether it is Federal, State, or local—are huge purchasers of goods and services, and if our contracting laws are right and if they are enforced, then small businesses in America will have an opportunity to get started by competing for government contracts or to grow by receiving government contracts. And they are more likely to grow. If a big business gets a contract from the government, they can sometimes absorb that contact and make their company more efficient, giving more work to the people who are already there. And there is nothing wrong with that; that is business. But when a small business gets a government contract, most of the time it results in additional hiring because small businesses have to be lean and agile. So they might have five people but they have a lot of expertise. They land a contract from the government that they are most certainly qualified to do, and then they have to hire. So they have to hire 10 people to carry out that contract, which is why I have been very supportive—Senator CARDIN has been a champion on this issue and Senator LEVIN as well—of giving small businesses an opportunity for contracting. That will really help.

In conclusion on this amendment—I see other Members coming to the floor. I wish to speak for another 5 or so minutes. I came to the floor today to support the underlying bill, which is the Schumer tax cut provision that is targeted tax relief to small businesses in America. I hope our Members will support that.

If for any reason they don't support that, or even if we do, we will still have an opportunity, I hope, to vote on the Landrieu amendment. I say that hum-

bly because this amendment has been put together by Senator SNOWE and her staff with me and members of the Small Business Committee on both sides of the aisle. We picked up some great ideas from individual legislation that had been filed, and it got unanimous consent and review, talking to many people.

So we don't believe it is controversial. We know it doesn't cost that much—\$4 billion—and we believe it will have a tremendous and immediate impact on small businesses in America.

I wanted to give that explanation. We have received a tremendous amount of support today from a variety of organizations.

I see my colleague on the floor. I will yield the floor at this time and perhaps will take a few more minutes before 6 o'clock.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I am awaiting Senator DURBIN and Senator ENZI. I will be happy to listen to the Senator from Louisiana if she would like to continue for a while until they come. I plan to speak for a few minutes after they speak on a different subject.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, there are a few other things I would like to say.

I wanted to take a minute to respond to something that Senator RUBIO said earlier, and Senator SESSIONS, while I was on the floor. I have great respect for those two Members, but he came to the floor with a fairly critical diatribe, if you will, against some of President Obama's policies. I have not been a great supporter of the President's energy policies, and I actually appreciate some of the views Senator RUBIO holds about the fact that we need to drill more in this country.

I want to show something I think Florida should be mindful of and suggest that the Senator from Florida could start making that speech at home in Florida because Florida is one of the States that virtually produces no energy, from any source. It has been a bone of contention with me for many years that we have had Senators come to the floor and talk about what so-and-so doesn't do and what so-and-so doesn't do.

I want to remind the Senator from Florida that the gas that keeps the lights on in Florida actually comes from the Mobile Bay. These are the pipelines that Mississippi and Alabama and Texas—9,000 miles of pipelines and drilling—have off of our shore and onshore to provide gas and lights to Florida.

This is a chart that is very interesting. Before America can be energy independent or energy secure, each State should be energy secure, or each region. The country is not made up of smoke and mirrors; it is made up of 50 States. If every State and every region

would do its part, either producing or conserving or a little of both, we could actually get there. But I get a little tired of the lectures criticizing us—particularly from States that neither conserve nor produce.

California gets a little bit of a break, even though they consume more energy than any State. They are a net consumer of energy. We are down here, a net producer. The States that produce more energy than they consume are Wyoming, West Virginia, Louisiana, New Mexico, Alaska, Kentucky—and North Dakota should be on here now because this was some years ago. Probably Montana also would be on here now.

The Senator from Florida is coming and lecturing everybody about producing, and his own State produces virtually nothing and consumes everything. I wanted to say that I find that offensive. California gets a little bit of a pass from me because if we look at another chart, they do more to sort of consume energy through government regulations, which I know the other side doesn't like. They think we don't need any regulations, and that is their view. California has a lot of regulations—maybe too much for me as well—but they are doing a lot to conserve. Florida doesn't. Maybe if Florida started doing a little drilling, it would help the United States to be more energy independent.

My second point: I want to answer something Senator SESSIONS said. I will try to find my document on that in a minute. Senator SESSIONS came to the floor a few minutes ago and talked about the cost of the health care bill. The health care bill has some expensive components to it. The purpose of the health care bill, remember, Mr. President—because the occupant of the chair was in the middle of that battle—was designed to reduce the overall cost of health care for the Nation because the percentage of the gross national product going to health care was moving up dramatically and frighteningly—from 12 percent a few years ago to 14 percent, to 16 percent, and it was on its way to 19 percent. It was on its way to 19 percent before Barack Obama got sworn into office.

