

One faction, the Democratic Party, would be able to ram through massive pieces of legislation with little or no input from duly elected Senators who happen to be from another political party. And what if Republicans are not happy with being shut out of the legislative process at every stage? Well, the majority leader explained to one freshman Republican Senator: "You can always vote against the bill."

Not only does this take-it-or-leave-it approach effectively disenfranchise all those Americans who elected Senators from the minority party to represent their views, it also leads to poorly thought out legislation. Since the proposed changes to the Senate rules would make the body more like the House of Representatives, let's take another look at how that Chamber operates.

Although the House is designed to reflect the will of the current majority, the trend toward the majority party shutting out the minority party in that body has increased over time. Some people trace this trend to the last decade of the 19th century when the Speaker of the House was a man named Thomas Brackett Reed.

Then-Speaker Reed strengthened the power of the Speaker of the House of Representatives and sought to diminish the rights of the minority party. He once used his position to unilaterally change the interpretation of the quorum rule to prevent Members of the minority party from blocking a measure by refusing to vote in a quorum call. This incident was called the "Battle of the Reed Rules."

Then-Speaker Reed famously said: "The best system is to have one party govern and the other party watch." This attitude earned that Speaker of the House, whose name was Reed—they called him Czar Reed.

Do we really want another "Battle of the Reed Rules" like we had over a century ago in the House of Representatives? Wouldn't that be going backwards?

Ironically, the House of Representatives under Speaker BOEHNER has actually allowed more opportunity for the minority party to affect legislation than the current Senate majority leader. Senate Minority Leader MCCONNELL has cited data from the Congressional Research Service showing that the Democrat minority party in the House has had 214 occasions to affect legislation this year compared to only 67 for the Republican minority in the Senate.

When the House of Representatives allows for more input from the minority party than the Senate, which is supposed to be the deliberative body, it seems to me something is very wrong.

It is true that the cloture rule and the various different procedures that are called filibusters are not found in the Constitution. But changes to the Senate rules that some in the Democratic caucus are proposing would fundamentally transform the character of the Senate in a way that the Founders

never intended and best expressed by James Madison.

The proposed gutting of the Senate's historic rules and traditions threatens to replace the principle of the rights of the minority, so important to James Madison and our other Founders, with a new principle that the might of the majority makes right. The fact that the majority leader is contemplating doing so on a partisan basis by ignoring existing Senate rules is outrageous. Can you imagine ignoring the rules to change the rules?

I know this unprecedented power grab makes even Democratic Senators uneasy. Other Democrats who find this proposal tempting and who have not yet served in the minority will find they have a rude awakening once they have to live under the new regime they might help create.

To all my colleagues who might be inclined to support this fundamental transformation of the Senate, I will repeat once more Madison's warning about temporary majorities in the heat of passion enacting legislation: "... measures which they themselves will afterwards be the most ready to lament and condemn."

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### THE FARM BILL

Ms. KLOBUCHAR. Madam President, I am here today to talk about the need for action on a 5-year farm bill for our farmers and our rural communities. The Senator from Iowa, who just spoke, understands how important this farm bill is. I know the Acting President pro tempore, from the State of New York, understands how important this farm bill is.

This summer, farmers in the Corn Belt of our country waited, sometimes in vain, for rain that could either make or break an entire year of work. Many of them lost their entire crop.

This fall, sugar beet farmers along the Red River Valley in Minnesota and North Dakota waited for dry weather because they needed that to pull out the last of their crop. And right now, at this very moment, farmers, ranchers, and rural communities throughout the country continue to wait. But this time they are not waiting for weather. They are not recovering from weather. They are waiting for a new farm bill. In fact, they have waited 167 days since the Senate passed the bipartisan farm bill this June, and they have waited 66 days since the 2008 farm bill expired in September.

Unlike the drought this summer and the hurricane that hit the State of the Acting President pro tempore this fall, the failure to complete a farm bill is entirely preventable. Inaction in the House of Representatives is hurting farmers right now. Without a new farm bill, dairy farmers have lost their safety net. In fact, prices may go to the 1939 levels. Talk about moving back-

ward; that is what will happen if we do not get this farm bill done.

Livestock producers operate without key disaster programs without this farm bill, and farmers and rural communities are left guessing about what rules they will operate under as they plan next year's crop.

These are not small things. What kind of crop insurance are they going to be qualified for? Is there going to be some kind of safety net? They have absolutely no idea because we wait and we wait and we wait for the House of Representatives to act. They did pass a farm bill through their committee. I liked ours better, but they got it through the committee. But guess what. They have not been able to bring it to the floor for a vote, and our farmers and our ranchers and our people in our rural communities wait, and they wait, and they wait.

I believe there are good reasons we can finish the farm bill this year. There is already a path forward to complete work on a farm bill and have it signed by the President at the end of this year. The farm bill passed in the Senate, as we all know. It passed with strong bipartisan support. It was approved by a vote of 64 to 35. Thanks to Chairman STABENOW's leadership and the leadership of Ranking Member ROBERTS, we were able to get this bill through. We voted on nearly 80 amendments. We did our job in the Senate.

The Senate farm bill saves money. It would reduce the deficit by \$23 billion over the next 10 years. That is a savings over the last farm bill. The Senate farm bill also makes major reforms, such as eliminating direct payments and further focusing farm payments on our family farmers.

It extends disaster programs for livestock producers and it continues credit provisions to help our farmers get through tough times. It creates a public-private partnership to fund agricultural research to give farmers the tools they need to stay competitive and feed a growing world.

When Bill Gates comes and talks to me about the farm bill, you know this farm bill is more than just about some farmers in Minnesota. It is about feeding our country, it is about feeding the world, it is about the research we need to do to make sure we have the most efficient crops; that we are developing crops and we are developing livestock and varieties of crops and farm products that can feed the world.

