

The President has made his offer. He wants to increase taxes, add more stimulus spending, ignore the entitlement spending that is the true driver of our debt, and hold campaign-style rallies around the country to try to convince people it is not his fault if we go over the fiscal cliff. President Obama clearly enjoys campaigning, but the election is over. It is time for him to stop campaigning and to start leading. This means giving up his stubborn insistence on raising tax rates and instead focusing on raising revenue through tax reform and economic growth. It means doing something on these fundamental issues of tax policy that both sides agree on. That way American families will not get hit with these massive tax increases.

Thank you, and I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Missouri.

#### CREATING ECONOMIC CERTAINTY

Mr. BLUNT. Madam President, for the last few days the Senate has worked as the Senate should work. We have had amendments. We have had both sides working to find solutions; the Defense Authorization Act, the Russia trade agreement, a bipartisan vote on each of those. In fact, every time we have approached legislation that way this year, we have actually gotten something done. The FAA extension, the Transportation bill, the postal reform bill, the farm bill, and now the Defense bill all came out of committee, all had amendments, all had debate, and they all had a bipartisan vote that passed the bill. That is the way I think the Senate should work. I would like to hope it can work that way as we approach the end of the year and as we try not to go over the fiscal cliff.

They call it a cliff for a reason. I think a lot of people are acting as though right below the cliff there must be a fiscal ledge, but I don't see the ledge we are going to fall onto. I think we are actually going to—if we go over the cliff, there will be some harm that is done.

If we are going to take a balanced approach focusing on job creation, we have to do the things that get spending under control as well as the things that might produce more revenue. Nobody in the President's party has yet endorsed the \$1.6 trillion tax package he has talked about—or I don't think there is a growing demand to have the permanent debt limit increased. I also don't think there is any chance Congress will look at the Constitution and decide the President, on his own, can borrow money.

A number of people who have looked at the fiscal cliff all come up with bad conclusions. In July of this year, a study by Ernst & Young warned that raising taxes on the top 2 percent would destroy 700,000 jobs. Nobody has challenged that in any significant way. What if it is 500,000 jobs? What if it is

350,000 jobs or what if it is more than 700,000 jobs? This is not what we should want to do.

This study also says that raising those taxes will decrease wages by almost 2 percent and reduce economic growth by 1.3 percent in an economy that is barely growing 1.3 percent. If we go totally off the cliff—that was the proposal of just the tax rates for the so-called top 2 percent. If we go totally off the cliff, the CBO—the Congressional Budget Office—says the consequences will be even much worse than that. In fact, they say we definitely would put the country into a recession.

Just last month, the Congressional Budget Office warned that with the population aging and health care costs per person likely to keep growing faster than the economy, the United States cannot sustain the Federal spending programs that are now in place. That is why a lot of people are talking about entitlement reform and think we need to look where the money is and figure out how to reform these programs so we can be sure these programs last.

Programs that are based on how the population looks have to change as the population changes. Medicare was put in place in 1965. The average person who reaches 65 lives 5 years longer now than they did in 1965. That, of course, has a big impact on all the projections as to how this program would work in 1965 that was put in place, and we need to look at that. That is why Erskine Bowles, the former Chief of Staff of President Clinton, said just last week:

Democrats must move on entitlements in cliff deal. . . . We are going to have to reduce the cost of entitlement programs.

Senator CONRAD, the chairman of the Budget Committee, said, we “absolutely need” to enact “fundamental reform” in our entitlement programs. He was warning that Social Security is “headed for insolvency.”

Senator DURBIN said ignoring entitlement reform is not a “responsible approach.”

We do not want to eliminate these programs, but we want to be sure they last, and this is a good time to look at both revenue and spending. Surely, if this Senate works as the Senate should work, we can find out how to do both those things.

My friend from Wyoming just talked about the death tax, the estate tax. For all the reasons he mentioned, this is another tax we need to look at doing something about before it goes back to the taxable levels of 10 years ago. There are 2 million family farms or farms and ranches in the United States—2 million—and 98 percent of them—almost 2 million—are owned by individuals, family partnerships, and family corporations. To any extent this is corporate agriculture, it is only corporate agriculture because a family decided that was the best way to structure what they owned as a family—98 percent of those 2 million farms.

