

food on the table and, literally, roofs over their heads while they look for work. I read here on the floor a letter from someone in Nevada, a woman, who said she doesn't know where she is going to go, what she is going to do. She, as have many people, has looked for work so very hard. As part of the unemployment compensation, an individual has to have been fired or laid off through no fault of their own and then they have to look for work every week.

Americans do want to go back to work. They do not want to set a bad example for their kids. They do not want to live off the system—whatever that means. But there is still only one job for every three people searching all over America. Some places are worse off than others. In Nevada, a man wrote to me—1 of almost 20,000 Nevadans who lost unemployment benefits last month—and he said he had applied for 700 jobs in the last 10 months—not 70, not 7, but 700. He has been able to get a dozen interviews but still can't find work.

But he hasn't given up hope. He hasn't given up the hope of finding a good-paying job, and he hasn't given up hope that Congress will restore emergency unemployment benefits until he does find a job. Neither have the 200 Nevada veterans who attended a job fair I put on last week. It was held at the University of Nevada over the weekend. It is shameful that tens of thousands of veterans of this Nation's armed forces lost their unemployment benefits last year.

It is inspiring to hear the stories of hard-working Americans who simply won't give up until they find a job. So I hope Senators will remember the perseverance of these brave individuals as they continue to seek a compromise here in this body that would restore emergency unemployment benefits to 1.4 million Americans.

This says it all: 67 of the richest people in the world living in America got a \$2 billion tip last year. For 1.4 million Americans, they lost \$300 on average per week. That is not fair. This is America, the land of opportunity. People who work hard are supposed to be rewarded—but not during the last 30 years.

The middle class has lost 10 percent of their income, and that doesn't take into consideration the poor—the poor. There are more poor than ever in America. The middle class, we know, is being squeezed out of existence. It is time for us to take care of these people who are desperate for help. That is what the government is all about.

Looking back at my home life, I feel government has been good for the people who live in my little town of Searchlight. It is a town mostly of old people. Many of them are getting pensions from wherever they worked. They get Social Security. But the government has done so many good things. Let us not denigrate government. This is a time when people have no opportunity. They need government help.

They are desperate. All they want is one job, but they know if there is a vacancy over here, there are going to be scores—and we have seen this in the news accounts of job opportunities—thousands of people showing up for sometimes just a handful of jobs.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### UNEMPLOYMENT INSURANCE

Mr. MCCONNELL. Mr. President, on the unemployment insurance bill, there have been productive conversations between the majority leader and several Members on this side. The Republicans have offered numerous commonsense proposals to get to a conclusion. Ideally, we would have spent the past week voting on those proposals, so there is really no good reason for us to be in the position that we are in right now.

Let me just underscore some of the things on my side that we would like to see in the final product. First, the Senate should actually be paying for whatever it passes, and not with spending cuts 11 years from now that we know aren't going to happen. It is also reasonable to expect practical progrowth job creation measures so we can actually get people back to work, and for a solution to be reasonable it should also respect the right of our constituents to be heard on this issue through a more open amendment process.

We have to get away from an attitude that essentially says the views of half the American people don't matter in the Senate. These days it has gotten even worse than that; ideas on both sides are often completely ignored. That is just not how the Senate is supposed to work. So we have an opportunity to begin to start fixing the problem on the bill that is before us. It is the right thing to do. I am hopeful common sense will prevail.

(The further remarks of Mr. MCCONNELL pertaining to the introduction of S. 1916 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCONNELL. I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, the leadership time is reserved.

#### EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1845, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1845) to provide for the extension of certain unemployment benefits, and for other purposes.

Pending:

Reid (for Reed) amendment No. 2631, relating to extension and modification of emer-

gency unemployment compensation program.

Reid amendment No. 2632 (to amendment No. 2631), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2633, to change the enactment date.

Reid amendment No. 2634 (to (the instructions) amendment No. 2633), of a perfecting nature.

Reid amendment No. 2635 (to amendment No. 2634), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Vermont.

#### CONSOLIDATED APPROPRIATIONS ACT

Mr. LEAHY. Mr. President, I should first note I am pleased to see the Presiding Officer. It is a pleasure to share the podium with him today.

I ask unanimous consent that upon the completion of my remarks, the Chair recognize the senior Senator from Illinois, Mr. DURBIN.

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

Mr. LEAHY. Mr. President, after many long days and nights of four-party negotiations across a dozen subcommittees over the past month, on Sunday night the Appropriations Committee completed work on the fiscal year 2014 Consolidated Appropriations Act.

I commend Chairwoman MIKULSKI, without whom this would not have been possible. It was, above all, her relentless pursuit of this goal and her unmatched ability to rally her subcommittee troops together to get us to this point.

I would also note that she was helped by some of the most hard working members of the Senate staff one can imagine. I want to especially commend Tim Rieser of my staff, and Janet Stormes and Nikole Manatt who worked with him. I could not keep track of the number of times I received emails or calls at midnight or 1 a.m. from Tim as we worked through all the difficult parts of this bill.

And it could not have been done without the cooperation of my friend from Alabama Senator SHELBY, the committee's ranking member, who knew how important it was to pass appropriations bills rather than put the government on autopilot.

This means there will be no sequester in fiscal year 2014, and there will not be another disastrous government shutdown that achieved nothing, disrupted the lives of millions of American families, and cost the taxpayers some \$24 billion and private industry tens of billions of dollars more.

As Chairman of the Department of State and Foreign Operations Subcommittee, I want to thank Senator LINDSEY GRAHAM, who brings a level of energy and knowledge to our subcommittee few can match. He and I

agree on an awful lot more than we disagree.

I want to mention a few things in the bill. But first, the big picture. For the Department of State and foreign operations, the bill provides \$49 billion in discretionary budget authority to protect a wide array of U.S. security, humanitarian, and economic interests around the world. This total is \$2.2 billion below the fiscal year 2013 enacted post-sequester level.

Of that amount, \$6.5 billion is for overseas contingency operations in Afghanistan, Pakistan and Iraq and other areas in political transition, including the Middle East and North Africa, and to respond to humanitarian emergencies, particularly in Syria, the Middle East, and Central Africa.

If anyone should question why these funds are important, look at what is happening in Syria, and Lebanon, Jordan, and Turkey, where 2 million Syrians have fled, and in South Sudan and the Central African Republic, where hundreds of thousands of people have been displaced because of an explosion of ethnic and tribal violence. The bill provides significant increases in funding for refugees and other humanitarian programs.

The bill provides funding above the President's request for security at U.S. embassies and other diplomatic facilities; it fully funds our commitment to key allies such as Israel and Jordan; it substantially funds our contributions to the United Nations and other international organizations and for U.N. peacekeeping; and it fully funds the U.S. contributions to the Global AIDS Fund.

Many Senators care about global health, for good reason. HIV/AIDS and other infectious diseases threaten millions of Americans who travel, live, study, and serve in the Armed Forces overseas as well as here at home. Many of the diseases we work to eradicate are only an airplane trip away from our own shores. Billions of people in the poorest countries, especially children, die or suffer from illnesses that can be easily prevented or treated. Our children and grandchildren will be immunized, but many children born in the poorest countries die before the age of five because of these diseases.

We provide a total of \$6 billion—the highest amount in history—for programs to combat HIV/AIDS, including \$1.65 billion for the Global Fund. We provide historic levels to combat polio, malaria, tuberculosis, and neglected tropical diseases, and \$175 million for the GAVI Alliance which provides lifesaving children's vaccines.