This farm bill works to eliminate fraud and waste throughout the farm bill to ensure these programs are efficient and targeted. Passing this farm bill is important, and that is why 235 agriculture, conservation, research, and energy organizations signed a letter this November to leadership in the House urging that they pass a farm bill before the end of the year.

Our farmers and agricultural communities understand that tough budgetary choices need to be made. That is why the Senate Agriculture Committee actually came forward and said: OK, we

are going to find a way to do this very differently. We are going to eliminate direct payments, and we are going to strengthen our crop insurance. We are going to still make sure we maintain our nutrition programs—something for which the Acting President pro tempore fought so hard as a Senator from New York—and we also made sure there were incredibly strong conservation programs in the bill, but we still found a way to cut \$23 billion.

I am also opposed to playing red light-green light with agriculture policy which prevents our farmers and ranchers from making long-term capital investments that help them remain competitive in today's marketplace.

Ms. KLOBUCHAR. It might be easy to forget as we sit in this Chamber all that goes into growing the most abundant, safest food supply in the world. But when I travel across our State, I am impressed by the work and planning that goes into making each farm and ranch operate in the face of market failures, in the face of natural disasters, in the face of volatile weather. Well, guess what. This is the time when that planning goes on. It goes on right now.

Anyone who learned in kindergarten about how we plant crops and how we get things done knows that the fall and winter is the time when you plan ahead, and then you plant your crops, then you move ahead, and then pretty soon you are harvesting them. Well, they need to know what the rules of the game are to get this done.

Each year family farmers make tough decisions about which crops to plant, what equipment to purchase, and when to market their crops. Congress should be no less committed to completing work on the farm bill, which provides the safety net and certainty for farmers, for ranchers, for rural communities. The stakes are high for Minnesota. Agriculture is our State's leading export, accounting for \$75 billion in economic activity every year and supporting more than 300,000 jobs.

Minnesota is No. 3 in the country for hogs and soybeans. It is also home to pork processors and biodiesel plants. Minnesota is No. 4 in corn, and it is also home to 21 ethanol plants that produce over 1 billion gallons of ethanol every single year. We are No. 1 for sugar beets, we are No. 1 for sweet corn.

But as we all know, this is not just an issue in our State. Our Nation's farms and ranches are responsible for a \$42 billion trade surplus. This is one of the jewels of our economy and our country. We actually are making things, producing things, and exporting to the world. Why would we want to pull the rug from underneath one of our most promising and successful exporting industries in this country? And that is the business of farming.

This is so promising. We are already doing well. We can even do better. With

the critical role farming plays in our country's economy, there is no excuse to further delay the consideration of the farm bill. Agriculture is a bright spot in our economy. We cannot jeopardize the economic future of rural America and of our entire country just to score political points over in the House.

I continue to believe that the carefully crafted bill we did in the Senate finds a good balance between a number of priorities. I urge the House of Representatives to complete work, to work with the Senate, so we can make sure as we come to the year end we have a major deal which we must have on the fiscal cliff, that we also include the farm bill, because with the farm bill we save \$23 billion over what we have been spending in the last few years. So let's get to work and get this done.

I yield the floor and 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. REED. 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.

#### THE FISCAL CLIFF

Mr. REED. Madam President, we all recognize the country faces many challenges. Too many of our neighbors are still looking for work, and too often those with a job have not seen a raise in quite some time. Indeed, for many years people in Rhode Island and across the country have a growing sense that there is too much focus on the powerful few and not on the average family playing by the rules.

A quality higher education seems more unaffordable each year. Working men and women do not often feel the government understands their struggles and the need to move the country forward. They also want us to begin to balance the books, just as we did under President Clinton, with a sensible balanced approach, one that led to increasing wages across the board, increasing productivity, increasing employment, and a budget surplus before George W. Bush's policies took over.

Last year we took a step in balancing the books. We cut \$1 trillion of Federal spending. We do not hear much about it, particularly from the other side of the aisle. But what it means is that every discretionary program will see less funding for the next decade, which will have a huge impact on my State and every State in the country.

If we are going to cut spending on education, research, and transportation to the tune of approximately \$1 trillion, I think most Americans recognize that the other side of the equation has to be considered. Revenue needs to be part of a balanced plan to reduce the debt. The simple fact of the matter is that virtually every expert panel and commentator has said clearly that in

order to reduce the deficit to a sustainable level, revenues have to go up. It is a matter of arithmetic. So the question that presents itself to us is, where does the revenue come from? I believe at the end of the day, the President's plan to continue to provide tax breaks for 98 percent of all Americans and let tax rates for the wealthiest return to the Clinton-era levels is about as fair a proposal as is possible at the moment. First, it recognizes that the middle class should not be the one on the chopping block where there are other options. Second, it asks those making more than a quarter of a million dollars to return to the same top rates we had for most of the 1990s. Third, it cuts everyone's taxes on the first quarter of a million dollars that you make.

What is sometimes lost in this debate is because of our progressive tax system, there will be no changes to the tax rates on income up to \$250,000. The benefits of those tax cuts which were enacted in the early decades of the 2000s will still be there for 98 percent of Americans, and they will still be there for those paying additional revenue because of the reversal of the top two upper income tax rates. Yet our Republican colleagues in the House seem to have adopted a posture of obstruction and holding the middle class hostage in order to preserve nearly \$1 trillion in tax cuts for the top 2 percent of Americans. If we do not extend these tax cuts for the middle class as the President has proposed, the typical Rhode Island family of four could see their taxes raised by an average of \$2,200 in the year 2013. This would be a setback for our very fragile economic recovery. It is simply not fair to have these middle-income Rhode Islanders who are trying to make ends meet in this economy be further subject to a tax increase.