Cropland prices have gone up more than most things over the last few

years, though nobody's bank account, if a person is a family farmer, reflects that. A person's financial statement might reflect that, but their bank account doesn't reflect that unless that person decided they were going to sell part of the farm. What we don't want to do is make people sell the farm or ranch or continue to have a little piece of the farm or ranch and more likely sell a piece of it and that multigeneration of family farms, in most cases, the person who dies and their family is impacted by the death tax, can very likely become the last farming generation.

At a time when we need to focus on job creation, the Joint Tax Committee estimates that the increase in the estate tax would cost the country over 1 million jobs. Senator BARRASSO talked about the State of Wyoming. In the State of Missouri, we have the second highest number of farms in the Nation. They are not the second biggest in many cases but the second highest number.

We have over 100,000 individual farms. The American Farm Bureau says that right now, with the tax that is in place, 1,100 of those farms would be subject to the estate tax or the death tax—1,100. If we go back to the 2000 levels of \$1 million, which would be taking us over the cliff—as going over the cliff would have us do—15,000 Missouri families would be affected at some point in the future by the estate tax. The difference in 1,100 and 15,000 is 13 times as many families would have to worry about this tax, and it becomes the motivating factor of how they run their farm rather than how they can pass their farm or ranch along to the next generation. I don't have the number in front of me, but when I looked at those numbers earlier in the year, I think it was about nine times as many small businesses in my State would be affected by the 2000 levels as would be affected if that same estate was taxed at today's levels.

We have people stepping forward on this from both sides of the aisle. I recently discussed this issue with the chairman of the Finance Committee, Senator BAUCUS from Montana, who has spoken out about protecting farmers and ranchers in his State who want to pass their property along to their children. I told him I would do anything I could to help him maintain the estate tax levels we have now, though both he and I are in support of legislation that would eliminate the estate tax. That would be my preference. But very often in a democracy we don't get our preference. We try to figure out what we might be able to accomplish that is not quite all we would want to accomplish. Keeping this year's level would be important.

Senator LANDRIEU from Louisiana called the estate tax at this year's levels of estate tax “a make or break issue” and called it “inherently unfair.”

Senator PRYOR from Arkansas has stressed the need for “stability” so

families can plan. Whatever we do with these tax policies, as much as possible, we need to do them in a permanent way. This business of going 1 year at a time or 2 years at a time on the estate tax—if someone's family has a taxable estate event this year, it is not a big deal; if they have it in January, it is devastating. We don't need to continue to have that.

This shouldn't be a partisan issue. It is about protecting families and the things they have put together, often working side by side as a family. We need to work across the aisle on this issue and other issues.

#### RULES CHANGES

One of the issues that right now is making that harder than it needs to be is this discussion of the rules changes. Some people want to change the historic role of the Senate which is designed to foster compromise and debate as we had this week on the Defense bill, or like we had as the Russian trade bill came to the floor.

Instead of reaching across the aisle, this kind of discussion about a rules change is an attempt to build a wall.

Now, every time this discussion happens, the minority always appears to say the same thing.

Senator REID, the majority leader, pledged, in December 2006, "to run the Senate with respect for the rules and for the minority rights the rules protect" when he became the leader.

He said:

The Senate was established to make sure that minorities are protected . . . and I am going to do everything I can to preserve the traditions and rules of this institution that I love.

In 2005, then-Senator Obama said:

If the majority chooses to end the filibuster . . . then the fighting and bitterness and the gridlock will only get worse.

In that same year, 2005, Senator SCHUMER said breaking the rules would "change the whole balance of power and checks and balances in this great Senate and great country."

And Senator DURBIN warned in 2005 that what was then called the nuclear option would "really destroy our system of checks and balances."

Everyone will rush and say: Well, the Republicans talked about doing this then. That is why these people were making these comments. But the point is, the Republicans did not do it. The Republicans did talk about it in the majority, and they listened to the minority. They listened to the arguments about the Constitution, and they did not do it. What you talk about may be important, but what you do is really important.