For Egypt, which many have been asking about, the bill provides up to the amounts requested for fiscal year 2014—\$250 million for economic aid and \$1.3 billion for military aid. But the military aid is only available to pay current defense contracts, and the goods and services may not be delivered to Egypt unless the Secretary of State certifies there is a national ref-

erendum and the government is taking steps to support the democratic transition and there are democratic elections and a newly elected government is taking steps to govern democratically.

These are the same commitments the government of Egypt made to the Egyptian people. Contrary to some inaccurate press reports, there is no waiver if the Egyptian Government reneges on these commitments. These are the toughest conditions the Congress has imposed on aid to the Egyptian military.

We want to see the restoration of democracy and respect for fundamental freedoms in Egypt, including the rights of women, civil society, and religious minorities. This is discussed in the explanatory statement accompanying the bill. If the military continues its repressive tactics, arresting democracy activists, and does not hold free and fair elections, the certifications will not be possible and U.S. aid will be cut.

The bill cuts aid for Afghanistan by 50 percent from the current level. It has become abundantly clear that as U.S. troops withdraw, the security environment is worsening. This reality, coupled with the refusal of the Karzai government to sign a bilateral security agreement, widespread corruption in that government, and the diminishing ability to monitor how U.S. funds are spent, compel a more targeted, sustainable approach.

I am pleased we were able to include the amounts requested for the Clean Technology Fund and the Strategic Climate Fund, and to protect tropical forests which are being destroyed at an alarming rate, and to combat poaching and trafficking of wildlife.

There are some things I wish were not in here, particularly a House provision which would weaken limits on carbon emissions from projects financed by the Export-Import Bank and the Overseas Private Investment Corporation. We should be using public funds to support exports of clean, renewable technology, not to fund polluting projects that worsen global warming.

I am also very disappointed that a Senate provision to bring the United States into compliance with the Vienna Convention on Consular Relations was rejected by the House of Representatives. By not including this provision we jeopardize the essential rights of consular assistance for Americans arrested in foreign countries, and we also weaken our credibility as a nation that respects the rule of law.

I would point out, the next time a constituent of a House Member is arrested overseas and denied access to the U.S. embassy, they should ask why they refused to support bringing the U.S. into compliance with the treaty that requires that access. It is hard for us to insist on consular assistance when Americans are arrested abroad, when we don't provide the same right to foreigners arrested here.

I do appreciate, however, the way the House—particularly

GRANGER and Ranking Member LOWEY and their staffs—worked with me, Senator GRAHAM and his very able staff, and others. And, we all owe a debt of gratitude to the printing and editorial staff of the Government Printing Office who worked day and night, week after week and on many weekends, to produce draft after draft of the documents. It was a collaborative effort from beginning to end, and the outcome is a balanced bill that deserves bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. About 20 minutes.

Mr. DURBIN. I ask unanimous consent that I be given 10 minutes and that Senator SCHUMER be given the remaining 10 minutes.

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

Mr. DURBIN. Mr. President, pending before the Congress now is debate about unemployment benefits.

On January 1 1.3 million Americans got a notice that they were not going to receive any more unemployment benefit checks. These are people out of work through no fault of their own who are required, under law, to be actively pursuing additional employment and regularly reporting to the government. For that, they receive average unemployment benefits of about \$300 a week. Three hundred dollars a week is not a generous amount in this day and age. It is very difficult for any family to get by. They are going to have to dip into their savings to make rent payments, utility payments, put gas in the car to look for a job, and pay for the cell telephone they need in order to go looking for work. So we are now debating as to whether we should extend those unemployment benefits which were cut off on January 1. I think we should. Historically we have. Even with lower unemployment rates in the past, we have extended unemployment benefits.

Think about this for a second. The average person unemployed in America takes 38 weeks to find a job. However, we are cutting off unemployment benefits at 27 weeks in most places. That means people will have 10 or 11 weeks on average without any support.

What happens to a family under those circumstances? Awful things happen. They cannot make their rent payments or their mortgage payment or the utility payments or their health payments, and they find themselves literally facing bankruptcy. Losing a job is bad enough. Making it worse by cutting off unemployment checks is unacceptable. So we are debating it.

Historically, we have extended these unemployment benefits on an emergency basis, which means we do not pay for them because we understand this is an unusual time in our economy when we need to give a helping hand. We also understand the money that we

Chairwoman

give to these families is frequently spent immediately. They have to spend it to get by. As they put money back in the economy, it helps other people go to work. So it is a bit of an accelerant. It is a catalyst for more economic growth. It is good for the overall economy.

However, we have run into something new. The Republican side of the aisle has now said if you want to give unemployment benefits to Americans, you have to pay for them. In other words, you have to cut spending in other areas to pay for them.

Listen to what the Republicans have suggested we should do in order to provide unemployment benefits for 1.3 million people who were cut off on January 1. MITCH MCCONNELL, the senior Senator from Kentucky and Republican leader, came to the floor and suggested last week that the way to pay for the unemployment benefits was to eliminate that section of the Affordable Care Act which creates a personal responsibility for people to buy their own health insurance and a tax to be paid if they do not, about \$95 a person per year. He says eliminate that.

The problem with eliminating it is you do raise some revenue, but on the other hand you cut off the pool of uninsured people who are now buying insurance. By doing this, you eliminate the protection we built into the law for every American family that has someone in the household with a preexisting condition. You cannot say to insurance companies and others cover everyone, even those with preexisting conditions, unless you expand the pool of people insured. Senator MCCONNELL wants to cut that off. Senator MCCONNELL's proposal would, in fact, eliminate this protection in our bill against discrimination because your child has asthma, your child has diabetes, your wife is a cancer survivor.

That was the reality of insurance before this bill. The Republicans believe that eliminating that protection is the way to pay for unemployment benefits. They would penalize 300 million Americans and their families in order to take care of 1.3 million unemployed on a temporary basis. That is a terrible tradeoff.

Then comes Senator PORTMAN from Ohio. He has a little different approach. He suggests that if you are disabled in America, adjudged disabled in America, you should never draw unemployment benefits. "Double dipping" is what they call it.

Wait a minute. You are getting a government check that says you are disabled, and you are getting another government check that says you are unemployed? What is wrong with this picture?

I invite him—and I am sure the Presiding Officer has done this—to the sheltered workshops of his State. If you have ever visited a sheltered workshop, here is what you will find, and I found it in Decatur, IL: Profoundly retarded people and people with serious

mental challenges are given a chance to work a little bit. They can make only about \$1,000 a month maximum. What kind of work do they get? Much of it is very simple manual labor. In my State they make license plates at this facility in Decatur.

They told me the story about a person who was brought in there who had suffered from serious mental illness his entire life and was nonfunctional. He just stood there. They brought him in and put him on the line with the license plates and showed him a simple task. He blossomed. His life opened. He became a different person. He started accepting more and more responsibilities. There came a point when there was a blizzard in Decatur, IL, and they closed the sheltered workshop. He was not going to miss a day of work. He walked in the snow and stood outside, ready to go to work.

The people working in that sheltered workshop are only paid a few dollars an hour, but for him it is the most important part of his life, and while he is being paid, his unemployment benefits are building up to protect him. The day may come when the sheltered workshop can't find a job for him or closes down. He would then be eligible for unemployment benefits. Senator PORTMAN of Ohio says no, we should cut off his unemployment benefits to pay for the temporary unemployment benefits of others. I invite Senator PORTMAN to go to a sheltered workshop in his State to meet these people, and I bet he changes his mind on that Republican pay-for.