I am getting tired—and the American people are getting tired—of the same diatribe coming from the other side of the aisle about how the cost of the Affordable Care Act is causing the country to go off the edge. This country was going off the edge before President Obama even became President. They know that. But they are just bound and determined to keep talking about the same old thing day in and day out, about how the Affordable Care Act is wrecking America. The only thing wrecking America is their stubbornness.

I want to put this into the RECORD. When President Clinton was President, as you know, it was the last time we had a surplus. It was the Republican President and the Republican leadership that turned that surplus into a

deficit. The ship had already hit the iceberg before President Obama took his oath of office. Now they want to blame the entire deficit on the Affordable Care Act.

When the Affordable Care Act is implemented—now that the Supreme Court has said it is most certainly constitutional—instead of fighting it every step of the way, it would, in the long run, save money.

They want to talk about this tax, tax, tax, tax. I want to call what they do the “no care tax,” because that is the Republican position. Before there was the Affordable Care Act, people in America were losing care rapidly. Small businesses were dropping their insurance. They could not afford it anymore. These premiums have been going up for a long time. The Affordable Care Act didn't drive the premiums up; they were going through the ceiling. We had to do something to try to stop it.

When President Obama came into office, and we saw that the trends were going up, in our efforts to try to get the budget back into balance it was obvious that we had to do something with health care. But they keep talking about tax, tax, tax. I remind them that before we passed the Affordable Care Act, there was a tax on every insurance policy that people in America had because it was a tax for the uninsured. It was about \$1,200. That tax was on the backs of the American people before President Obama ever became President, before we even began debating the Affordable Care Act.

The other cost that was going on in this country was the people who didn't have Medicare, who didn't have Medicaid, and didn't have insurance—and it was a rising number of people without insurance. And as States cut back on their Medicaid, a rising number of people who didn't have Medicaid went to our hospitals, our private hospitals, our public hospitals, and our not-for-profit hospitals. Do you know what the Republicans want to tell them. Just treat those people for free. There is no one to reimburse you for this cost. Medicaid will not reimburse them because they are not 65. They don't have private insurance. And the Governors cut back on Medicaid because they can't bear to go look for some tax loopholes that people might not need in order to provide working Americans with health care.

They are too busy campaigning for their next election, so they told all the hospitals: You all go ahead and take care of these people for free. So when a non-paying customer went to a hospital, whom do you think picked up the tab for that? The paying customer.

So before President Obama became the President, before we started trying to figure out a way out of this terrible mess, there was a huge tax on the backs of the American people and a huge debt having to be paid every year by every hospital in America. Why don't they talk about that? They don't.

I hope the American people will listen because I am so tired of that same old speech. I have heard it for 3 years—before the debate, during the debate, and I guess we are going to hear it up to the election. I hope the American people will listen. Don't let them talk about the tax that is supposedly in this bill. The Affordable Care Act is alleviating a tax burden. It alleviates a terrible tax burden, an invisible tax that has been on the American people, and a heavy burden on the backs of the taxpayers—and immoral in some ways, as well—with working Americans working 50, 60 hours a week, and when they get sick, they have nowhere to turn.

Instead of putting their proposals on the table, they decided they wanted to block and tackle and stop and not contribute anything. I think the country will make a good decision. I think the country likes the fact that their kids can stay on their health care plan until they are 26, and they like the fact that when they get sick with cancer or diabetes they cannot be kicked off their health insurance. Particularly businesses would like it if the States would step up and cover some of these lower wage workers, and the burden would not fall on us.

For every Governor—and mine may be one—who rejects the expansion of Medicare, who do they think has to pick this up? It is the small businesses.

The burden should be shared for our lower income workers broadly, not on the backs of businesses that are struggling. That is the way we designed this program. The Federal Government said: We know it is tough. We know it is an expansion. Do you know what. We will pick up the 3 years 100 percent to give you some time, to help you so you can look at your Tax Code, and you might be able to find out and let me get this one more thing off my chest. Who made up the rule that the Federal Government is in charge of the health of every American citizen? Do Governors have any responsibility for health? Are we supposed to just do everything up here? Do mayors and Governors have any responsibility for the health and welfare of the people they serve? I suggest the Governors—some of them—get off the campaign trail, get back to their offices, and start putting health care legislation together—particularly some of the Republican Governors.

I am glad I said that. I am happy to turn over the microphone. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MARKETPLACE FAIRNESS ACT

Mr. ALEXANDER. Mr. President, I have come to the floor in support of

Senator ENZI of Wyoming, Senator DURBIN of Illinois, and a group of other Senators and House Members who are working on legislation called the Marketplace Fairness Act.

I am going to let them do their own speaking. I am their chief self-appointed cheerleader. Senator ENZI has been working on this ever since he has been in the Senate. He has a special passion for it as a former owner of a shoe store in Wyoming.

