

gets 4 hours. That is exactly what we are seeing in elections across the country. You may see in some elections that the average donation may be \$50. Along come the Koch brothers, who in most States would be out-of-State, out-of-State oil and coal billionaires, coming in and maybe spending \$3 million or \$5 million or more through a variety of front groups they have set up.

How many individual donations does it take to get the same time to present your case as the Koch brothers spending, say, \$3 million? Well, it would take about 60,000 \$50 donations to buy the same opportunity to speak. So Citizens United is very much like that town council saying: You, madam citizen, get 30 seconds, but you, mister rich, powerful individual, get 4 hours. So, of course, it is corrosive and corrupting. It erodes fair opportunity for all citizens to have their voice heard. And because it does erode the ability of all citizens to have their voice heard, of course, it enhances the belief, that is, the appearance that the system is rigged, the appearance of corruption.

It changes the debate in this Chamber because colleagues look at these millions of dollars brought to bear by just a couple individuals and they say to themselves in the back of their head: I better not step on the toes of that group that can now spend millions of dollars in my election way down in a southern State or way up in a western State or way up in the northeast. I better not step on their toes. If that is not corrosive and corrupting to a “We the People” debate and decision-making, I do not know what is.

Let’s take an example. Not so long ago the party across the aisle was saying: We think we have a good idea on how to use a market-based system to control sulfur dioxide. Rather than putting a limit on each smokestack, we will create an overall limit and allow the market to allocate the most cost-effective way to reduce that sulfur dioxide pollution. That cap-and-trade system invented across the aisle, proposed across the aisle, passed across the aisle, actually worked pretty well. In fact, it worked spectacularly. Sulfur dioxide and acid rain were decreased faster, more cheaply than anyone envisioned. If the range of possible outcomes was considered to be 1 through 10, this was a 25. It was a resounding success.

But along come two individuals who have these billions of dollars who are getting into elections all over the country, who are threatening to put millions in to those who disagree, and they say: No, no, no. Sulfur dioxide, hmm, do not apply this idea that worked so well for the carbon dioxide pollution; do not do that; no matter how well this idea worked, do not do that because we won’t fund your election. If you are with us, we will fund massive amounts of campaign ads to attack your opponents. That is exactly what the Koch brothers have done, and they reversed the entire position of my

colleagues across the aisle in a couple years—in about a 2-year period—from a market-based control of a major pollutant, carbon dioxide, to arguing that no, no, no, it cannot be controlled. That would be an energy tax.

Well, this happens time and time again, and the people across this Nation do, in fact, pay attention. They are seeing the system is rigged. That is why in one poll 92 percent of Americans said this program is broken. I thought to myself: What is wrong with the other 8 percent? Haven’t they paid attention? Don’t they know how much this system is being corrupted by Citizens United, by the decision of those five Justices?

Well, in addition, there is another form of corruption that comes from Citizens United; and that is those individuals who have been elected by these vast sums are beholden to those who elected them and they will choose no policy that goes against those who have pulled their strings and gotten them elected. That is definitely a form of serious corruption in a democracy, where ideas are supposed to be debated and decided, analyzed, not where vast corporate or individual wealthy billionaires pull the strings. So it is destroying the competition between ideas on how to take a path that works for “We the People” instead of “We the Powerful.”

When people back home see those in this Chamber arguing to cut food stamps while not cutting a single egregious tax giveaway to powerful oil companies, they see the corrosive influence of Citizens United. When they see folks across the aisle arguing that you should not eliminate these subsidies that go to companies that ship our jobs overseas, and that you should oppose subsidies to bring those jobs home, they see the powerful influence of Citizens United. The list could go on and on.

We have a particular challenge because the concentration of wealth in America is greater than it has been since 1920, greater than it has been for virtually a century. And now we have a system, thanks to our Supreme Court majority of five, that says wealth can be brought to bear to buy elections across this Nation. This is not the system that colonists thought about when they were trying to set up a government that would serve every American—not the few—that would serve humble, ordinary working Americans—not the most powerful—that would serve those in every economic level for a better vision, a better opportunity for employment, a better opportunity for health, a better opportunity to live a quality life, instead of just those who have the biggest bank checkbooks.

I urge my colleagues, let’s take up this issue. How could any issue be more important than this issue that goes to the very core of our democracy? Let’s not try to run these lengthy, lengthy speeches with learned, learned quotes, to try to disguise what this is about:

the wealthiest, the most powerful oppressing the fundamental nature of our democracy.