I think I listen pretty well to my colleagues on the other side of the aisle. It seems they agree that, yes, these taxes should not go up on 98 percent of Americans. Indeed, in July they dropped their filibuster, enabling the Senate to pass the Middle Class Tax Cut Act. The bill prevents taxes from going up on 98 percent of Americans and 97 percent of small businesses, and would cut the deficit by nearly \$1 trillion.

As I mentioned, if the House does not pass this bill, middle-class families will see their taxes go up by an average of about \$2,200. All the House has to do—and they can do it very quickly under their procedures—is take up the Senate-passed bill and pass it. We will put a significant downpayment on deficit reduction. We will provide certainty to 98 percent of Americans that their taxes will remain the same, and we can get onto other sensible appropriate reductions and expenditures and move the Nation forward.

It is heartening to hear some Republicans in the House such as TOM COLE of Oklahoma and MIKE SIMPSON of Idaho talk about accepting this commonsense approach and locking in these tax rates for middle-income

Americans. Indeed, if the House, as I suggested, had an up-or-down vote on the Senate bill, I would suspect there would be enough Republicans willing to join the House Democrats in passing a tax cut for 98 percent of Americans and giving the business community the certainty it needs. Unfortunately, we have yet to see an indication from Speaker BOEHNER that he will let the Senate approved middle-class tax cut legislation have an up-or-down vote—despite the fact that by passing this bill every American, including the wealthiest, will get a tax break on the first quarter of a million dollars of income, and the Tax Code would become a bit fairer.

I am worried that there are too many on the other side of the aisle who are willing to let taxes increase on the middle class in order to stop the top two marginal tax rates from returning to Clinton-era levels for the wealthiest 2 percent of Americans. That, to me, is unfair. Indeed, it is an uncalled-for imposition on the vast majority of Americans.

Republicans would jeopardize our economic recovery by creating uncertainty around letting these tax provisions lapse for all Americans. It could hamper demand, restrict commerce, and impede recovery at a time when our economy is making fragile gains. Indeed, it would be similar to what we are seeing in other parts of the world, where austerity measures in Europe have already caused many of their economies to slip back into recession.

We can't do that. We have got to provide both confidence and the resources for consumers to go into the marketplace and continue to strengthen our recovery. And I would hope to accelerate this recovery because we need more demand, more jobs, more activity, not less.

Unfortunately, the record of some of our colleagues on the other side has suggested that when it comes to making difficult decisions on behalf of the majority of Americans they balk. I have seen in this Congress—the other side threaten a government shutdown and the other side seriously consider defaulting on the debts of the United States. I have seen threats to end unemployment insurance, which would harm our economy and tremendously disadvantage so many Americans who are looking for work. I am hopeful the House of Representatives can respond both thoughtfully and decisively by passing the legislation the Senate has already passed and continue the tax cuts for middle-income Americans while beginning to raise revenues from those who are the wealthiest amongst us.

In the spring of 2011, we were faced with the possibility of a government shutdown. In the summer of that same year, we were faced with the issue of the debt ceiling and government default. All of these attempts to disrupt and undercut the process of government had costs, real costs to our economy, real costs to our sense and the

sense of the American people that we are effectively able to manage their affairs, for the welfare not of the very few but for all Americans.

Republicans have also blocked the American Jobs Act. A plan that analysts predicted would lead to the creation of nearly 2 million jobs—and at a time when those new jobs were and still urgently needed. Now with the accumulation of all these different threats to our economy, all these different dramatic moments, we are looking at automatic increases in taxes if the Middle Class Tax Cut Act is not adopted. Failure to pass the bill could severely impede or even reverse the economic recovery we have seen to date. And again, this economic recovery is not as strong as we want to see it, but it is heading at least in a positive direction.

We have to move forward decisively, with a balanced approach to ensure that the vast majority of Americans do not see their taxes go up. And that revenue is raised from those who are most able to afford it.

The President has been very clear that he will be strong in resisting overtures to extend the tax benefits for the wealthiest two percent of Americans. The American people agree. They re-elected him and they consistently, in just about every type of public survey, support his proposal.

Unfortunately, the Republican leadership in the House of Representatives are out of step and out of tune with the American public.

Speaker BOEHNER has not proposed a sensible, balanced approach that mixes revenues and expenditure reductions. Instead, he once again raises the spectre of cuts to Medicare and Social Security benefits. That is not the approach we have to take.

What we can do, what we should do, what we must do is simply ask the House of Representatives to take up what we have already passed here in the Senate, the Middle Class Tax Cut Act, immediately. That would provide the breakthrough we need to go forward, to continue to build on our economic recovery, and continue to respond to the legitimate needs of men and women all across this country. I hope House Republicans do that. I know I will be here, along with my colleagues, urging them to do that as quickly as possible.

Madam President, I ask unanimous consent that the remaining time under Democratic control be allocated as follows: Senator BOXER for 15 minutes, Senator CASEY for 10 minutes, and Senator SCHUMER for 5 minutes.

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

Mr. REED. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think we are trying to make the case here today that there is a very easy

way for us to climb down from this fiscal cliff. The Senate already passed a bill that would extend tax cuts to 98 percent of the American people and the House will not take it up. This will mean, over 10 years, about \$1 trillion in savings, and it won't hurt the millionaires and billionaires. They have told us that over and over.

This is when the Senate passed the middle-class tax cuts, July 25, 2012. The Republicans over in the House have been sitting on it. They didn't do anything in July, August, September, October, November, and December. Here we are 6 months later and they refuse to allow a vote on this for reasons that go to their internal disputes.

It is time for them to put country over party. It is time for them to put country over their ideological battles. That was a mouthful. I am going to try it again. It is time for them to put country over their ideological battles. It is time for them to make a decision that favors the American people.

I served in the House for 10 proud years. It was wonderful, fascinating, interesting. I served there when Tip O'Neill was the Speaker of the House. Tip O'Neill understood the magic of 218.