Let me see if I can phrase it this way. If I were to ask the question, What do Governor Chris Christie, Governor Mitch Daniels, Governor Jeb Bush, Governor Haley Barbour, Al Cardenas, chairman of the American Conservative Union, Governor Bob McDonnell of Virginia, and Governor Paul LePage of Maine all have in common, one might say they are all Republicans, and that is true. One might say they are all conservatives, and that is true.

The other thing one could say about those Governors and Republicans and conservatives is that they all support the Enzi-Durbin Marketplace Fairness Act. What is the Marketplace Fairness Act and why do they support it? The Marketplace Fairness Act is an 11-page bill about a two-word issue, and the issue is States rights.

The reason I am such a strong supporter and a cosponsor of what they are doing is because when I, in my former life, used to be Governor of Tennessee, nothing would make me angrier than Washington politicians who would try to tell me what to do about my own business. We have a legislature in Tennessee and in Wyoming and we have a Governor and we know what services we want and we have a range of options of taxes to pay for that. It was always my position we could make our own decisions about how to do that.

What Senators ENZI and DURBIN and others of us are saying is that States have a right to decide what taxes they impose and from whom to collect them. If the States of Tennessee or Wyoming say: We are going to have a sales tax and we are only collecting it from half the people, it has the right to be wrong. That is what I mean by States rights.

If I were in Tennessee, I would say: Surely, you will not have a State sales tax and only collect it from some of the people. You would collect it from all the people who owe it. Surely, you will treat all your businesses that are in a similarly situated situation the same way. That would be my position if I were Governor or in the legislature, but I will let them decide that.

What we have advanced in the Senate, which has 13 cosponsors, is a piece of legislation that makes it clear States can decide for themselves whether to collect State sales taxes from some of the people who owe it or from all the people who owe it. I will give an example and then I will sit down and listen to Senator ENZI and let him talk.

This past week I had a birthday, and my wife gave me an ice cream maker

from Williams-Sonoma, which I am sure is going to add a few pounds as the months go on. So there we were over the Fourth of July holiday, and I wanted to get some of the stuff one needs to make ice cream. You can buy ice cream starter from Williams-Sonoma and it comes in a can and it makes the project a lot easier and you can buy chocolate syrup and they will mail it right to your house. You can do all these things online, of course, or I could have driven back to Nashville and gone to the store in Nashville and bought it all there. If I had bought all that stuff in Nashville, I would have paid Nashville's 9.25 percent sales tax. If I buy it online, I wouldn't have to pay the tax when I bought it, except that Williams-Sonoma collects it. So I went on the Internet, put it on my credit card, and there was the amount of money it cost to buy the stuff for my ice cream maker. Right at the end of it, it added the tax on, the same sales tax I owed and would have paid if I had been at Williams-Sonoma in Nashville. So I pushed the button, off it went, they collected the tax from my credit card, sent it to the State of Tennessee, and it was done.

Twenty years ago, that wouldn't have happened with an out-of-State seller. It was too cumbersome. The technology wasn't advanced, the Internet wasn't as fast, and the States had not gotten their acts together. It was all very confusing, and the Supreme Court said you can't impose that on States—requiring an out-of-State seller to collect the sales tax that is owed—even though it may be owed. Today, it is different. It is as easy to figure out the tax as it is to Google the weather in your hometown. In fact, it is easier. It is easier to have the tax collected online than it is to go into the store and do it.

In any event, in the State of Tennessee, Governor Haslam and the Lieutenant Governor—and I can guarantee we are a conservative State—want the right to decide that for themselves. I know what they are going to do, if they have the right to collect the sales tax from everybody who owes it instead of just some of the people who owe it. They are going to lower the tax rate for everybody. They might get rid of the only vestige of an income tax we have, or the food tax might go down. They might spend some more money for teachers' salaries. That is their business.

But I am here to say that Senators ENZI and DURBIN and others have solved a big problem for this country, and the reason why this bill is inevitable and why I hope it will pass this week or next week or the next week—and why I believe the House of Representatives is going to pass it as well—is because it is a simple 11-page bill about a 2-word issue: States rights. That is why Governor Christie and Governor Daniels and Governor Bush and Congressman PENCE and many Republicans and many conservatives are

saying let's pass it. Let's get out of the way and let States make their own decisions, and then the States can decide from whom they want to collect their sales taxes.

I congratulate Senator ENZI—and Senator DURBIN—on his work and I look forward to working with Senator ENZI and I hope this year we can continue to turn this bill the Senator has worked on for more than a dozen years into a law.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the Senator from Tennessee, Mr. ALEXANDER, is far too modest. Yes, I have been working on this since I got to the Senate, but he is the one who got it shortened down to 11 pages and made it a States rights bill. The States are realizing their rights anyway, and there are attempts at making changes in the sales tax law in order to cover this huge loss of revenue they are experiencing, but it doesn't work unless we do what the Supreme Court urged us to do when they issued the Quill decision back in the 1990s, which is to pass a national law that clarifies how this tax would be collected if the States choose to do it.