Together we can stay the hand that holds the dagger aimed at the heart of democracy, and it is our responsibility to do so for this generation and for the generations to come.

Thank you, Madam President.

#### RECESS

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

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO AFFECT ELECTIONS—MOTION TO PROCEED—Continued

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Utah.

Mr. HATCH. Madam President, more than 40 years ago, in *New York Times v. Sullivan*, Justice William Brennan described “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” The measure now before the Senate shows that this commitment is in serious jeopardy.

Next week marks the 227th anniversary of the drafting of the U.S. Constitution. Those who participated in that process agreed that individual liberty requires limits on government power, but they differed on how explicit and extensive those limits should be. Many thought the simple act of delegating enumerated powers to the Federal Government and reserving the rest to the States would be enough. Others were more skeptical of government power and insisted that the Constitution needed a bill of rights. Those skeptics, however, were not skeptical enough. The measure before us today, S.J. Res. 19, would allow the government to control and even prohibit what Americans say and do in the political process.

Yesterday a member of the majority leadership said this measure is “narrowly tailored.” It is possible to believe that only if you have never read S.J. Res. 19 and know nothing about either the Supreme Court’s precedents or past proposals of this kind. This is not the first attempt at empowering the government to suppress political speech, but it is the most extreme.

Four elements of this proposal are particularly troubling.

First, its purpose is to advance what it calls “political equality.” None of the constitutional amendments previously proposed to control political speech has made such a claim. The irony is astounding. At the very time in our history when technology is naturally leveling the political playing

field, this proposal would give the power to define political equality to government. If simply suggesting that the government should have the power to enforce its own version of political equality is not enough to oppose this proposal, then our liberties are in even greater danger than I thought.

In addition to its stated purpose, this proposal is also troubling because of the power it would give to government. Past proposals of this kind were very specific about what government could or should regulate. One measure, for example, covered expenditures made “to expressly advocate the election or defeat of a clearly identified candidate for Federal office.” More recently, proposed amendments covered expenditures made “in support of, or opposition to, a candidate.” The proposal before us today, however, says that government may regulate “the raising and spending of money by candidates and others to influence elections.” That is all it says. It would allow government to control the raising and spending of money by anyone doing anything at any time to influence elections. No proposal of this kind has ever been drafted more broadly.

The same Democratic Senator who yesterday claimed this proposal is narrowly tailored referred to big-money campaign donors, high rollers, and for-profit corporations with unlimited budgets. I urge not only my colleagues but everyone listening to this debate to read S.J. Res. 19. Just read it. My liberal friends may want to paint certain billionaires or for-profit corporations as the big bad wolf, but this proposal goes far beyond that. It would allow government to regulate the raising and spending of money not only by billionaires or corporations but by what it simply labels “others.” That means everyone everywhere. It means individuals as well as groups, rich as well as poor, for-profits, nonprofits. Under this proposal, government could control them all.

It takes no imagination whatsoever to realize that virtually everything can influence elections. Voter registration drives, get-out-the-vote efforts, non-partisan voter information, discussion about issues, town meetings—all of these activities and many more influence elections.

Once again, I urge everyone to read the proposal before us. It would give government the power to regulate anything done by anyone at any time to influence elections.

The third troubling element of this proposal is that it would suppress the First Amendment freedom of speech for individual citizens but protect the First Amendment freedom of the press for Big Media. Supporters of this amendment want to manipulate and control how individual citizens influence elections but are perfectly happy with how Big Media influences elections. This proposal would allow government to prohibit nonprofit organizations from raising or spending a sin-

gle dollar to influence elections but leaves multibillion-dollar media corporations free to influence elections as much as they choose. That set of priorities represents a twisted sense of political equality that I cannot believe most Americans share.

Finally, this proposal would allow government to distinguish between what it calls natural persons and “corporations or other artificial entities created by law.” Unlike other provisions of the Bill of Rights, such as the Fourth or Fifth Amendment, the First Amendment does not use the word “person;” it simply protects the freedom of speech—a freedom that obviously can be exercised not only individually but also collectively.

Yesterday a Democratic Senator dismissed the notion that corporations can be treated as persons under the law because corporations never get married, raise kids, or care for sick relatives.

Is he kidding? A corporation cannot care for sick relatives, but it certainly can speak, and that is what this debate is all about. As the Supreme Court observed more than a century ago, corporations are “merely associations of individuals.”

Perhaps I need to remind my colleagues that the first section of the first title of the United States Code is the Dictionary Act. It defines the word “person” to include “corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.”