What do I mean by that? The magic of 218 was finding 218 votes to get something done. Tip didn't care if he got it from a liberal, from a conservative, from a moderate, from an independent, from a whacko. It didn't matter. He didn't care who you were, what you were, if you thought you were great or bright or not. He had to put together 218 for the good of the country, and he did it when Ronald Reagan was President. He did it when there was a President who had different views from his own, and they worked together for the good of the country.

I look over at the House, and I don't know what I see. There are a few brave voices there speaking out and saying let us do this, let us extend the middle-class tax cuts. But let me tell you, we have 27 days left to do this before people start facing higher taxes. On average, it is \$2,200 a family, and that is a lot of money for a middle-class family.

I want to be completely honest here and bring up an issue, which is that I never voted for the Bush-era tax cuts—I was one of the few in the minority—because I worried that it would destroy our fiscal responsibility. I hate to say it now: I was right. I was right.

There were surpluses that Bill Clinton left us. But because George W. Bush went in front of the microphone and said, I have political capital, I am going to cut everybody's taxes, he then put two wars on the credit card, and that was the end of surpluses. We went into deficits, deficits as far as the eye could see, deeper and deeper in debt. So you might ask then, Senator BOXER, why are you now supporting those tax cuts being renewed for 98 percent of the people? The answer is it is a different time and a different place. We are getting out of a recession. We can make

up the monies we need to balance this budget by going just to the top rate, going to the people over \$250,000.

Remember, this plan that we passed in July gives a tax break on the first \$250,000 of income, in essence giving everybody a break on that first \$250,000. It is only after that that the taxes go back to the Clinton era. Because this is a different time and place, I support giving a tax break, continuing it, for 98 percent, but asking the wealthiest to pay their fair share for the greatest country on the face of this Earth.

My father was born into dire poverty. He was the only one of nine children born in America. He was the only one of nine children to go to college at night in your great State, City College, at night, while he supported a family by day. He became a CPA. After he got his bachelor's, he went at night to a place called Brooklyn Law School, where he got his law degree in 5 years. I was about 10. This is America. He was able to do that.

When he was a CPA, he would oversee everybody's taxes in the family. I was a kid and I got my first job working for a long time when I was a telephone operator for Hilton Hotels one summer. I will never forget it. I was not good at it. I kept putting those wires into the wrong places, but I managed to get through. When I got my first paycheck, I went to my dad, as I was earning minimum wage—I think it was 75 cents an hour, I don't know. I know I am dating myself here. It is okay. I said, "Dad, why is it I have to pay a whole bunch of money somewhere else, to the government?" He said, "Well, we all, when we earn money, pay taxes. If at the end of the year we pay too much, we get a refund."

But he said, "Honey, I want to tell you something. You are so fortunate and blessed to be a citizen of the United States of America. I know people will laugh at you when you say this, but people who live here, who work here and have the privilege of that freedom and the privilege to grab the dream, they should kiss the ground of this country every time they pay taxes."

I once said that on the campaign trail, and I got booed. They said, She is telling us to kiss the ground of America when we pay taxes? That was how my father felt.

Clearly, he also believed in a progressive tax system. He was a smart man, and he believed that those at the bottom end shouldn't pay anything at all and, as you go up, you pay a little more.

That is what President Obama ran on. We had a huge election for the Senate where the Democrats picked up seats. A race for the Presidency that was supposed to be Governor Romney's, according to his people, was President Obama's. This was mainly because President Obama stood up for the middle class and said, When it comes to taxes, we all have to pay our fair share, no more, no less.

When you tell your friends the President wants to give a tax cut, tell them also it is being held up by the Republicans in Congress who are sitting on a bill that passed the Senate on July 25, 2012, where 98 percent of the American people will get their tax break continued and only income over \$250,000 will be taxed at the same rate when Bill Clinton was President.

Let's take a look back at those days. Were they harsh for people? No. We had more millionaires created, I remember in those days, than we had in generations. You know why? Because the middle class is strong—and President Clinton invested in the middle class; he invested in our people—they get good jobs, they pay enough taxes, they go to the mall, they take a trip across the country to see all the great landmarks, and people across this country who have businesses do well also. That is why we see so many businesspeople, including small businesspeople, standing at President Obama's side saying it is good for business to give the middle class their tax breaks.

What are these Republicans thinking over there? If we are having an argument, and I tell you I will give you 98 percent of what you want and you walk away from me, I say you are unreasonable. Who gets 98 percent of what they want? No one. In an argument, usually we meet each other halfway—50-50. We are giving the Republicans 98 percent of what they want on the tax cuts, but they are holding the 98 percent hostage for their friends, the Koch brothers, Sheldon Adelson—the billionaires. That is wrong, and we had an election about it.

This is a country of, by, and for the people, not of, by, and for the billionaires. I am going to say to my Republican friends—and they are my friends; I have served with them for a long time, I have worked with them—what are you thinking? What are you doing?

Let me talk about one of the things they offered in their package. This is outrageous. They want to raise the eligibility age of Medicare by 2 years. I cannot tell you how many people come up to me—and it shocks me when I hear it—and say: I am praying for my 65th birthday so I can get on Medicare because I have no insurance. There is a huge number of people uninsured between the ages of 55 and 65. So this is their Christmas present? This is the happy holiday gift from Speaker BOEHNER?

In the Speaker's tax package, not only is he giving the tax break to the wealthiest, he is even cutting their taxes further but paying for it by raising the Medicare age. What does that do? It is surprising just how bad it is. When we raise the age of Medicare from 65 to 67, ipso facto, 300,000 senior citizens go uninsured. Merry Christmas to all. It would increase the cost to businesses by \$4.5 billion because they have to keep people on their plans. Merry Christmas to you, too, businesspeople. It will increase the out-

of-pocket costs for those between 65 and 66 by \$3.7 billion. It would increase costs to the States by \$700 million, and millions—millions—would pay an average of \$2,200 more for their health care.