Hopefully, Democrats will look at this again and decide they do not want to do it. The Senate rules say it takes 67 Senators to change the rules. I believe that is what the Parliamentarian will rule in the next Senate if this comes up. Then, if you are going to do it with less than that, you have to immediately vote to overrule the Parliamentarian and break the rules to change the rules.

It does not sound like, to me, that is the way to solve problems or to work

together, particularly in a Congress where the Senate is controlled by one party and the House is controlled by the other. What good does it do to force things through our system that cannot possibly get to the President's desk?

The Senate operates differently from the House of Representatives for a reason. I was in the House. I liked the House. The House is run by the majority. That is the way the Constitution intended it. They have 2-year terms, and every year after the election, it was envisioned that the House of Representatives would be more responsive to what voters thought they wanted to do that day. But it was also envisioned that the Senate would serve as the reason you had to think for a while about this. It would not just be one election, but usually in the Senate it takes a couple of elections where people have verified: No, we want to change course. And changing course in a country as great and as big and as diverse as ours is a big decision. The Constitution works that way for a reason.

This is a hornet's nest that I do not think we need to kick over. Our Nation's Founders knew what they were doing. Let's let the House be the House and the Senate be the Senate. Let's continue to have a reason for two different legislative bodies. If all we are having is a House that works like the House and a Senate that works like the House, we have significantly minimized the great genius of the Constitution.

Allowing the minority party to exercise its rights to debate and amend legislation should be the rule, not the exception. I hope the Senate, which is led by Democrats today, and will be next year, will stop this debate and start figuring out what we can do together to solve problems, just like we have done this week with the Defense bill and the trade bill; just like we have done in this Congress with, as I said to start, with FAA and Transportation and postal reform and the farm bill—all of which came out of committee, were open to wide-ranging amendments, had a bipartisan vote, and reached the kind of legislative conclusion that the Constitution envisioned and the people we work for have every right to expect.

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

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

#### COLLEGE PRICING TRENDS

Mr. DURBIN. Madam President, the College Board recently released its annual report on trends in college pricing. What the report found was more students in debt with higher amounts of debt than ever before.

The biggest offenders? No surprise, for-profit colleges. Study after study continues to show that for-profit col-

lege students fare far worse than their peers who graduate from public or private nonprofit colleges.

For-profit college students have more debt and oftentimes they graduate with worthless degrees and no way to even repay their debt.

The College Board report found that for-profit institutions accounted for 12 percent of all students enrolled in 2008–2009, 28 percent of those who entered repayment of their loans in fiscal year 2009, and 47 percent of those who defaulted on their loans by the end of September 2011. Madam President, 12 percent of students; 47 percent of the defaults—for-profit schools.

Why? They charge too much. The kids get too deeply in debt. The diplomas are worthless or the kids drop out of school because they cannot afford to finish.

Another report recently released by the Institute for Colleges Access and Success found that for-profit college students take out more private student loan debt than their peers.

Private student loans are tough. They are burdensome. They do not come with any of the consumer protections that Federal student loans come with, such as flexible repayment plans or loan forgiveness for public service. Private loans are most prevalent at for-profit colleges—there is money to be made on these kids—where 64 percent of graduating students at the for-profit schools have private loan debt.

One constituent recently contacted my office about his experience at a for-profit college. He attended the International Academy of Design and Technology, a for-profit college in Chicago owned by the Career Education Corporation, one of the major league for-profit colleges.

His parents did not have the means to pay for his education but helped him out by cosigning his loans. Now the student and the parents have \$103,000 in student loan debt. One of the loans has a 13-percent interest rate and his balance continues to rise.

This young man—young man—would like to finish his degree, but he cannot afford to. He cannot borrow any more money. He is too deeply in debt. How about that for a dilemma? Madam President, \$103,000 in debt, no degree, he cannot borrow the money to get a degree.

Many of these students find out these for-profit courses they took are worthless. They do not transfer anywhere. The diplomas themselves turn out to be worthless, and many employers just laugh at them. You would never know that from the advertising these for-profit schools engage in.

I had a group of students in my office this morning. They are from Archbishop John Carroll High School—not too far from the Capitol. They are students who know a little bit about being wooed and enticed by colleges and universities. We talked about this. They