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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal God, help us to follow Your commands so that we may experience abundant living. May our lawmakers' steps never stray from the path of integrity, nor waiver in following You. By Your mighty power, rescue our world from the challenges that overwhelm it. Protect those who love You as You would guard Your own eyes. Lord, hide us in the shadow of Your wings. Today, help our Senators to remember that their steps are directed by You. As You work for the good of those who love You, inspire them to stay within the circle of Your will. Give our legislators the reverential awe that brings life, prosperity, and protection.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2014.

To the Senate:

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

appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

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

The ACTING PRESIDENT pro tempore. The Senate, under a previous order, is now in leader time.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the motion to proceed to S. 2569, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees. At 11 a.m. there will be a rollover vote on the motion to invoke cloture on the motion to proceed regarding the Bringing Jobs Home Act, followed by voice votes on the following three nominations: confirmation of Julia Akins Clark to be general counsel for the Federal Labor Relations Authority; confirmation of Andrew Schapiro to be Ambassador to the Czech Republic; and confirmation of Madelyn Creedon to be Principal Deputy Administrator, National Nuclear Security Administration.

REPATRIATED INCOME

Mr. REID. I understand that Senator PAUL has an amendment that he wants to offer to this short-term funding bill. I'm talking about his amendment to permanently reduce the tax rate for repatriated income to 5 percent.

He has agreed not to offer that amendment here.

In exchange, we commit that when the Senate considers a long-term highway funding bill, Senator PAUL will be allowed to offer and get a vote on his amendment then.

Mrs. BOXER. I agree and also commit to providing Senator PAUL an opportunity to offer and get a vote on his repatriation amendment when the Senate considers a long-term highway bill.

Mr. MCCONNELL. My friend from Kentucky has been actively engaged on the issue of the highway funding mechanism for some time now, and I appreciate his work on this. This is one of the hardest issues that we face in Congress, and it has been helpful to have my colleague Senator PAUL working so hard on resolving it. He wanted an amendment on a repatriation proposal on the highway bill that we will soon be debating, and I want to thank him for setting it aside for the time being. We will, however, be addressing highway funding again later, and I promise to protect his right to offer his amendment and secure a vote on its adoption.

UNANIMOUS CONSENT AGREEMENT—H.R. 5021

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader with the concurrence of the Republican leader, the Senate proceed to Calendar No. 468, H.R. 5021, the Highway and Transportation Funding Act; that the only amendments in order to the bill be the following: Wyden No. 3582; Carper-Corker-Boxer No. 3583; Lee No. 3584; Toomey No. 3585; further, that each amendment have 1 hour of debate equally divided between the proponents and opponents; that there be up to 2 hours of general debate on the bill equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the

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



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Senate proceed to votes on the amendments in the order listed; that no second-degree amendments be in order to any of the amendments prior to the votes; that no motions to commit the bill be in order; that upon disposition of the Toomey amendment, the bill be read a third time, as amended, if amended, and the Senate proceed to vote on passage of the bill, as amended, if amended; further, that the Secretary be authorized to make technical changes to amendments if necessary to allow for proper page and line number alignment; further, that the amendments and the votes on passage be subject to a 60-vote threshold; finally, if the bill is passed, the Senate proceed to the consideration of H. Con. Res. 108, which was received from the House and is at the desk; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

MEASURE PLACED ON THE CALENDAR—H.R. 4719

Mr. REID. Mr. President, I ask that we now proceed to H.R. 4719. It is my understanding it is due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (H.R. 4719) to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

Mr. REID. I would object to any further proceedings on this matter.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

INVERSION

Mr. REID. Mr. President, more than a century ago, a small drugstore opened for business in Barrett's Hotel in Chicago, IL. The pharmacist, not yet 30 years old, and a veteran of the Spanish-American War, borrowed \$6,000 to open this drugstore. His name was Charles Walgreen. This was his first store but certainly not his last. As his chain grew, the pharmacies became a fixture in American culture—you know, the vintage image of a soda fountain, milk shakes, a drugstore counter. They would mix their own drugs to give pain medication and other products to people who came in that drugstore. This is how Walgreen's started.

Now, 113 years later, the Walgreen family no longer heads the company. But there are over 8,200 Walgreen's drugstores around the country. They still bear the Walgreen name. That company Charles Walgreen started is reportedly strongly considering a renunciation of its American citizenship

and a move to Switzerland. Why? To avoid paying their fair share of taxes.