I will use every tool at my disposal to prevent the destruction of Medicare. What kind of counterproposal is that? It takes my breath away the pain that would be felt if this went through. I can't help remembering—and I am sure the Chair remembers as well—the attack leveled by Representative PAUL RYAN, who was the Republican nominee for Vice President—he is chairman of the House Budget Committee—against President Obama for "cutting" \$700 billion out of Medicare, when, in fact, the President got savings from people who were cheaters—the providers who were ripping off Medicare—and then put it back into Medicare and extended the life of the program by 8 years.

These are the same people who ran ads against Democrats—maybe they did it to the Chair as well, I don't know—all across the country saying Democrats voted to cut Medicare. These same people who were crying these bitter tears are now suggesting destroying Medicare as we know it. I can't believe it. I truly can't believe it. I wonder whom they fight for? That is the basic question. Why are they here? Whom do they fight for? Do they fight for the middle class? I believe we do on our side of the aisle. I believe President Obama does.

I believe, if we look at the tax package that came over from Speaker BOEHNER and all the cuts to Medicare—and by the way, the Presiding Officer is a leader in protecting children—we will see there are cuts to child nutrition in there, major cuts. I have to say: Why do they have to cut food to poor kids? Why do they have to kick people out of Medicare? Their answer is, if they were honest, to protect the billionaires and the millionaires. Because that is what it is about. We know it. It is a fact in evidence.

I believe we owe more to the American people. We need to find a way back to the fiscal responsibility and the economic growth we had when Bill Clinton was President. I have served with five Presidents already—it is amazing—in my time in this Congress, and I have seen people come together in moments of crisis, such as when Social Security needed to be strengthened, when Medicare needed to be strengthened, when we had deficits as far as the eye could see and we had to resolve that. I have seen all that happen. We have 27 days left to see something good happen about this fiscal cliff.

When people say, oh, it is very complicated, don't believe it. Don't believe it. It is not complicated. There are several parts to this fiscal cliff. The biggest one is the Bush-era tax cuts that are expiring on 100 percent of the people, and if they expire, it means people will have to pay more in taxes at a time when we don't want them to have

to struggle. We want them to have disposable income because it is good for their families, it is good for the economy, it is good for business, and it is good for economic growth. The Bush-era tax cuts are expiring on December 31. Why don't we find the common ground, get rid of that issue, get those tax cuts to 98 percent of the middle class who need them and fight about the millionaires and the billionaires later? They are OK. They are fine.

We need to do that simple step. The House must pass the Senate's bill which we passed on July 25. We did it. It is done. We don't have to worry about it. We did our job over here. We got the votes. So the House needs to pick it up and pass it over there.

I understand that Democratic Leader PELOSI has done something very interesting. She has taken this bill, the same exact bill, and put it at the desk in the House and started what they call a discharge petition. What that means is, since Speaker BOEHNER will not bring up this bill, if 218 people sign the discharge petition, there will be an immediate vote on the floor. I wish to urge Republicans and Democrats and Independents over in the House to sign the discharge petition to have a vote. We have a few days left until the end of the year—27—to get this done.

Then we can talk about the automatic spending cuts, and there are ways to stop those. People are upset about those. Personally, I think we have to make spending cuts, but I think we can soften the blow of those spending cuts by bringing home the money from the wars in Iraq and Afghanistan to this country. That would soften the blow of those cuts. We also need to be making some more investments in infrastructure, which we desperately need after superstorm Sandy hit New York, New Jersey, Connecticut, Delaware, and Maryland. We now see our infrastructure has to be what we call hardened, made stronger. We can do that if we invest in our people.

The President has offered a very clear plan that is fair that takes us off the fiscal cliff. We have 27 days to do the right thing. The Senate already passed the tax cuts for 98 percent of the people. All we are asking is for the House to do that, to match us, and then we can get back to the table and figure out a way to soften the blow of the automatic spending cuts. We can look at tax reform.

Let me just say this about tax reform. When our colleagues complain about tax rates and say: We would rather close loopholes, watch out. In order to raise the kind of funds needed to lower this deficit, we would be looking at the two of the biggest "deductions." One is for your mortgage and one is for charitable contributions. I would ask rhetorically: What billionaire do you know who has a mortgage? I don't, frankly, know any. They own their own homes. They are not hurt by that. But who does get hurt? The middle class.

So let's do the right thing. We passed the right thing on July 25, 2012. We have 27 days left before taxes on the middle class go up. I know we have the wherewithal to do that.

I yield the floor.

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

Mr. CASEY. Mr. President, I rise to talk about where we are with regard to the end of the year and especially where we are with regard to the focus we should bring to bear on middle-income families. We have had a lot of discussion in the last couple weeks, using terms such as "fiscal cliff" and terms that involve tax policy. All that is important to debate, but sometimes what is lost in the midst of all that is what is happening to middle-income families.

The sense I have, in talking to a lot of those families in Pennsylvania, is they have been asking their representatives in Washington to do at least two things: No. 1 is to try to work together to get agreements, not just in the near term but over a long period of time; and No. 2—and not in second place, because they are as fervent about this as they are about No. 1—they ask me all the time to do something to create jobs at a faster pace, to put in place strategies that will lead to job creation that is more accelerated.

The good news is we have had some progress. If we look at the numbers for August, September, and October, it is right around 511,000 jobs created. That is good news and it is good progress. It is a lot better than where we were in the spring. If memory serves me, in the time period of April, May, and June, we had only created about 200,000. So this 3-month period with more than half a million jobs created is progress.

But we have a long way to go, and we need to move the job-creation pace or the pace has to be accelerated. We have in the midst of all that a good bit of uncertainty. Middle-income families look at Washington and don't see enough progress on jobs, they don't see folks coming together yet. I think we will, but until they see that, until they have a sense there is something substantial that is decided that affects their lives, they are going to be very uncertain. I hear this from taxpayers. I also hear a lot about uncertainty from small business owners.