Many of what this proposal labels “artificial entities”—such as nonprofit organizations, associations, or societies—exist to magnify the voices of individuals. The Supreme Court case that sparked this debate, *Citizens United v. Federal Election Commission*, was brought not by a for-profit corporation but by a nonprofit organization. S.J. Res. 19 would allow government not only to regulate but to prohibit the raising or spending of money by these nonprofits, associations, and societies to influence elections. They could be banned from speaking on behalf of what my Democratic colleagues like to refer to as ordinary, average Americans. Suppressing the speech of organizations that speak for individuals would leave millions of those Americans with no voice at all.

We should eliminate rather than create barriers to participation in the political process. We should encourage rather than discourage activities by our fellow citizens to influence the election of their leaders. We should prohibit rather than empower government to control how Americans participate in the political process. We should, to return to Justice Brennan’s words, strengthen rather than dismantle our national commitment to uninhibited, robust, and wide-open debate on public issues. Making S.J. Res. 19 part of the Constitution would instead make that debate inhibited, weak, and closed.

As the Supreme Court has recognized, the First Amendment is premised on a mistrust of government power. Neither the nature of government power nor its impact on individual liberty has changed. S.J. Res. 19, therefore, proves three things. It proves that the government’s temptation to control what Americans say and do in the political process is as strong as ever. It proves that the majority believes it can retain power only by suppressing the liberties of our fellow Americans. It proves that the profound national consensus Justice Brennan described may no longer exist.

Another irony is that the majority in what we often call the world’s greatest deliberative body is trying to stifle the free speech of citizens with whom they disagree. This is nothing more than election-year misdirection, an attempt to distract attention from the majority’s complete failure to address the real problems facing our Nation.

We should heed the advice of our late colleague from Massachusetts, my friend Senator Ted Kennedy. We were often called “the odd couple” because we worked so well together but came from disparate or different political areas. In March 1997 this body was debating another proposed constitutional amendment to control political speech. That measure, I want my colleagues to know, was more narrowly drawn than the one before us today. It was limited to expenditures supporting or opposing candidates and did not exempt Big Media. Yet Senator Kennedy rose to oppose it and said:

In the entire history of the Constitution, we have never amended the Bill of Rights, and now is no time to start. It would be wrong to carve an exception in the First Amendment. Campaign finance reform is a serious problem, but it does not require that we twist the meaning of the Constitution.

That was said by Senator Kennedy, and he was right. The Senate voted 38 to 61 against that proposal. And Senator Kennedy’s words apply with even more force today, there is no question about it.

The real purpose of S.J. Res. 19 is exactly what America’s Founders ratified the First Amendment to prevent. Supporters of this radical proposal apparently believe that freedom itself is the problem. That view is contrary to the most fundamental principles of this Republic and incompatible with a free society. Freedom is not the problem; it is the solution.

I am really amazed that my colleagues on the other side would attempt to pull this stunt at this time in our country’s history, when almost anybody who looks at it knows it is done just for publicity and political reasons. At the same time, what an awful amendment it is. It makes one wonder if people in the Congress today are really as serious about our country as they were back at the beginning of this country. Those people didn’t have nearly the knowledge from books of learning and capacities we have today,

but for some reason they were inspired. They were well educated. They were strong people. They knew what was right, they stood up for what was right, and they did it in very carefully selected words, which would be surely diminished by what the Democrats are trying to do here today.

I sometimes wonder, is politics more important than the Constitution? They know they are not going to pass this resolution. We are not going to let them pass it. It is crazy. It is wrong. It is out of whack. It is against almost everything the Founding Fathers stood for. It is against Supreme Court precedent. It basically would limit the rights of far too many people.

I know my colleagues are going to ultimately vote this down. This will never get 67 votes and never should. It never should have seen the light of day and never should have seen a minute on the floor of this august body. It diminishes this body, that this type of amendment is being brought to the floor of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to speak as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection.

#### FAIR SHOT AGENDA

Mrs. MURRAY. Madam President, over the last several weeks I spent a lot of time traveling across my home State of Washington hearing from workers and families about the challenges they face in today's economy. While there is no question the economy has made a lot of progress, I spoke with far too many people who are working as hard as they can and still feel as though they are running in place. Despite their best efforts, they have not achieved the kind of economic security that allows them to buy a home or save for retirement or start the new business they have been thinking about. I think we can all agree more Americans should have those kinds of opportunities.

So I am proud that this year Senate Democrats have focused on legislation that would go a long way toward giving our families and Americans a fair shot. We have made the case for giving millions of Americans across this country a raise, helping students get out from the crushing burden of student loan debt, ensuring that in the 21st century working women get equal pay, and so much more.