I am very pleased Senator DURBIN joined us on this issue. Practically every State is losing money because of the tax that is only being collected for people who buy instate, and when they buy out of State, they are used to it being collected and it isn't collected. So half the time the State is not getting its money, and we need to change that before States come to the Federal Government and say we need some money for this project and then that sometimes gets worked into a bill. We are out of money at the Federal level. We have eliminated earmarks, so we can't do what we used to do, and we probably shouldn't have done it then. At any rate, we are borrowing 42 cents on every \$1 we spend, so we don't have any money to give to the States.

But the States do have this authority, an authority to do a sales tax. Of course, they didn't anticipate they were just going to tax the businesses that were in their State that were paying a property tax and were hiring local people and were participating in all the community events and telling everybody out of State they didn't have any responsibility in it. There has always been an effort to get their responsibility too. I am glad we have this opportunity to discuss the small business jobs and tax bill, but in this amendment to it—which would be known as the Marketplace Fairness Act—we are talking about fairness. We do expect everybody will be treated fairly.

So let's start with a common-day practice that is happening in our Nation's retail markets today. If someone buys the book "The Hunger Games" at the local bookshop in town, they will pay more for the book from the brick-

and-mortar store than if they bought the book online. There is nothing different about the brick-and-mortar store's book versus the book purchased on the Internet except the sales tax they have to pay. If they choose to do so, States should have the flexibility and the ability to fix this inequality.

Sales taxes go directly to State and local governments. They bring in needed revenue for maintaining our schools, fixing our roads, and supporting our law enforcement. As I like to add, have you ever tried to flush your toilet on the Internet? If sales over the Internet continue to go untaxed and electronic commerce continues to soar, revenues to State and local governments will plummet. But if Congress fails to authorize States to collect tax on remote sales and electronic commerce continues to grow, we are implicitly blessing a situation where States will be forced to raise other taxes, such as income or property taxes, to offset the growing loss of sales tax revenue. Do we want this to happen? No, we don't.

The Marketplace Fairness Act was written in the aftermath of the Supreme Court's 1992 Quill decision. Congressional involvement is necessary because the ruling stated the thousands of different State and local tax rules were too complicated and onerous to require businesses to collect sales tax unless they had a physical presence—store, warehouse, et cetera—in the purchaser's home State.

The Supreme Court essentially stated Congress needs to decide how to move forward. I strongly believe now is the time for Congress to act. Many Americans don't realize when they buy something online or order something from a catalog from a business outside their own State, they still owe the sales tax. For over a decade, Congress has been debating how to best allow States to collect the sales taxes from online retailers in a way that puts Main Street businesses on a level and fair playing field with the online retailers.

The Marketplace Fairness Act empowers States to make the decision themselves. If they choose to collect already existing sales taxes on all purchases, regardless of where the sale was—whether it was online or in a store—they can. If they want to keep it the way they are, the States can do that.

I have been working on this sales tax fairness since joining the Senate in 1997. As a former small business owner, it is important to level the playing field for all retailers—in-store, catalog, and online—so an outdated rule for sales tax collection does not adversely impact small businesses and Main Street retailers. As a State legislator, I know we never passed a law, as I said, that discriminated against the instate people. We never put a burden on people who pay the property tax, who hire local residents and participate in the community events while telling those out of State we want them to have our

money, but they do not have to do anything in return. We never intended to give the out-of-State businesses a free ride. That is what the local legislators are all concerned about.

On November 9, 2011, Senators DURBIN, ALEXANDER, TIM JOHNSON, and I introduced, with six of our other colleagues, in a very bipartisan way, the Marketplace Fairness Act to close this 20-year loophole that distorts the American marketplace by picking winners and losers, by subsidizing some businesses at the expense of other businesses and subsidizing taxpayers at the expense of other taxpayers. All businesses and their retail sales and all consumers and their purchases should be treated equally and fairly.

I wish to provide some highlights of what the Marketplace Fairness Act accomplishes:

The bill gives States the right to decide to collect or not to collect taxes that are already owed. The legislation would streamline the country's more than 9,000 diverse sales tax jurisdictions and provide two options by which States could begin collecting taxes for online and catalog purchases. The bill gives States two voluntary options that would allow them to collect the State sales taxes that are already owed if they choose.

The first option is the Streamlined Sales and Use Tax Agreement, supported by 24 States that have already passed laws to simplify their tax collection rules. The second option puts in place basic minimum simplification measures States can adopt to make it easier for out-of-State businesses to comply.