At the same time, the House has something they can do about it right now. On July 24 we passed in the Senate a tax cut for middle-income families, meaning we would continue tax rates for those families. That kind of certainty is badly needed right now. So one of the best things that could happen right now is the House could vote and then the President would sign into law legislation that would provide certainty for middle-income families—98 percent of American families and some 97 percent of small businesses. So it is time for the House to act.

Secondly, we have to take steps to make sure we are creating jobs at a

faster pace. As I mentioned before, I am introducing legislation today to help middle-class families and to boost hiring. The bill is called the Middle-Class and Small Business Tax Cut Act, and it would expand the payroll tax cut from last year for 1 year and give employers a tax credit for hiring.

The payroll tax cut we put into place last year had a number of benefits. I won't go through all those today, but the Joint Economic Committee—the committee of which I am the chairman—put out a fact sheet in the last 24 hours that highlights some of the benefits of the payroll tax cut. I wish to highlight a few of those.

I ask unanimous consent to have printed in the RECORD the Joint Economic Committee fact sheet on the payroll tax cut dated December 4, 2012.

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

FACT SHEET: PAYROLL TAX CUT, JOINT ECONOMIC COMMITTEE, UNITED STATES CONGRESS, SENATOR ROBERT P. CASEY, JR., CHAIRMAN, DECEMBER 4, 2012

THE PAYROLL TAX CUT SUPPORTED THE ECONOMIC RECOVERY, CREATED JOBS AND BOLSTERED THE SOCIAL SECURITY TRUST FUND IN 2012

Last winter, Congress took action to prevent a temporary two-percentage-point reduction in payroll taxes from lapsing at the end of 2011, extending the tax cut through the end of 2012. The payroll tax cut for 2012 increased take-home pay for over 120 million American households, providing tangible benefits as the economy continued to recover from the Great Recession. The additional money in individuals' pockets contributed to increased consumer spending in 2012, supporting economic recovery and job growth. Including October, the private sector has added jobs nationwide for 32 consecutive months. Finally, the boost in employment due to the payroll tax cut, coupled with transfers from the General Fund, helped to fortify the balance of the Social Security Trust Fund.

#### *Benefits of the Payroll Tax Cut in 2012*

122 million households received additional take-home pay. Cutting payroll taxes immediately increased the income of everyone who received a paycheck. By the end of 2012, the two-percentage-point payroll tax cut will give an additional \$1,000 to the average American family.

The payroll tax cut boosted consumer spending. Additional take-home pay allowed working families to make purchases that supported economic growth and job creation. In the third quarter of 2012, real consumer spending grew 2.0 percent at an annual rate, following gains of 2.4 percent and 1.5 percent in the first and second quarters.

Middle-class families are responsible for the bulk of consumer spending. The most current data show that families making under \$150,000 are responsible for the vast majority (81.9%) of consumer spending. Moreover, families earning less than \$70,000 per year are responsible for nearly half (44.8%) of all consumer spending.

The payroll tax cut targets those most likely to spend it. Compared with reducing the tax rates of the highest income earners, cutting payroll taxes puts more money in the hands of middle- and lower-income working families. Over half of the benefits of the payroll tax cut went to households earning less than \$100,000 annually, and 85 percent of

the benefits went to those making less than \$200,000.

Economic growth and job gains were stronger in 2012 due to the payroll tax cut. The two-percentage-point payroll tax cut for 2012 boosted economic growth nationally by an estimated one-half of a percentage point in 2012. The payroll tax cut also saved or created an estimated 400,000 jobs.

The payroll tax cut bolstered the Social Security Trust Fund. The annual OASDI Trustee's report for 2012 confirms that the payroll tax cut has no negative effect on the balance of the Social Security Trust Fund in the short or long term. All reduced revenues are recovered through transfers from the Treasury General Fund.

Furthermore, the additional jobs generated by the payroll tax cut added to the Social Security Trust Fund's balance. The JEC estimates that the boost in employment driven by the payroll tax cut contributed at least \$1 billion in additional Social Security tax withholding and payments. This assumes a majority of the jobs created or saved because of the payroll tax cut, as during the recovery more generally, were in occupations such as food services, retail and employment services. The additional Trust Fund revenue could be much larger—as much as \$3 billion—if those jobs were in higher-wage industries such as manufacturing or professional services, or if the number of additional jobs was greater than previously estimated.