Then comes Senator AYOTTE of New Hampshire. She says we have a terrible situation with the child tax credit. The child tax credit is available for wage earners who can claim a credit on the tax they owe and a refundable credit as well, in some circumstances, for their children. In other words, if you are low-income in America, we reduce your tax burden based on the number of children you have. The obvious reason is to give you \$1,000 more a year for your child, \$20 a week for your child. That, to me, is not unreasonable. It alleviates poverty for literally millions of Americans. Senator AYOTTE says for those who are filing a so-called I-10; that is, those who do not have a Social Security number but work in America and pay taxes as they are required to do, she would cut them off so they could not claim this child tax credit for their children even if their child is a U.S. citizen, and that is the requirement under the law. So she would cut off child benefits for citizen children to pay for temporary unemployment benefits.

We can clean up the child tax credit situation, and I think there are ways to do it in a reasonable fashion, but to cut off millions of children who are legally here in the United States, eligible for this child tax credit—is that what we have come to? Cut off a child tax credit? Eliminate the help for those who are working in sheltered workshops,

disabled people cross America? Eliminate the protection under the Affordable Care Act for discrimination against people with preexisting conditions? Those are the three Republican alternatives? Does that define the difference between the parties?

I am afraid it does. It tells you from our point of view that helping folks who need a helping hand in this country is just part of who we are. There is a compassion gap here when you believe the only way you can help some is by hurting so many others who are struggling to get by in life, and that is all we heard from the other side of the aisle.

I commend those who want to work on a bipartisan basis to solve this, but let's get it done. Let's extend these unemployment benefits. Do it as we did 5 different times, without paying for it, under previous Republican Presidents. Let's do it in a fashion that speaks well of our country. Let's give those folks who are searching for jobs a helping hand so their families can stay together during these winter months, these challenging months, so they can get back to work and pay their taxes and be right where they want to be, a part of the workforce of the future.

I yield the floor to Senator SCHUMER. The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my colleague and friend and roommate from Illinois—we are going to miss our landlord deeply—for his articulate enunciation of where we are here. We have always extended unemployment benefits, and we have done it, in most instances, in a bipartisan way and not paid for it. Under George Bush, 2007, unemployment was only 5.6 percent. Now it hovers around 7 percent. He moved it forward. It had bipartisan support.

Things have evolved. I guess we do not have that bipartisan support. As Senator DURBIN outlined, a lot of the amendments to try to pay for this sort of rob Peter to pay Paul. I have heard a lot of my Republican colleagues say let's talk about how we deal with poverty. These amendments that we have heard talked about are kind of punitive and do not really deal with the issue.

I would like to address another issue, and that is how we come to an agreement here and get this place working again. On both sides of the aisle, there is a great deal of consternation that we are not legislating. We have had this problem for a while. Thursday it came to a head. There were some harsh words that were issued by some. The question is how do we get things working again.

First, I remind my colleagues there are instances when this place, the Senate in particular, is still working. We had a farm bill, an immigration bill, the WRDA bill. They all had one thing in common and that is the chairman and ranking member agreed on a proposal. When the chairman and the ranking member agree on a proposal,

or a large group of Democrats and Republicans agree on a bipartisan proposal—in immigration we had great help from the chairman, but Senator MCCAIN and I—neither chairman nor ranking member of the Judiciary Committee—came to an agreement with the help of Senators MENENDEZ, DURBIN, BENNET, GRAHAM, FLAKE and RUBIO. But we can get something done, and we can shepherd even the most controversial and difficult legislation through the floor.

But there are many instances—these days more than ever because the parties are further apart than they used to be and there is less overlap—there are instances where the chair and ranking member can't or there does not seem to be a bipartisan agreement. What do we do in those instances?

I have discussed this with many on the other side of the aisle. There is a tradition here. I am here sort of a middle level amount of time, about 14 years. The general theory has been whichever party is in the majority, whichever is in the minority, that the majority gets to set the agenda and the minority gets to offer amendments. There is a lot of discussion as to why that is not happening anymore, and there are different explanations on each side of the aisle. There will be a discussion in our caucus, and I think in the Republican caucus, at this lunch, as to how to try to break that logjam. That is a good thing.

I will just make one point here that has been largely forgotten and that is this. There are two parts to this sort of agreement, deal, arrangement. The first part is the ability to offer amendments. Should it be unlimited amendments? Should it be all nongermane amendments? That has to be discussed and worked out. But certainly the minority should get to offer amendments. There is a general theoretical agreement among everybody about that.

But the other side is that the majority should be able, once the amendments are disposed of, to get an up-or-down vote on the final passage of the bill—that the bill not be filibustered—not just the motion to proceed, but once we go through the amendatory process, the bill itself.

If friends on the other side of the aisle say I want to offer my amendment but unless it passes I am going to vote to block the bill from coming up for an up-or-down vote, that does not seem right. My purpose for a brief few moments, coming to the floor, is to remind both sides of the aisle, but particularly my Republican colleagues, that to get this place moving again requires two things. One, an ability to offer amendments. But second, an ability to vote on final passage, have an up-or-down vote on final passage once those amendments are disposed of one way or the other.

We know that our colleagues will offer tough amendments sometimes. That is the nature of things. Many times the amendments are just offered

with an idea to improve the bill or have a different idea. Sometimes they are amendments that just make it very difficult to vote against, but so be it. That is how this place has always been run. I think most of my colleagues on this side of the aisle are willing to accept that. But at the same time, we do not want to go through an amendatory process and then, because we are 55, not 60, never be able to get an up-or-down vote on final passage of the legislation.

There are two sides to this story. There are two sides to an agreement to get the floor of the Senate working again—particularly when the majority and minority cannot agree on an overall bill. One side is an ability to offer amendments; the other side an ability for an up-or-down vote once those amendments are disposed of. I don't think you can have one without the other.

Just as we could not ask our Republican colleagues for an up-or-down vote, if they were not able to offer amendments, I don't think it is fair for our Republican colleagues to ask us to go through the amendatory process, some of which will be difficult, and then not get an up-or-down vote on final passage.

That is the little piece I wanted to say here. I hope it will help bring us together because the greatest fun I have had in this place and the greatest effectiveness I have had in this place is when I worked in a bipartisan way on bill after bill. It happens less frequently now. Although, as I said, the immigration bill is an exception to that, and other bills are an exception to that. But maybe we can get back to working together if each side tries to understand the grievances and the gravamen of the position of the other.

I hope we can do that on this bill and on many other bills in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SCHATZ). Without objection, it is so ordered.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, it is no secret that every Republican in this Chamber, every Senator on this side of the aisle voted against the President's health care law. We said it would do great harm to the American people, and we are finding out that is true. It is also no secret that every Democrat in the Senate voted in favor of the health care law. It was partisan, it was a bad idea, and it has failed the country in many ways.

People know about the health care Web site. The Web site was a spectacular public failure, and that was just the tip of the iceberg. When we look

under the iceberg, we see that people are being hit with higher premiums and canceled coverage. Five million people lost their coverage around the country. People were not able to keep the doctor they had and liked in spite of the President's promise that if you like your doctor, you can keep your doctor. There are concerns about higher copays and deductibles, and fraud and identity theft is also an issue that is plaguing all of America. I believe the health care Web site is a spot where we are going to see more problems in that area. Americans know that fraud and identity theft are big concerns. It has been clear from the start that the health care exchange was vulnerable to con artists and hackers. Information from the government actually went out telling people to be careful with their information because of the concerns about con artists and hackers. So that is a problem, and it is something Washington and this body need to take seriously.