The bill also carves out small businesses so they are not adversely affected by the new law by exempting businesses with less than \$500,000 in sales online or out-of-State sales from collection requirements. It is very important there is an exemption for startup and small businesses if they have less than \$500,000 of sales in 1 year. Once they reach the \$500,000, then the next year they have to begin collecting the tax. This small business exemption will protect small merchants and give new businesses time to get started.

Don't let the critics get away with saying this kind of simplification cannot be done. In the early 1990s, when the Quill decision was handed down, the Internet was still in diapers and cell phones came with bags and looked like bricks. Cell phones now have Internet capability, and software, computers, and technologies have all advanced at an exponential pace. The different rates and jurisdiction problem is no problem for today's programs.

As a former mayor and State legislator, I also strongly favor allowing States the authority to require sales and use tax collection from retailers in all sales, if they choose to do so. We need to implement a plan that will allow States to generate revenue using mechanisms already approved by their

local leaders. We need to allow States the ability to collect the sales taxes they already require, if enacted. This would provide \$23 billion in fiscal relief for the States for which Congress does not have to find an offset. This will give States less of an excuse to come knocking on the Federal door for hand-outs and will reduce the problem of federally attached strings. It will give States a chance to reduce property taxes or other taxes.

The Marketplace Fairness Act is not about new taxes. No one should tax the use of the Internet. No one should tax Internet services. I do, however, have concerns about using the Internet as a sales tax loophole. Sales tax collection is already required by my home State of Wyoming no matter how or where we buy something, if it is not taxed by the State we get it from. We are supposed to fill out our own form and submit the information. Nobody is used to filing that kind of form or doing that kind of tax collection, and they never know whether the tax is owed or how much it is, particularly on small purchases.

It is always collected at the stores by the stores in state. We have to make the system simpler so they don't have to fill out forms. Under Wyoming law, online purchases are already subject to a sales tax; it just can't be collected and given to our State. The situation is very similar to that of other States.

Senators DURBIN, ALEXANDER, and I have worked tirelessly to assist the sellers, States, and local governments to simplify sales and use tax collection and administration. We have worked with all interested parties to find a mutually agreeable legislative package to introduce. Many hours have been dedicated to finding the right solution.

I want to publicly commend and thank Senators DURBIN and ALEXANDER for taking a leadership role in working on this important policy issue.

Ten years ago, the bills we considered to try to close this loophole were not adequate to solve the problem. Marketplace Fairness does solve the problem. It is simple. It is about States' rights. It is about fairness. At a time when States' budgets are under increasing pressure, Congress should give State and local governments the ability to enforce their own laws. I strongly encourage my colleagues to support amendment No. 2496, known as the Marketplace Fairness Act, and get it enacted into public law this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank Senator ALEXANDER of Tennessee and Senator ENZI of Wyoming, cosponsors of this measure and participants in this colloquy on the floor today. I am sorry I wasn't here at the outset, but I am grateful for their participation and comments they have made, and especially for their commitment to this cause.

I think Senator ENZI—and I would give special thanks to Senator ALEX-

ANDER, who stepped in at a very important moment and helped us craft a part of this bill—helped us craft an agreement on this bill and brought some new approaches to it which have been extremely helpful.

The notion of offering this as an amendment is a show of good faith on our part and a show of commitment to the seriousness and the importance of this issue. The fact that many Democrats and Republicans can join together in this bipartisan manner is an indication that this bill cuts across party lines. I think it gets down to a basic issue, as it says, of fairness.

The economy is clearly getting better. There are better days ahead; jobs are being created and our economy is growing stronger. There may be times when the job numbers are disappointing and the stock market stumbles, and we continue to face challenges in Europe and other places, but we are improving.

Businesses in Illinois and across the country are starting to see customers come back. Small retailers in my home State of Illinois are pushing the slogan "buy local" in their effort to urge consumers to come back to local stores, farmers markets, and shoe stores, instead of buying online. These efforts support local brick-and-mortar sellers who contribute to the community in so many different ways. They sponsor the local baseball teams, they collect sales and use taxes that pay for services such as fire, police, and trash collection, and they provide good-paying local jobs.

While these efforts have been successful, many local retailers share with me how frustrating it is to lose business because online retailers have a built-in advantage that I have seen firsthand. While local Main Street businesses collect State and local taxes and use taxes, their online competitors don't. In Illinois, this can mean an 8-percent differential in price. This encourages customers to buy everything from electronics to books online to avoid paying sales tax and use taxes.

A couple examples:

Bob Naughtrip, owner of Soccer Plus in Palatine and Libertyville, IL, describes how his biggest online competitor can offer a discount of more than \$10,000 because it doesn't have to collect sales and use taxes. Bob sells sporting equipment to local sports clubs, and it is not unusual for these clubs to make purchases that exceed \$100,000 a year. He can't compete when the competition has a \$10,000 price advantage, so he loses the business.