Reestablished as a foreign corporation, Walgreen's would pay a smaller share of taxes. This practice is called "inversion." It is a tax trick, a loophole. Of course, Walgreen's will not actually move to Switzerland. Instead, they plan to acquire a European company and officially make Switzerland home to their new headquarters, but in reality they will stay in Chicago right where they are now. That is because Walgreen's does not want to actually leave America. Why would they? Why would they want to leave America? We have the most sophisticated workforce in the world. Why would they give that up? America has the infrastructure that, although in need of updates, is still the most extensive in the world. It provides Walgreen's with the roads and transportation it needs to supply its stores. Why would Walgreen's give that up?

Why would they give up the fact that we have a legal system we can trust, that enforces business contracts and upholds intellectual property protections they need? They would not turn their heads and walk away from that. America has a Medicare system that pays for seniors to buy pharmaceuticals at Walgreen's. I am sure Walgreen's will not be turning away that cash; that is what it is, cash.

Let's not forget that Americans enjoy a law enforcement apparatus that protects the company's assets. Why would Walgreen's want to give that up? Our military, which is second to none, will continue to protect the country where all of those Walgreen's stores are located. I am sure Walgreen's would not want to give that up. Not to mention the fact that America is a pretty good place to live.

So why would Walgreen's executives ever want to move their families across the world? That would be foolish, would it not? Walgreen's leadership will probably stay right where they are now in their fancy homes in America. While they remain here, Walgreen's will still expect American tax credits, even as it dodges as much as \$4 billion over the next 5 years in taxes. That is what inversion is all about.

Essentially what Walgreen's is saying is we love America. We love being in America. But we are not going to pay for it. The dictionary defines the word "exploitation" as "the fact of making use of a situation to gain unfair advantage." What a perfect explanation of what Walgreen's is going to do. What the Walgreen's company is doing sure seems like exploitation to me. After all, this is a corporation that made \$16.7 billion from Medicare and Medicaid last year—\$16.7 billion—and they are going to move overseas.

But, sadly, Walgreen's is not the only corporation jumping ship. Major American companies such as Medtronic and others have already announced plans to give up their corporate citizenship. Who will be next? A decade ago, the

senior Senator from Iowa warned of "unpatriotic companies that dash stash their cash." Now we are seeing this dash-and-stash scheme become common practice for corporations that do not want to pay their fair share of taxes.

In fact, the two largest transactions to move American companies overseas in history have taken place within the last month. When these companies reincorporate overseas, it is, simply put, unfair. It is unfair to the American taxpayer, to the American Government, and to many companies that refuse to engage in this deceptive practice.

Why should other American pharmacy chains such as CVS Caremark and Rite Aid be disadvantaged because Walgreen's balks at paying its fair share of taxes? To uphold our free enterprise system and ensure that American businesses are competing on a level playing field, Congress must close this loophole.

We have a new chairman of the Finance Committee. The senior Senator from Oregon is known to be a man who is fair and will make sure that people do not take advantage of others. He has made a commitment to me and anyone who will listen to him that this must change. It is going to start with the Finance Committee and start very soon. I have been encouraged by his statements. He has indicated he will work to close this loophole for these runaway companies.

The chairman of the Permanent Subcommittee on Investigations, the senior Senator from Michigan, has also been leading on this issue. He has been talking about it for a long time. Two strong leaders—the senior Senator from Michigan, the senior Senator from Oregon—have locked arms and are going to do something about this.

Senator LEVIN's legislation, the Stop Corporate Inversion Act, puts a 2-year moratorium on inversions by U.S. companies. This moratorium will give Congress time to thoroughly and thoughtfully consider the issue. I do not need a lot more thought on it. I am ready to roll on this one. We need to get this done, and quickly. I will settle for the 2 years. I am frankly, though, open to all ideas. What I am not open to is the idea that this corporate exploitation of the American taxpayer is somehow acceptable, because it is not.

Today we are considering legislation that would amend the U.S. Tax Code to fight outsourcing, protect American jobs, and create job creation within our borders. The Bring Jobs Home Act, which ends senseless tax breaks for outsourcers, will offer companies a 20-percent tax credit to help with the cost of moving jobs back to America. Much like the Bring Jobs Home Act, ending this corporate citizenship scam will encourage American companies to pay their fair share. It will also let corporations know that cheating the American people with their tax trick is not a viable business plan.