Whenever President Obama talks about the health care law, he says that if Republicans have good ideas, please bring them forward, share them, and he will support them. Republicans have offered a lot of ideas on how to give the American people the health care reform they wanted all along. We passed bills in the House of Representatives. We tried to bring up bills here in the Senate. Democrats won't even allow us to vote on those bills in the Senate.

As a doctor, I can tell you what people are looking for with health care reform. They want access to quality, affordable health care—care they need from a doctor they choose at lower costs. They didn't get that with the health care law the President and the Democrats shoved down the throats of the American people. Every time the majority leader—at that desk—blocks reform, I believe he is making things worse for millions of Americans.

We are trying again to take the President at his word that he will support good Republican ideas. Senator JOHANNIS of Nebraska and I have introduced a commonsense bill that will help protect Americans who use the government insurance exchange. Our bill, called the Health Exchange Security and Transparency Act, requires the Secretary of Health and Human Services to notify Americans within 2 business days if their personal information has been stolen due to security breaches on the exchanges. We are not saying it is going to happen, but it sure could happen, and if it does people need to be informed.

The House passed a version of this bill last Friday, and it was clearly a bipartisan bill. Sixty-seven Democrats joined Republicans to support this good idea. Now I believe it is our turn here in the Senate. There shouldn't be anything controversial about this at all. This should be the kind of bill we can pass by unanimous consent.

After forcing so many Americans to buy insurance through this program, I

believe it is the government's responsibility to safeguard Americans' private information. Even Senators who voted for the President's health care law should agree with this. That should be the minimum we require from Washington—keep Americans' private information private. If the government fails to keep that information safe, they should have to admit it and tell people what happened.

This bill is a single page. Americans are concerned about their safety online, about having their identity stolen, and this bill would give people at least the reassurance that they would be informed, that if there is identity theft, they would know about it.

Look at what just happened to the Target stores. It now looks as if 70 million people had their personal data compromised. Target ran a full-page ad in the Washington Post talking about what happened with their 70 million customers. They apologized for it. The same ad that ran here in the Washington Post also ran in the New York Times, the Wall Street Journal, and other papers around the country. Target has told people about the security breach so they can take appropriate steps and watch for signs of identity theft. Target also said they will do free credit checks for a year and addressed the concerns many American people have and said: This is how we will take care of it. All the bill we are offering today says is that if something happens—as happened with Target—on the government's health exchange Web site, Washington should do the same. They should tell people that someone has had access to their personal information so people can protect themselves.

The health care law was completely inadequate in how it dealt with personal security issues. The Web site has been a debacle, and we know that. It is a hacker's dream. Even before the Web site was launched last March, it was a mess.

CBS News reported that deadlines for the site's final security plans were delayed three times over the summer. So we saw that problem. Final end-to-end security tests were never finished before the Web site was launched.

In November, after the Web site was launched, four experts testified before the House about Web site problems. They were asked: Would any of you advise an American citizen to use this Web site as the security system now exists? Not one of the four experts said they would—none.

By December, one of those same industry experts said that the situation was even worse. The so-called fixes caused new security patterns and problems. Remember, that was after the White House was claiming it had fixed the Web site. What they had fixed was just the tip of the iceberg, and these problems under the tip continue today.

So the House passed a bill on Friday by an overwhelming bipartisan majority, and the President still says he op-

poses it. Why would the President oppose this bill? Why would he oppose being honest with the American people in helping them protect themselves from identity theft? President Obama has dug in his heels so deep on his health care law that he won't even consider good bipartisan ideas that will help the American people. Senator JOHANNES and I are going to continue to push for a vote and to call on the President to support this bill.

The President needs to keep his promise to support good Republican ideas and to protect the American people from identity theft. As I said, this is just the tip of the iceberg with the Web site. All one has to do is go to this morning's newspapers.

The Washington Post, above the fold, front page: "Insurance sign-ups by young adults lag. Key measure for health-care law. Premiums could jump if more don't enroll." Higher premiums, that is what I am hearing from home in Wyoming.

Today's Wall Street Journal: "Health Sign-ups Skew Older, Raising Fears of Higher Costs." That is not what the President promised. The President came to the floor of the House of Representatives in a joint session of Congress and said: If you like your coverage, you can keep your coverage. If you like your doctor, you can keep our doctor. He said insurance premiums would drop for people. He made statements over the past years that under his plan insurance policies would drop \$2,500 per family. Why is the New York Times saying premiums could jump? The President says one thing; the rest of the world sees another.

The New York Times today, again, front page, above the fold: "Older People Lead Sign-Ups For Insurance. Pattern Could Result in Higher Premiums." There are questions about the law's financial viability.

The President put together a program, and those of us who actually read the bill ahead of time had great concerns about its success, its viability, its ability to deliver what it promised. The President's promises, one of which has now been called the lie of the year, continue. It has been called that by a group that looks at statements and is somewhat of a referee as political statements are made. To get that kind of an accomplishment for the President just shows how misleading the efforts have been on the American people.

The American people see what they are getting in their mail—cancellation notices. They see what happens when they go to the Web site: higher premiums, sticker shock, and now this threat of ongoing security concerns, especially in light of what is occurring throughout the rest of the country.

It is time for the President to keep his word that he does want to work with Republicans for good ideas, and he could do so by adopting this measure passed by the House on Friday that Senator JOHANNES and I have presented to the Senate for approval today.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TPA RENEWAL

Mr. FLAKE. Mr. President, I rise today to congratulate my colleagues on the recent introduction of legislation to promote trade promotion authority.

Increasing free trade levels the playing field for U.S. companies. We all know that. It increases competition. We know that too. It also increases access to foreign markets, with all the attendant benefits. U.S. businesses stand the best chance to see gains in accessing foreign markets through bilateral and regional free-trade agreements. Given the complexity of these agreements, the consultation process and the expedited consideration provided by TPA is really the only way to go.

According to the Office of the U.S. Trade Representative, the United States is "the world's largest economy and the largest exporter and importer of goods and services." We exported more than \$2.2 trillion in goods and services last year.

For those of us who represent border States, the issue hits very close to home. In recent years Mexico has become America's third largest trading partner and our second largest export market. According to the Arizona-Mexico Commission, Arizona's ports of entry serve as gateways for \$26 billion in U.S.-Mexican trade annually. Arizona benefits from more than \$13 billion in bilateral trade with Mexico every year.

Given the benefits of vibrant export markets and access to low-cost imports, it is difficult to overstate the importance of getting trade agreements in place. A U.S. Chamber official recently noted in Roll Call that nearly half of U.S. exports go to our free-trade agreement partners and that these countries make up just one-tenth of the world economy. Let me repeat that. Half of our exports go to those countries with which we have free-trade agreements. Yet those countries represent just one-tenth of the world's economy. That tells us the importance of getting these free-trade agreements in place.

In a recent opinion piece in the Wall Street Journal, former U.S. Trade Representative Robert Zoellick noted that "on average, in the past five years of a new free-trade agreement, U.S. exports grew nearly three to four times as rapidly as U.S. exports to others."

This is great news given that negotiations on the Trans-Pacific Partnership, or TPP, are ongoing. Its successful approval would yield the largest free-trade agreement the United States has ever been a part of. Approval of the TPP agreement would provide increased access to critical Asia-Pacific markets for U.S. businesses at a critical time. It is difficult to see how this agreement will be concluded without TPA reauthorization.

Given that a 2010 study prepared by the Business Roundtable found that 38 million jobs—1 in 5 jobs in the United States—are supported by trade, the introduction of TPA renewal legislation couldn't be more timely.