Matt Lamsargis, owner of the Springfield Running Center—a person I have come to know—and Bob Thompson, owner of BikeTek, both in my hometown of Springfield, told me when I visited their small businesses last year they are victims of "showrooming," they call it. They lose business when customers walk into the store, look around, maybe even try on the clothing and shoes or even get fitted just right,

write down a few numbers, then walk out the door and order the product over the Internet at a discount, because the Internet seller doesn't collect sales tax and these local retailers have to. Ironically, some of the customers, dissatisfied with their online purchases, come back to the same store to complain about a product they didn't even buy there. So we have got to find a way to make this a fairer marketplace.

Why can't State and local governments require online retailers to collect sales and use taxes? For 20 years, State and local governments have been prohibited from enforcing their own sales and use tax laws because of a Supreme Court decision in *Quill v. North Dakota* where the Court clearly stated that only Congress has the authority to solve this problem.

Last year, Senator ENZI, Senator ALEXANDER, and I introduced the Marketplace Fairness Act with additional cosponsors. We now have 13 bipartisan sponsors. This bipartisan group of Senators understands that to truly help small businesses grow and create jobs, we need to make sure they compete on a level playing field. The Marketplace Fairness Act would do that. That is why it is being filed as an amendment to the Small Business Jobs and Tax Relief Act.

Our amendment is about saving Main Street businesses and the jobs provided by those businesses. This bill does not mandate the States but it allows States, if they choose, to require online and brick-and-mortar retailers to play by the same sales tax rules. The bill eliminates the built-in price advantage that has distorted the market for 20 years.

It includes, as Senator ENZI recently said, a small seller exemption for those selling less than \$500,000 worth of commodities a year. If Grandma Bennet's apple butter is being cased up and sold to the tune of \$10,000 or \$20,000 a year online because her smart grandson has given her advice on how she can retail this online, she doesn't have to start collecting sales tax until she has sold \$500,000 worth of goods; in the next year, she collects sales tax. So we are trying to be sensitive to smaller businesses and, as Senator ENZI said, start-up businesses.

This bill includes 240 organizations. I ask unanimous consent that the list of those organizations be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. DURBIN. This is an issue where the International Association of Firefighters and AFSCME stand together with the National Retail Federation, the Retail Industry Leaders Association, and the Consumer Electronics Association. What an amazing coalition.

Amazon.com, the largest retailer online in America, supports our bill. Yet the largest online retailer, in supporting this bill, still has Members of the Senate questioning whether they

are going to react positively. They are on record in favor of this.

It is also supported by groups such as the U.S. Conference of Mayors, the National Association of Counties, and the National Council of State Legislators. The National Governors Association supports the Marketplace Fairness Act, because these State and local governments are losing about \$23 billion a year on uncollected sales tax. In Illinois, we are losing about \$1 billion a year, about 15 percent of our current deficit. It would make a difference if we could collect this. Again, the States would have to make that decision. We don't force it on them.

This has the support of eight Democratic Governors and 13 Republican Governors, including Governor Quinn of Illinois, O'Malley of Maryland, McDonnell of Virginia, Mitch Daniels of Indiana, and Haley from the State of South Carolina. Recently, Governor Chris Christie from the State of New Jersey publicly came out in support and said:

I too—along with Governors like Governor Daniels and others—urge the federal government and Congress in particular to get behind . . . legislation to allow states to be able to make these choices for themselves.

Governor LePage, a Republican Governor from the State of Maine, wrote a letter of support saying, "The Marketplace Fairness Act does not raise taxes." The point he makes and the argument here is this is not a new tax.

So if this bill has such broad bipartisan support, why haven't we passed it? Well, we need 60 Senators. The majority leader has said to me and Senator ENZI, "Show me the votes." And that is what we are trying to do—bring together a bipartisan group that will support this, that understands it is simple fairness for small businesses that create jobs and opportunities all across America. And with the sales taxes they collect, they provide for local police and firemen, for the sewers and streets, and the things in life that we come to take for granted in our cities across America. We want to make sure the online retailers are making the same contribution.

So I urge my colleagues, when this amendment comes before them, to support it on a bipartisan basis.

Mr. President, I yield the floor.