#### ESTIMATED BENEFITS OF THE PAYROLL TAX CUT IN 2012 FOR AMERICAN FAMILIES, BY STATE

State	Median Household Wage and Salary Income (2011 In- flation-Adjusted Dollars)	Additional Take- Home Pay from 2% Payroll Tax Cut in 2012
United States .....	\$51,726	\$1,035
Alabama .....	\$45,821	\$916
Alaska .....	\$66,185	\$1,324
Arizona .....	\$47,348	\$947
Arkansas .....	\$40,729	\$815
California .....	\$58,243	\$1,165
Colorado .....	\$54,985	\$1,100
Connecticut .....	\$69,240	\$1,385
Delaware .....	\$58,040	\$1,161
District of Columbia .....	\$71,277	\$1,426
Florida .....	\$45,821	\$916
Georgia .....	\$48,061	\$961
Hawaii .....	\$61,094	\$1,222
Idaho .....	\$40,933	\$819
Illinois .....	\$56,003	\$1,120
Indiana .....	\$48,061	\$961
Iowa .....	\$49,894	\$998
Kansas .....	\$48,875	\$978
Kentucky .....	\$44,802	\$896
Louisiana .....	\$45,821	\$916
Maine .....	\$45,821	\$916
Maryland .....	\$71,277	\$1,426
Massachusetts .....	\$68,018	\$1,360
Michigan .....	\$47,959	\$959
Minnesota .....	\$57,021	\$1,140
Mississippi .....	\$39,711	\$794
Missouri .....	\$46,839	\$937
Montana .....	\$42,257	\$845
Nebraska .....	\$48,875	\$978
Nevada .....	\$48,875	\$978
New Hampshire .....	\$64,149	\$1,283
New Jersey .....	\$71,277	\$1,426
New Mexico .....	\$42,766	\$855
New York .....	\$60,076	\$1,202
North Carolina .....	\$43,886	\$878
North Dakota .....	\$47,348	\$947
Ohio .....	\$48,875	\$978
Oklahoma .....	\$43,784	\$876
Oregon .....	\$46,635	\$933
Pennsylvania .....	\$52,948	\$1,059
Rhode Island .....	\$57,021	\$1,140
South Carolina .....	\$42,766	\$855
South Dakota .....	\$46,839	\$937
Tennessee .....	\$42,766	\$855
Texas .....	\$50,999	\$1,004
Utah .....	\$54,985	\$1,100
Vermont .....	\$52,948	\$1,059
Virginia .....	\$63,131	\$1,263
Washington .....	\$58,040	\$1,161
West Virginia .....	\$42,766	\$855
Wisconsin .....	\$50,912	\$1,018
Wyoming .....	\$54,985	\$1,100

Source: Joint Economic Committee Chairman's staff calculations using data from the 2011 American Community Survey micro data files.

Mr. CASEY. Mr. President, just a couple of points when you look at the economic impact on families when

they have dollars to spend. The payroll tax cut puts \$1,000 on average in the pockets of most families in America. Families making under \$150,000 are responsible for almost 82 percent of consumer spending. So the reason we are creating jobs with the payroll tax cut or a tax credit—the idea I mentioned before—is because we are giving consumers, families, and small businesses the opportunity to create jobs because of economic activity.

I mentioned the job impact of the payroll tax cut. It created or saved 400,000 jobs in the last year, and it didn't in any way harm the Social Security trust fund. In fact, it enhanced our ability to have more payroll revenue over time because of that job creation.

So I think we should do both—continue the payroll tax cut as well as have a tax credit for businesses so that if they hire in year one versus a year after the year the credit is in place, that hiring can be given credit and they can be incentivized to hire more.

Tomorrow our Joint Economic Committee will be engaged in a hearing on fiscal cliff issues. We will discuss strategies to create jobs, and we will discuss the implications of the fiscal cliff and what will happen if we don't get some work done by the House to pass the middle-income tax cut that was passed here in a bipartisan fashion. So we have a lot of work to do, but I think one thing we have to make sure we do is to continue to focus on middle-income families, their lives, their struggles, and what we can do to make sure they have more dollars in their pockets to continue economic growth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I would like to thank my great colleague from Pennsylvania. I enjoyed sharing a table last night with him and his beautiful, charming, intelligent wife, whom he would be the first to admit he is lucky to have married, and their four great girls. I also thank him for his excellent on-target remarks. We have a great chairman of the JEC, and every time he comes to the floor it shows.

Senator OLYMPIA SNOWE, Bill Kristol of the Weekly Standard, Congressman MIKE SIMPSON of Idaho, David Brooks, Congresswoman BONO MACK, Congressman WALTER JONES, and the National Review, we are here to say that passing the Senate's middle-class tax cut is the right thing to do, but you don't need to take our word for it. Two thirds of the American public agrees with us, but you don't need to take their word for it either. Just listen to the voices within Speaker BOEHNER's own party.

It is clear that Speaker BOEHNER needed cover from his right flank before he could agree to any deal on taxes with the President. The Speaker didn't have it before, but he sure has it now. When the Wall Street Journal editorial page says that decoupling would not go against conservatives' antitax principles, that gives a whole lot of cover to the Speaker. When Grover Norquist refuses to declare whether decoupling would violate his group's pledge, that, too, gives a whole lot of cover to the Speaker. And when more and more rank-and-file Republicans come out publicly every day in favor of passing the Senate bill, that, too, gives cover to the Speaker.

You really have to salute Congressman TOM COLE. He was the first one on the other side to dare speak the truth about what should be done on taxes, and he has been on TV almost every day making the case to his party in public. The day after Congressman COLE went public, he was dismissed as having a minority opinion. Well, that is not true anymore. His comments sparked a trend. In addition to those Republicans who have spoken out publicly, there are probably dozens of other TOM COLES in the House who just don't feel free to speak their mind but agree with him privately.

Just this morning, in an appearance on cable television, the junior Senator from Oklahoma, an unquestioned conservative, came out on higher tax rates on the wealthy. He said:

Personally, I know we have to raise revenue; I don't really care which way we do it. Actually, I would rather see the rates go up than do it the other way, because it gives us greater chance to reform the tax code and broaden the base in the future.

Well, if Senator COBURN does not provide conservative cover, I don't know who does.

The House Republican leadership is like generals hunkered away in a bunker who don't realize their army has already laid down their arms. The Republican leaders are in search of an exit strategy, while they have one in the form of a discharge petition that has been filed in the House. It is an out for the Speaker. With the discharge petition, the Speaker doesn't have to outright endorse the Senate bill; all he needs to do is tell his Members: Sign your conscience. If you believe in the discharge petition, sign it, and there will be no recrimination against you.

If Speaker BOEHNER does that, I am confident the discharge petition will get 218 signatures and then we will get 218 votes on the floor. We may not get a majority of the majority, but we will definitely get 218 votes. So we may never win over the PAUL RYANS in the other Chamber, but they aren't necessary—they can vote no or they can even vote present.

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

Mr. SCHUMER. I ask unanimous consent that I be given 1 additional minute.

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

Mr. SCHUMER. Put the bill on the floor, let rank-and-file Republicans vote their conscience, and this bill can pass.