Again, I congratulate my colleagues for the introduction of this legislation. I look forward to its consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### OSHA POLICIES

Mr. JOHANNIS. Mr. President, I come to the floor today to acknowledge my colleagues in the Senate for standing up for family farms. I am also here to issue a very straightforward warning to OSHA: The Senate makes crystal clear in the new appropriations bill that OSHA policies and inspectors better get in line with the law.

Since 1976 Congress has included specific language in appropriations bills very specifically prohibiting OSHA from enforcement action on farms with 10 or fewer employees. However, this did not stop the agency from distorting the definitions of farming practices in sending inspectors to small family-owned farming operations anyway.

In my home State of Nebraska, OSHA targeted a family farm that grows corn and soybeans and has just one nonfamily employee. It is clearly within the scope of the congressional exemption. As do most American farms, this farming operation includes grain bins for crop storage after harvest. But according to OSHA's absurd logic, grain storage, they say, is not part of farming operations, so it is not exempt from the regulations. I can't make this stuff up. While OSHA made no claim that anyone on the farm had been injured, the agency said the grain bins failed to comply with OSHA regulations, and—get this—they slapped the farm with fines totaling \$132,000.

This is not an issue that is confined to one farm in Nebraska. A 2011 memo from OSHA's enforcement chief to regional administrators acknowledged that the law prevents the agency from regulating small farms. They got that right. However, the memo proceeds to recategorize farming operations that happen after harvest, and OSHA said those are not exempt. Under this recategorization, OSHA claimed that its inspectors had the authority to regulate small family-owned farms and their grain storage facilities. This is a blatant overreach and yet another example of this administration's backdoor rulemaking.

Whenever I meet with farmers and ranchers in Nebraska, they oftentimes raise concerns about Federal regulatory overreach. It is absolutely no wonder farmers and ranchers feel as though they have a target on their backs. OSHA's twisting of the law serves as evidence that farmers' concerns are legitimate.

In response to OSHA's regulatory overreach, I wrote a letter to Secretary Perez, joined by a bipartisan group of

42 of my Senate colleagues. We requested that OSHA immediately stop its unlawful regulation of family farms. We also directed OSHA to issue updated guidance correcting its obvious misinterpretation of the law.

I am pleased that the Omnibus appropriations bill further reinforces our position through report language specifically addressing OSHA's overreach while continuing the long-standing small-farm exemption. The report language calls on OSHA to work with USDA before moving forward with any attempts to redefine and regulate post-harvest activities such as storing grain. It also makes it clear that the exemption applies to those activities that occur on the farm. That includes the entire farming operation.

I thank my 42 colleagues who joined me in signing the letter, as well as my colleagues on the Appropriations Committee for sending a clear message that Federal agencies are not above the law. As I stated earlier, small family-owned farms have been exempt from OSHA regulations for the past 35 years. This is not a new concept. Simply put, this language reaffirms the commonsense ideas that Federal agencies cannot and should not bypass the law by redefining it to expand their jurisdiction.

Let me be clear that we all want farms and ranches to be safe. In fact, a safe working environment is especially important for small farmers and ranchers whose families are oftentimes the only ones who work the farm or the ranch. Small family farms and ranches in my home State and across this country should be able to continue their work to feed and fuel the world without fear of being targeted by this administration in direct violation of the law. If the administration believes the law should be changed, they should come to Congress and make their case. They should not ignore the law as if it does not exist.

Again, I thank my colleagues for affirming the law of the land and supporting our Nation's farmers and ranchers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MILITARY COLAS

Mr. WARNER. Mr. President, I rise to discuss my growing concern about the effects of our actions—or in this case inaction—in Washington on our military families and veterans in Virginia. As we all know, the Senate and House passed the Bipartisan Budget Act last month, which hopefully will be a first step toward getting us back on the right track toward a functioning Congress. But I was disappointed—and I know many of my colleagues were

disappointed—that in that legislation was included a reduction in military pension cost-of-living adjustments for retired and medically retired servicemembers. Our service men and women deserve much better than seeing their pensions arbitrarily cut by lawmakers in Washington. What was particularly disappointing was that this action singled out our military families and veterans disproportionately.

Yesterday evening, the appropriations committees released their 2014 budget. I was pleased their omnibus budget proposal repeals the COLA cuts for a portion of those military families—for those disabled military retirees who are medically retired and for survivors of military retirees who elected to pay survivor benefit annuities to take care of their families after their deaths. This is progress. But I hope we can finish the job and pass an amendment I have been working on with Senators SHAHEEN and MCCAIN and a series of other proposals to make sure we fully roll back this unfair cut to our military families and veterans.

We know over the last two decades our military has fought two wars. Their families have made unprecedented sacrifices. Unfortunately, this sacrifice was again brought home last week when a Navy MH-53E helicopter crashed off the coast of Virginia Beach. Our thoughts and prayers are with the families of the missing and fallen: LT Sean Christopher Snyder, LT Wesley Van Dorn, and Navy Aircrewman Brian Andrew Collins.

Virginia is home to one of the Nation's largest concentrations of Active-Duty and retired military personnel. I consider it an honor and a privilege to represent them in Congress. So while we are shutting down government and signing short-term CRs, the pensions of our service men and women are being unfairly singled out. This isn't right, this isn't fair, and my hope is that today and over the next few days we will fully correct the mistake we made in the Budget Act last month.

In my time in the Senate, working for our military families and veterans has been one of my top priorities. I am proud I have relentlessly worked across the aisle on this issue. I would like to point out one particular action where we have made dramatic progress.

I have worked with the Puller Clinic at William & Mary Law School in Hampton Roads to develop a model for veterans legal clinics to help solve the Nation's backlog of veterans' benefits claims. To my mind it is an embarrassment that our veterans sometimes have to wait for over 1 year to get their claims processed to receive the benefits they have already earned.

Working with the William & Mary Puller Law Clinic, we got the VA to accept this model and to be certified by the VA to become the first law school in the country to be able to complete fully developed claims. Now 19 universities in Virginia are committed to serving veterans and more than 15 law



schools across the country have adopted the William & Mary model.

The incredible thing about this project—and we often use the term “win-win-win”—is this truly is a win-win-win. It is a win for the taxpayers because there are no taxpayer funds involved, it is a win for our veterans who are able to get their claims processed in a more rapid and expeditious manner, and it is a win for the law students who gain valuable experience in both dealing with a large Federal agency—the VA—but, more importantly, being able to help one-on-one veterans who deserve to get their benefits.

I have also worked with my friends and former Virginia colleague Jim Webb to draft legislation for a complete comprehensive look at military compensation and retirement. We have worked with Chairman LEVIN as well, and this Commission will be reporting later this year. I look forward to the results because we do have to recognize our overall compensation and benefits packages need an overall review. I believe this Commission will make strong recommendations on how we can both modernize and achieve fiscal stability for our military.

I am proud of the work I have done on veterans' issues in terms of the Puller Clinic, in terms of the overall look at the military compensation package as part of an effort to make sure we honor our commitment to our military. But as we honor that commitment to our military, we have to recognize as well that threats to our Nation are not just those posed by outside forces but also the continuing threat of our increasing debt and deficit. I often like to cite former Chairman of the Joint Chiefs of Staff Admiral Mullen, who said the single largest threat to our Nation was not the threat of terrorists but the threat of that \$17 trillion debt and deficit, which goes up by over \$4 billion a night—a debt burden that may weigh down our ability to compete in the future.