#### EXHIBIT 1

#### SUPPORT FOR THE MARKETPLACE FAIRNESS ACT

American Federation of Labor and Congress of Industrial Organizations; Abbell Credit Corporation, Chicago, IL; Acadia Realty Trust, White Plains, NY; AFL-CIO Department for Professional Employees; Airgas, Inc.; Alabama College Bookstore Association; Alabama Retail Association; Alaska Veterinary Medical Association; Alliance of Wisconsin Retailers; Amazon.com; American Apparel and Footwear Association; American Booksellers Association; American Federation of State, County and Municipal Employees; American Federation of Teachers; American Specialty Toy Retailing Association; American Veterinary Medical Association; Arizona Retailers Association; Ar-

kansas Grocers and Retail Merchants Association; Association for Christian Retail; Association of Washington Business; AutoZone, Inc.; Balliet's LLC; Barnes and Noble, Inc.; Beall's, Inc.; Bed, Bath, & Beyond, Inc.; Ben Bridge Jewelers, Seattle, WA; Best Buy Co., Inc.; Blake Hunt Ventures, Inc., Danville, CA; Build-A-Bear Workshops®, Saint Louis, MO; Buy.com; California Association of College Store; California Business Properties Association; California Retailers Association; California Veterinary Medical Association; Carolinas Food Industry Council; CBL & Associates Properties, Inc., Chattanooga, TN; Cencor Realty Services, Dallas, TX; Center on Budget and Policy Priorities; Certified Commercial Investment Member Institute; Chesterfield Blue Valley, LLC, St. Louis, MO; Christian Booksellers Association; City of Carrollton, Texas; College Stores of New England (MA, CT, RI, ME, VT, NH); College Stores Association of New York State.

College Stores Association of North Carolina; Colorado Retail Council; Colorado Veterinary Medical Association; Connecticut Retail Merchants Association; Consumer Electronics Association; Consumer Electronics Retailers Coalition; The Container Store, Dallas, Texas; The CortiGilchrist Partnership, Ilc, Al Corti, Principal, San Diego, CA; D. Talmage Hocker, The Hocker Group, Louisville, KY; David Hocker & Associates, Inc., Owensboro, Kentucky; DDR Corp., Beachwood, OH; Delaware Veterinary Medical Association; Dick's Sporting Goods, Inc.; DLC Management Corp., Tarrytown, NY; Donahue Schriber Realty Group, Costa Mesa, CA; Economic Alliance of Snohomish County, WA; Edens & Avant, Columbia, SC; Evergreen Devco, Inc., Glendale, CA; Fairfield Corporation, Battle Creek, MI; Federal Realty Investment Trust, Rockville, MD; FedTax, David Campbell, CEO; Florida Retail Federation; Food Marketing Institute; Foot Locker, Inc.; Footwear Distributors and Retailers of America; Forest City Enterprises, Inc., Cleveland, OH; Gap Inc., San Francisco, CA; Garrison Pacific Properties, San Rafael, CA; General Growth Properties, Chicago, IL; Georgia Association of College Stores; Georgia Retail Association; Georgia Veterinary Medical Association; Glimcher Realty Trust, Columbus, OH; Governing Board of the Streamlined Sales and Use Tax Agreement; Government Finance Officers Association; Great Lakes Independent Booksellers Association; The Greeby Companies, Inc., Chicago, IL; Hart Realty Advisers, Inc., Simsbury, CT; The Home Depot, Inc.; Hy-Vee, Inc.; Idaho Retailers Association; Idaho Veterinary Medical Association; Illinois Association of College Stores; Illinois Retail Merchants Association; Illinois State Veterinary Medical Association; Independent Running Retailer Association; Indiana Retail Council.

Indiana Veterinary Medical Association; Institute of Real Management; International Association of Fire Fighters; International Council of Shopping Centers; International Economic Development Council; International Federation of Professional and Technical Engineers; Iowa Retail Federation; Iowa Veterinary Medical Association; J.C. Penney Corporation, Inc.; JCPenney; Jewelers of America; Jo-Ann Stores, Inc.; John Bucksbaum, Private Real Estate Investor/Developer, Former Chairman and CEO of General Growth; Kemper Development Company, Bellevue, WA; Kentucky Retail Federation; Kentucky Veterinary Medical Association; Kimco Realty Corporation, New Hyde Park, NY; The Kroger Company; L. Michael Foley and Associates, LLC, La Jolla, CA; Limited Brands, Inc.; Los Angeles Area Chamber of Commerce; Louisiana Retailers Association; Louisiana Veterinary Medical

Association; Lowes Companies, Inc.; Maine Merchants Association; Maine Veterinary Medical Association; Malcolm Riley and Associates Los Angeles, CA; Marketing Developments, Inc. MI; Marshall Music Co., Lansing, MI; Mary Lou Fiala, CEO, Loft Unlimited, Ponte Vedra Beach Florida; Maryland Retailers Association; Massachusetts Veterinary Medical Association; Meijer, Inc.; Michigan Association of College Stores; Michigan Retailers Association; Michigan Veterinary Medical Association; Mid States Association of College Stores (IA, NE, KS, MO); Middle Atlantic College Stores; Minnesota Retail Association; Minnesota Veterinary Medical Association; Missouri Retailers Association; Mountains and Plains Independent Booksellers Association; NAIOB, Commercial Real Estate Development Association; NAMM, National Association of Music Merchants; National Association of Chain Drug Stores; National Association of College Stores.