In the New York Times today, it was reported that senior aides on the Republican side are considering just such a strategy to give them a soft landing on this tax debate—agree to the President's offer on the tax, the thinking goes, and live to fight another day on spending cuts.

We agree that a tax hike on middle-class Americans should be taken off the table. Once Republicans agree to higher rates on the wealthy, an agreement on the other sticking points of a grand bargain can quickly fall into place. So let's stop with the offers and the counteroffers that are leaked only to manufacture headlines in the press. Let's get serious and cross the biggest item of our to-do list off and get the Senate tax cut bill passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent the next 45 minutes be devoted to a colloquy between myself and my colleagues on this side of the aisle.

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

#### STEM JOBS ACT

Mr. CORNYN. Mr. President, this last week the House of Representatives passed a bipartisan piece of legislation called the STEM Jobs Act. For those who are unfamiliar with the term STEM, it stands for science, technology, engineering, and math—the hard sciences programs that we have too few graduates from in our colleges and universities. This bill passed in the House of Representatives with 245 votes and was originally sponsored by my friend and colleague LAMAR SMITH of Texas. It is very similar to a piece of legislation I myself introduced earlier this year.

The goal of this legislation is one that I think enjoys broad bipartisan support, and that is to help the United States retain more of the highly skilled immigrants who come to study at our colleges and universities. In particular, this bill would make eligible for a green card those who graduate from the STEM fields who get a master's degree or a Ph.D. We would not add to the net number of green cards that would be eligible. There are 55,000 diversity lottery visa green cards that would be substituted for by these STEM green cards.

We all know America's immigration system is broken. Unfortunately, it causes self-inflicted wounds in many respects, but particularly by driving away highly skilled foreign workers who want to start businesses and create jobs right here in America. This is not about hiring foreign workers to

perform jobs where we have qualified Americans waiting in line for these jobs. The fact of the matter is, we do not produce enough American-born workers to fill the job vacancies in these fields.

Many of these potential job creators and entrepreneurs attend our colleges and universities. You might even say that the American taxpayer helps subsidize their education because many of them received world-class training at our public and private colleges and universities and then reluctantly return home to pursue their careers because they cannot get a visa or cannot get a green card here in America. We are cultivating human capital and then sending those individuals back home.

This is an area where there is broad support. My colleague Senator MORAN recently wrote a "Dear Colleague" letter which points out that roughly—he cites in the letter that more than three-quarters of voters support a STEM-type visa. He quotes in this letter, dated July 20, 2012, 87 percent of Democrats polled, 72 percent of Republicans polled, and 65 percent of Independents support the creation of a STEM visa. Of course if you think about it, it is common sense. Why in the world would we want to subsidize the education of these students from other countries, train them in these highly specialized and highly desirable fields, and then simply send them home?

I have introduced legislation over the past years that would increase the number of H1B visas, which are not green cards. They are actually temporary visas that would allow more of these foreign national students, trained in these STEM fields, to stay here in the United States and help create jobs here in the United States. This bill actually goes a step further. What it does is it provides them a green card, which is the first step toward a path to citizenship.

If you believe our current policy is a self-inflicted wound on our economy, you are exactly right. We are educating brilliant students and then compelling them to go to work in Shanghai or Singapore rather than San Antonio or the Silicon Valley. Meanwhile, we are handing out tens of thousands of diversity visas to immigrants chosen by random lottery, without regard to any qualifications they may have when it comes to job creation and entrepreneurship. It makes absolutely no sense.

I believe we need an immigration policy that serves our national interests. If there is one thing that we need more than anything else now, we need job creators and entrepreneurs in the United States. We know in the global economy it is people with special skills in science, technology, engineering, and mathematics who are the ones who are going to help us create jobs and grow the economy—not just for these individuals but for the people who are hired by the startup businesses they will create.

The STEM Jobs Act would mitigate the problem with the diversity lottery visa, which again does not distinguish between immigrants based upon the qualifications they have or their ability to create jobs or be entrepreneurs. It would mitigate this problem by making our immigration system more economically sensible. It would establish new visa categories for 55,000 STEM graduates of American research institutions and would eliminate the random diversity lottery visa to offset these new green cards.

Our competitors abroad are observing this brain drain that America is experiencing and they are taking advantage of it. In a global economy they are more than happy to take the best and the brightest foreign students who come and train in the United States and to encourage them to come to their countries and create jobs and economic growth there. This relatively minor change to our immigration system could deliver a major boost to U.S. economic growth. I realize many of our colleagues have different priorities when it comes to fixing our broken immigration system, but the reforms contained in the STEM Jobs Act enjoy bipartisan support.

I urge my colleagues, let's show the world we can agree on this common-sense, bipartisan immigration reform. Let's do something for our economy and let's take this first step in solving our broken immigration system.

Before I turn the floor over to my colleague from Kentucky, who I know has some comments on this topic, let me address two issues quickly. I can anticipate hearing from some of our colleagues that this does not solve all of what is broken in our immigration system, and I concede that is correct. But what we need more than anything is to develop some confidence-building measures for the American people to demonstrate that we can come together, Republicans and Democrats alike, and do what needs to be done which almost everybody agrees is common sense and then we can follow on with other solutions on a targeted basis for our broken immigration system.

I once believed, back in 2005, when Senator JON KYL from Arizona and I introduced something we called the Comprehensive Border Security and Immigration Reform Act of 2005, we should address this issue comprehensively. We tried in 2007. That bill failed on the Senate floor when Senator REID pulled the bill from the floor.

I believe now, given the temper of the times and given the skepticism with which the American people view us here in Congress, the only way we are going to crack this nut is to start small in targeted reforms such as the STEM Jobs Act. I believe this is the beginning and not the end of fixing what is broken about our immigration reform system. But if we cannot do this—if we cannot do this—I have next to no confidence we can do the rest that needs to be done as well.