I continue to come to the floor—not always successfully—to suggest to my colleagues on both sides of the aisle that we cannot continue to punt on this issue; that, ultimately, both political parties are going to have to give. We are going to have to find ways to generate additional revenues through a comprehensive reform of our Tax Code. We are going to have to find a way to make sure that not only the promise of military pensions and benefits but also the promise of Social Security and Medicare will be here for future generations. That means both political parties will have to be willing to give on their sacred cows.

We have to make sure as well, if we put together this comprehensive approach on debt and deficit, that it will provide the kind of financial stability to our military families, making sure those pensions, benefits, and other kinds of compensation packages will be there for themselves and for future people who serve. But that is for a fu-

ture battle. Right now we have to finish the work the Appropriations Committee started on getting rid of this unfair attack on the military COLAs that was included in the Budget Act.

I hope my colleagues will join my friends, Senator KAINE and Senator SHAHEEN and others, to replace the cuts to the military COLAs. The approach we have taken would do this by closing a tax loophole that allows some corporations to actually avoid paying their fair share of taxes. There may be other alternatives as well. I will look at any that are fair and reasonable and make sure our military families don't get singled out.

Virginians have served with honor in our military for generations, and I want to assure our service men and women there is ample time to undo these changes before they take effect. I would remind those who are listening this decrease in the COLA doesn't actually take place until next year, so we still have time to rectify this.

I promise to continue using every tool I can to fight these unfair pension cuts and to make sure the promises we have made to our military families and these retirees gets honored.

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

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

#### OBAMACARE

Mr. THUNE. Madam President, I come to the floor today to talk about the damage ObamaCare is doing to our struggling economy.

After months of unrelenting coverage of ObamaCare's many problems and after Friday's release of December's dismal job report, I am sure Democrats in the Senate would prefer we talk about almost anything else. After all, when you have held most of the power here in Washington for the last 5 years, you don't want to mention the fact that your main legacy is a sluggish economy and a disastrous train wreck of a health care program.

This past Friday we found out December marked the weakest month of job growth since January 2011. The economy added just 74,000 jobs in December—less than half of the monthly job growth needed for a real recovery.

Some are saying perhaps this is an aberration, and perhaps it was for a 1-month period. But the one thing we can't get away from is that December's drop in the unemployment rate—the slight drop that we saw as a percentage—was driven by nearly 350,000 Americans dropping out of the workforce altogether, driving the labor participation rate to its lowest level in 36 years. We haven't seen the labor participation rate this low since the Carter administration.

Had millions of Americans not stopped looking for work since January of 2009, the unemployment rate would be a staggering 10.8 percent. What I mean is if the labor participation rate were today what it was in 2009—in other words, the number of Americans actually in the labor force looking for jobs—the unemployment rate would be almost 11 percent, a significantly higher number than what we use as the official unemployment rate today. Even without that, the Wall Street Journal points out that “the unemployment rate remains near levels previously seen only during recessions.”

Let me repeat that: The Wall Street Journal states that “the unemployment rate remains near levels previously seen only during recessions.” That is a pretty damning statement.

The President and his advisers would like us to believe that President Obama's policies are growing our economy and putting Americans back to work. But in the 5 years of his Presidency, all Democrats have been able to accomplish is a recovery that looks a lot like other Presidents' recessions.

In his weekly address on Saturday, the President said he would do “everything I can to create new jobs and new opportunities for American families.”

How does he propose to do that? By treating the symptoms, not the causes, of economic stagnation. Economic band-aids like the President proposes may temporarily help a few Americans, but they will do nothing to bring about the real long-term job growth our country needs. Unfortunately, the President's policies are actually hurting already struggling middle-class families and making it more difficult for businesses to grow and create jobs.

Chief among the President's failed policies is the massive boondoggle known as the Affordable Care Act. If there is one thing you don't want in an economy where businesses are already struggling, it is legislation that places everything from new taxes to burdensome new regulations on businesses, and yet that is exactly what ObamaCare does.

There is a tax on medical devices, like pacemakers and prosthetics, which is driving medical device jobs overseas and driving medical bills up for American patients. There is a pill tax, which is a tax on prescription drugs. There is a tax on businesses that do not provide a government-approved health care. There are multiple taxes on health insurance companies, and more.

Then there are the scores of new regulations which raise the cost of doing business—regulations like the requirement that any business with 50 or more workers provide ObamaCare-approved health insurance benefits to its full-time employees, which the health care law defines as 30 hours or more per week. That is all very well for some employers, but for many employers in industries with small profit margins, providing Obama-approved health care to full-time workers is the difference

between making a profit and making none at all. For employers in nonprofit fields like education, it can be the difference between staying in operation or closing.

Around the country, school systems, community colleges and universities, restaurants, and other small businesses are being forced to cut workers' hours to avoid the full burden of ObamaCare's mandate. It is no wonder the health care law is so unpopular with the owners of businesses, both large and small.

CBS News reported in December:

Nearly half of U.S. companies said they are reluctant to hire full-time employees because of the law.

A survey from the National Association of Manufacturers found that more than 75 percent of manufacturers cite soaring health care costs as the biggest issue facing their businesses.

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

Mr. THUNE. I ask unanimous consent for an additional 5 minutes.

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

Mr. THUNE. In addition to being bad for business's bottom line, ObamaCare is placing a tremendous financial burden on American families.

The President claimed his health care law would reduce the cost of health care, but the average family has seen a \$2,500 premium increase since the law's passage—and now that the law is being fully implemented, that number is set to soar even higher.

One of my constituents, Carrie, emailed me to tell me she may have to take a part-time job to afford the health care premium she was quoted for a family of 6. That is a part-time job on top of the two part-time jobs she already works and the full-time job her husband works.

Another constituent, Matt from Rapid City, SD, emailed to tell me his insurance has gone up 60 percent. Meanwhile, his wife's hours at work have been reduced below the ObamaCare full-time threshold of 30 hours. "We have had to cut back on basic needs," he told me.

Terry contacted me to tell me his insurance policy was cancelled, and that he was offered a replacement policy for twice the cost of his original policy. "Now ¼ of my salary will go to my insurance." That is a quarter of his salary.

Is this the affordable care Americans were promised?

Democrats claim they want to grow the economy, but what do they think happens to the economy when businesses aren't growing and people aren't spending? When Americans have to devote more of their income to paying their health care bills, they cut back on other spending, they go out to fewer restaurants, they keep their old car for a few more years, and they put a bucket under the leak instead of paying for a new roof. That is a lot of money not going to local businesses.

Similarly, when businesses are hit with burdensome taxes and regulations, they cut back on hiring and investment, they cut workers' hours, and they move jobs overseas. That means fewer jobs for the millions of Americans looking for work and lower wages for families already struggling to get by.

If Democrats were really serious about growing the economy and creating jobs, they would stop focusing on economic band-aids and start a long, hard look at the damage ObamaCare is doing to our economy.

As Members of Congress, we need to make it easier to create jobs, not harder. We should be repealing burdensome mandates, not creating them. We should be reducing the tax burden, not increasing it, and we should be creating incentives for businesses to expand, not eliminating them.

Millions of Americans spend too much time wondering how they are going to afford their health care premiums or buy a house or send their kids to college. We need to give them the economic opportunities they need.

Over the past few weeks Republicans in the House and in the Senate have introduced plan after plan to get our economy moving again and help struggling families find better jobs and increased wages.

I recently introduced a plan to exempt long-term unemployed workers from the ObamaCare mandate, an onerous and unpopular provision which will destroy jobs and reduce hours for hard-working Americans. In fact, this mandate is so unpopular and so unworkable that the administration unilaterally delayed it past the next election.