National Association of Counties; National Association of Real Estate Investment Trusts; National Association of Realtors; National Bicycle Dealers Association; National Conference of State Legislatures; National Education Association; National Governors' Association; National Grocers Association; National Home Furnishings Association; National League of Cities; National Retail Federation; National School Supply and Equipment Association; Nebraska Retail Federation; Nebraska Veterinary Medical Association; The Neiman Marcus Group, Inc.; Nevada Veterinary Medical Association; New Atlantic Independent Booksellers Association; New England Independent Booksellers Association; New Jersey Retail Merchants Association; New Jersey Veterinary Medical Association; New Mexico Retail Association; Newspaper Association of America; North American Retail Dealers Association; North Carolina Retail Merchants Association; North Carolina Veterinary Medical Association; North Dakota Retail Association; Northern California Independent Booksellers Association; Ohio Association of College Stores; Ohio Council of Retail Merchants; Oklahoma Veterinary Medical Association; Outdoor Industry Association; Pacific Northwest Booksellers Association; Pennsylvania Retailers' Association; Performance Marketing Association; Pet Industry Joint Advisory Council; Petco Animal Supplies, Inc.; PetSmart, Inc.; Planning Developments, Inc., MI; The Pratt Company, Mill Valley, CA; Professional Beauty Association; Properties, Inc., Chicago, IL; The Rappaport Companies, McLean, VA; Real Estate Roundtable; Realtors Land Institute; REI (Recreational Equipment, Inc.); Reininga Corporation, Healdsburg, CA; Retail Association of Mississippi.

Retail Association of Nevada; Retail Council of New York State; Retail Industry Leaders Association; Retail Merchants of Hawaii; Retailers Association of Massachusetts; Rhode Island Retail Federation; Rocky Mountain Skyline Bookstore Association (CO, MT, NM, WY); Safeway, Inc.; Sears Holdings Corporation; Seattle Metropolitan Chamber of Commerce; The Seayco Group, Bentonville, AK; The Sembler Company, St. Petersburg, FL; Service Employees International Union; ShareASale; Simon Property Group, Indianapolis, IN; Soccer Dealer Association; Society of Industrial and Office Realtors; South Carolina Association of Veterinarians; South Carolina Retail Merchants Association; South Dakota Retailers Association; Southern Independent Booksellers Alliance; Southwest College Bookstore Association (AR, LA, TX, OK, NM, MS); Steiner + Associates LLC, Columbus, Ohio; Stirling Properties, Covington, LA; Tanger Factory Outlet Centers, Inc., Greensboro, NC; Target

Corporation; Taubman Realty Group, Bloomfield Hills, MI; Tennessee Retail Association; Tennessee Veterinary Medical Association; Texas Retailers Association; The Timberland Company; Tractor Supply Company; Tri-State Bookstore Association; The UAW; U.S. Conference of Mayors; Utah Food Industry Association; Utah Retail Merchants Association; Utah Veterinary Medical Association; Vermont Retail Association; Vestar Development Co.—Phoenix AZ; Virginia Retail Merchants Association; Virginia Veterinary Medical Association; Wal-Mart Stores, Bentonville, AR; Washington Retail Association; Washington State Veterinary Medical Association; WDP Partners, LLC, Phoenix, AZ; The Weitzman Group, Dallas, Texas; Wendy's Company; West Virginia Retailers Association; West Virginia Veterinary Medical Association; Western Development Corporation, Washington, DC; Westfield, LLC., Los Angeles, CA; Wisconsin Association of College Stores; Wisconsin Veterinary Medical Association; Wolfe Properties, LLC, St. Louis, MO; World Floor Covering Association; Wyoming Retail Association; Wyoming Veterinary Medical Association; Zumiez, Inc., Everett, WA.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that all remaining time postcloture be yielded back and the Senate adopt the motion to proceed to S. 2237.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### SMALL BUSINESS JOBS AND TAX RELIEF ACT

The PRESIDING OFFICER. The clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extended bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2521

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, on behalf of Senator LANDRIEU, I have a substitute amendment at the desk I wish to have reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 2521.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. On that, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2522 TO AMENDMENT NO. 2521

Mr. REID. Mr. President, I now have a first-degree perfecting amendment which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2522 to amendment No. 2521.

The amendment is as follows:

At the end, add the following new section: **SEC. \_\_\_\_\_.**

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2523 TO AMENDMENT NO. 2522

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2523 to amendment No. 2522.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the substitute amendment which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 2521 to S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Max Baucus, Benjamin L. Cardin, Richard J. Durbin.

AMENDMENT NO. 2524

(Purpose: To provide a perfecting amendment.)

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2524 to the language proposed to be stricken by amendment No. 2521.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2525 TO AMENDMENT NO. 2524

Mr. REID. I have a second-degree amendment at the desk.