Since even the administration doesn't want to enforce it, I think we can all agree that exempting the long-term unemployed will help break the cycle of extended unemployment that plagues the Obama economy.

We hope Democrats will abandon their short-term cosmetic fixes and join us in talking about the kind of long-term reform which will truly grow the economy and offer economic opportunity to every American. We have lived in the Obama economy long enough.

I yield the floor.

Ms. HIRONO. Madam President, I am here to speak in opposition to the offset in Ayotte amendment No. 2603. The bipartisan budget that passed in December included a Republican provision that changed the annual cost-of-living adjustments, or COLAs, for military retirees. I opposed that provision, and I believe there is bipartisan support for repealing it. The main question that needs to be debated is how to pay for that repeal. Amendment No. 2603 would pay for fixing the military retirement COLA problem by denying the refundable child tax credit to millions of eligible U.S. citizen children. That amendment asks, in effect, whether military retirees are more deserving of help than U.S. citizen chil-

dren who are on the edge of poverty. That is a false choice. That is not the right approach.

The child tax credit is one of our most important programs to reduce child poverty. Tens of millions of families claim the child tax credit each year—more than 35 million families in 2009—both using Social Security numbers and individual taxpayer identification numbers. According to the Congressional Research Service, the child tax credit reduces child poverty by approximately one-fifth. For such an important and widely used program as this, we should be careful that any changes we make to the program do not harm low-income children and working families. Many of these low-income families are headed by women.

Any large program is susceptible to fraud and misuse. When fraud is alleged, the cases should be investigated and the people who commit fraud should be punished. This means targeted, aggressive auditing and enforcement, not wholesale changes to the program that will deny help to kids who are legally receiving it today.

The proponents of the amendment tell us that individuals are fraudulently claiming the child tax credit for kids who live in Mexico or for kids who do not exist. That is already a violation of the law. This is fraud. I agree with the sponsor that we should take steps to prevent this fraud.

The IRS says this amendment would not solve the fraud problem. In 2012, five Senators wrote to the IRS regarding this matter, and their letter asked:

Does the fact that the person filing the return has a Social Security number indicate whether the child claimed for the credit met the residency requirements required under the law?

The response from the IRS, in a letter dated July 20, 2012, was:

The possession of a SSN [Social Security number] by the filer is not relevant in determining whether the child met the residency requirements.

In other words, imposing a Social Security number requirement does not prevent the fraud that the sponsor seeks to prevent. That makes intuitive sense. If a person is going to lie about the existence of a kid, they will lie about the SSN too. This amendment does not solve the problem.

If this amendment does not solve the problem, then what would be the real impact of this amendment? Here is what the amendment would do.

First, it would deny help to roughly 4 million U.S. citizen children from low-income households by making their families ineligible for the child tax credit. The average family claiming the refundable child tax credit earns only about \$21,000 a year, and, as I mentioned earlier, many of these families are led by women. Every dollar matters to these families. The child tax credit lifts roughly 1.5 million children out of poverty each year. This amendment would plunge many of these children back into poverty.



I wish to emphasize that because of the way the child tax credit is structured in the Tax Code, only working families are eligible for the refundable portion. These families are working and paying taxes, but in lean years they would be denied help from the child tax credit if this amendment were to become law. They are paying taxes but would be denied help. That is not fair.

Second, this amendment would render these 4 million U.S. children second-class citizens because of who their parents are. That is contrary to the principle of equality on which this country was founded. All citizens should be treated fairly and equally. This amendment says some citizen children will receive help and others will not, depending on who their parents are. That is simply not right.

In closing, there is a better way to pay for repealing the military COLA provision that was included in the budget, and that is to close corporate tax loopholes. The proponents cite a news report from Indiana in which an undocumented worker admitted he had allowed four other undocumented workers to use his address to file tax returns. The four workers did not live there, but he allowed them to use his address anyway. I agree that this is fraud and should be stopped.

This story reminds me of the story of the Ugland House in the Cayman Islands. The Ugland House is a 5-story building that has been identified as the official address for 18,857 companies, all at the same time. Some of the inhabitants of this address are some of the largest publicly traded companies in the United States. As I understand it, this is not a violation of U.S. laws. Tens of thousands of corporations can legally use the same building for their official address. It is not fraud but merely tax planning, I am told.

Offshore mailing addresses and accounting tricks are allowing corporations to shelter enormous profits from U.S. taxes. According to Bloomberg News, 83 of the largest companies in the United States held \$1.46 trillion in profits offshore in 2012. Another report, by JPMorgan Chase, estimates that the amount of offshore profits is even higher—nearly \$1.7 trillion. How does this work? They funnel their revenues through shell companies to escape taxation. Countries such as Bermuda, Ireland, Luxembourg, the Netherlands, and Switzerland—which combined account for less than one-half of 1 percent of the world's population—generated 43 percent of the profits reported by American companies in 2008. Clearly, there is a major tax problem here.

While our colleagues rail against five workers using one address to file taxes, we hear nothing about more than 18,000 companies that have used one address to file their taxes. Talk about egregious. These corporate tax loopholes resulting in the huge amount of taxes companies don't pay are what this Con-

gress should focus on, not on denying a few hundred dollars of help to a U.S. citizen child who is on the edge of poverty.

Senator SHAHEEN has filed an amendment that begins to address these corporate tax problems. Her amendment, No. 2618, of which I am a cosponsor, will prevent more than 18,000 corporations from pretending they are headquartered in a single building in the Cayman Islands. Like the amendment of Senator AYOTTE, the Shaheen amendment will repeal the military retiree COLA provision that was in the budget deal. The difference is that the amendment of Senator SHAHEEN will pay for the repeal by holding corporations accountable for the taxes they owe instead of denying help to U.S. citizen children of working parents, many of whom are women, who are in poverty.

We all recognize that we have a responsibility to our veterans, taxpayers, and to future generations. The amendment of Senator SHAHEEN will allow us to meet all of these commitments at the same time. I urge my colleagues to join me in supporting this common-sense approach and vote in favor of the Shaheen amendment and not the Ayotte amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I join my colleague from Hawaii in her remarks and her opposition to the Ayotte amendment. I wish to start off by simply saying that when we are talking about extending unemployment insurance benefits to Americans who have played by the rules, done everything right, and through no fault of their own find themselves unemployed, many long-term unemployed, and who are trying to get a job but still, despite an economy that is improving, have not seen the job market increase significantly so that they can attain that job—what they need at this time is not a kick in the pants, they need a helping hand so that they can sustain their families during this period of time and continue to be in a position to do that which the law requires of them: continue to look for a job and eventually find that job.

The reality is that this is not an ideological battle, I hope, in a greater political war. It is about real people and the lives of real people. I don't think we can lose sight of that simple fact. Political ideology doesn't trump faith and family values. It does not trump reason or compassion or the acceptance that we are all in this together.

Having said that, I am encouraged that there is bipartisan support for repealing the military pension cuts. I opposed those. I am committed to ensuring that our brave men and women and their families receive all the care and resources they deserve, both during their service and throughout their lives. They have fought for our freedom and security in the most difficult situ-

ations, and our Nation owes them the same level of commitment, and we remain indebted to them for their service.

But I have heard the Senator from New Hampshire declare her support for offsetting the cost to fix that by fixing “an egregious problem in the Tax Code.” As someone who sits on the Senate Finance Committee, I can tell you that after years of being stymied by Republican opposition to closing any tax loopholes, to shutting down any abusive tax practices, I would like to have them join us in looking for savings in the Tax Code to achieve a bipartisan goal. But, unfortunately, instead of shutting down the abuses in the code, like the huge amounts of money stripped out of the United States and piling up in tax havens abroad, or instead of ending the wasteful subsidies for very profitable companies, such as the oil industry, or perhaps the myriad tax shelters used by millionaires to avoid paying their fair share, my colleague decided instead to propose legislation that would have a devastating impact on 4 million children who are U.S. citizens and who deserve every right and every protection as any other child under the Constitution, all of whom are deserving of our support.

Instead of working with Democrats, many of whom have spent a great deal of time studying and pointing out waste, fraud, and abuse in the Tax Code to find a bipartisan solution, we are presented with a proposal that would go much further than she claims and hammer over 2 million working and tax-paying families.

What does the child tax credit do, which is the subject of her amendment? The child tax credit is for people who have a qualifying child. That is the fundamental essence of the child tax credit. You are not eligible for it if you do not have a qualifying child. What is a qualifying child under the law? It must be the son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, or a descendant of the filer. They must live with the filer for more than half of the year. No. 3, the child must be a U.S. citizen, a U.S. national, or a U.S. resident alien. It is the child who is the determinative factor. It is the child for which these resources ultimately we have decided as a Congress and as a society to support.

We talk about being family-friendly. We talk about the poverty situation in this country. We talk about the consistently growing gap in terms of the haves and the have-nots. This amendment is only going to exacerbate that problem for U.S. children.

To eliminate the ability of a taxpayer to use a taxpayer ID number in order to claim the refundable portion of the child tax credit ignores the fact that the vast majority of these children are U.S. citizens and the child tax credit was enacted to help families financially care for their children. The refundable portion was introduced because children in working families deserve the same support provided by

benefits in the Tax Code as anyone else. That is why we made it refundable—because we wanted to reward work and we wanted to help with the growth of that child and to deal with their challenges.

I agree with the Senator from New Hampshire that the anecdotal stories she included in her remarks amount to fraud, and they should be stopped. Let's be clear: The stories she told of claiming credits for children not in the United States or of 1,000 tax returns linked to 8 addresses, those actions are already illegal by whomever would make such a false filing and commit those actions.

In fact, what the Senator does is cite reports of IRS investigators who did their job shutting down illegal activity. It seems to me the IRS doesn't need her amendment to go after this fraud. They need the resources and the investigators to ultimately make sure all elements of the code that have fraudulent activity being taken need to be dealt with. They need Republicans to stop cutting their funds so they can do their job better. But to use these instances of fraud that were successfully pursued to go after American children is not confronting fraud. It is disadvantaging children—4 million children to be exact.

If we had one computer science company prosecuted for tax evasion, we don't bar all computer science companies from ever taking the research and development tax credit again. If we find one entity, one person or one industry committing fraud, we don't eliminate all of the benefits of the provision in the Tax Code for which they committed fraud because we have decided that provision is of a societal benefit. What we do is make sure we go after the individuals who commit the fraud. It doesn't make any sense, just like hammering 4 million U.S. children because of fraud perpetrated by some other unscrupulous actor doesn't make a whole lot of sense to me.

I believe this amendment creates a clear-cut case of priorities. Surely nobody here would argue that outside of this instance, there is no other part of the Tax Code that allows waste, fraud or abuse. We could sit down and find dozens of wasteful loopholes, fraudulent tax practices, and abusive tax shelters that could be shut down in order to pay for restoring the cuts to military pensions. If my Republican colleagues chose to support these efforts, I think this bill would sail through the Senate.

I say to my friends who are putting up obstacles—because I believe a lot of these false choices that are being put out there are not for the purposes of a legitimate policy goal but to undermine the efforts of achieving the extension of unemployment insurance—I say to them I think you need to stop and think. Think about the people who are hurting. Think about their lives, their hopes, and their struggles. Think about what their conversations are around

the kitchen table at night. Every night in New Jersey and all over the country thousands of families who have played by the rules and are looking for work are sitting around the table asking heartwrenching questions: How will we afford the mortgage and keep our home if we cannot get the assistance during this period of time? Do I have to decide between putting food on the table and keeping a place for my family? What if I have a health emergency? These are real-life conversations that are being had by Americans across this country.

How are we not putting aside ideology and looking into our conscience for the obvious answer? This is a simple extension of unemployment benefits for those who need our help. It is a no-brainer at a time when so many need help now and don't care about politics, don't want or deserve to be pawns in a political battle over the role or size of government. They just want help from the very people who represent them.

It isn't a time for political games. It is a time for action. We can always argue deficits. We can argue about debt management, we can argue about politics, but for now it is about the American people, their lives, their hopes, and their dreams for a better life for themselves and their families. It is about the kind of Nation we are and the values we hold dear.

Extending unemployment benefits isn't just the right thing to do morally, it also makes good economic sense. Study after study has shown that unemployment benefits are one of the most effective ways to help our economy grow, so much so that every \$1 spent produces a benefit of at least \$1.50 in gross domestic product. That is because people receiving benefits spend the money and immediately stimulate the economy in the form of consumer spending, which accounts for 70 percent of our GDP. Leaving 1.3 million Americans in the cold without any assistance would end up costing our economy 240,000 jobs.

Some on the other side say helping people who have been out of work is a crutch. I have to be honest with you. I have never met a person in my State who said they wanted to be on unemployment, who found dignity in being on unemployment or realized their dreams by being on unemployment. They found their dignity by achieving a job that helped them realize their hopes and dreams and aspirations.

The American worker is not lazy, and they don't want handouts. With the job market still recovering, there simply are not enough jobs available for them. As we work to make sure there is an economy that has enough jobs for Americans to be able to realize their hopes and dreams and aspirations, it is incumbent on us to make sure we continue to assist them so those stark choices around the kitchen table aren't as horrible as they are today.

I hope my colleagues will oppose hurting 4 million American children,

exacerbating the poverty in our country, and sending a message that goes counter to what the child tax credit is all about. We want to help an American child be able to fulfill their hopes and dreams and aspirations and their God-given potential. The adoption of the Ayotte amendment would go entirely counter to that belief.

With that, I yield the floor.

# RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

## EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided and controlled between the two leaders.

The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to share briefly a few thoughts about where we are. We have before us an unemployment bill and the pending business is the Reid amendment that would extend unemployment benefits for a full year, and none of it is paid for effectively. All of it violates the Budget Act. It is unthinkable that we would pass another \$17 billion that would add to the debt of the United States—every billion of it, every single dollar of it borrowed, much of it from people around the world who are not friendly to us. So this is not a good way for us to start.

It is subject to a budget point of order because it violates our spending limits and that has been confirmed. I know the Presiding Officer is a member of the Budget Committee. It has been confirmed by Senator MURRAY and her staff, the Democratic leadership on the Budget Committee, that it violates the budget. So that means if it is not fixed—and I understand there is some attempt going on at this time to maybe rewrite it in a way that actually has a legitimate pay-for, to provide assistance to those who are long-term unemployed but paid for without adding to the debt of the United States.

I will remind my colleagues that in December we passed the Murray-Ryan legislation which set limits on spending, and the President signed it into law just 2 weeks ago. As soon as we waltz into the U.S. Senate in January of this year, we have a piece of legislation that bursts the budget entirely. It is an utter violation of the spending agreements we agreed to. So I hope our colleagues can present something to us that would lay out an effective way to handle those who are unemployed and would also pay for the legislation. That is what we have to do.