In the coming days we are going to bring these issues to the forefront once again and make another push for our Republican colleagues to join us. Each one of these policies would do so much for our families and for economic growth, and that is especially true because each would help women in today's workforce. I have come to the floor to focus on that last point in particular and talk about why each of these bills would make a real difference for women across the country.

You may remember that my Republican colleagues blocked these bills the last time the Democrats brought them to the floor. So I am going to encourage my Republican colleagues to say something besides no when it comes to higher wages for workers or college affordability or pay equity, because if they have a reason for opposing legislation that would help women and families get ahead, I think the American people deserve to hear it.

The role of women and families in our economy has shifted dramatically in the last several decades. Today 60 percent of families rely on earnings from both parents—up from 37 percent in 1975. Women today make up nearly half of the workforce, and more than ever women are likely to be the primary breadwinner in their families. Women are making a difference across the economy in boardrooms and lecture halls and small businesses, but our Nation's policies have not caught up with the times. In fact, today they are holding women back.

Across the country women still earn 77 cents on the dollar on average compared to men. That difference adds up. In Seattle last year women earned 73 cents on the dollar compared to their male counterparts, and that translated to a yearly gap for women of \$16,346. Nationwide, over a typical woman's lifetime, pay discrimination amounts to \$464,320 in lost wages. The gender wage gap makes dealing with other financial burdens such as student loans even more challenging.

This past spring I invited a woman from Massachusetts named AnnMarie Duchon to our Budget Committee hearing to testify about her own personal experience with pay inequity. AnnMarie told us that over the years she missed out on more than \$12,000 in wages compared to a male coworker who was doing the same job. She told us she and her husband both have student loan debt and those lost wages—\$12,000—would have covered 10 months of payments. AnnMarie said thinking about that setback was “heart-breaking.”

AnnMarie said she was ultimately able to go back and convince her employers to give her equal pay, but unfortunately most women are not able to do that. Many don't even know they are earning unequal wages. That is a real loss, both for our families and for our economy as a whole. That is why we need the Paycheck Fairness Act to tackle pay discrimination head-on and help ensure that in this 21st century workers are compensated based on how they do their job, not on their gender.

Another policy that needs an update is our Federal minimum wage. Two-thirds of minimum wage workers are women. Many of them are the sole breadwinners and sole caregivers for their family, and I know if you ask them how \$7.25 an hour translates to a grocery trip for a family of four or shopping for school supplies or just paying transportation to and from

work, they will give you a straight answer: It doesn't. Democrats know it is time they got a raise. Republicans disagree. They said no earlier this year to a raise for 15 million women, and I think the American people deserve to hear why.

Women aren't the only ones affected by these challenges, because when working women aren't getting equal pay, when they haven't gotten a raise in years, when they are struggling to make ends meet, that means their families are too—and our economy as a whole is weaker for it.

Democrats have put forward ideas throughout this year that would help level the playing field. It has been, I must say, deeply disappointing that time after time our Republican colleagues have simply said no—no to tax and pay discrimination through the Paycheck Fairness Act, no to giving millions of workers across the country—including 15 million women—a raise, no to legislation that would relieve some of the crushing burden of student loan debt, and the list goes on.

Republicans rejected so much as a debate on each of those bills just a few months ago, and that is a shame because we know these are issues women and families truly care about. They rightly expect us to be working together to come up with solutions. If Republicans are just going to reject our ideas, I think their constituents deserve to hear what else they have to offer.

When I was in my home State of Washington last month I spoke with an entrepreneur named Leilani Finau. Leilani has worked very hard to get her own business off the ground. She told me for the last 12 years she has only been able to pay the interest on her student loans. So more than a decade later she still owes the same amount of principal.

I also talked to a woman named Veronica Donoso. She is an administrative specialist and a single mom from my home State. Veronica told me about the financial burdens she is dealing with—not only student loans but childcare for her daughter. She said, “I try not to let my daughter see my struggles, but I feel terrible knowing that she is suffering too.”

I think women such as AnnMarie, Leilani, Veronica, and a lot of other women across the country deserve to hear more than just no from Republicans when it comes to legislation that could make a difference for them and their families.

In the next few days Republicans will have an opportunity to take a different approach than they have so far this year. I am calling on the Senate Republican leader to take advantage of it. We should be able to debate these important issues. Democrats have put solutions on the table, a higher minimum wage, student debt relief, giving women more tools to fight pay discrimination, and more. If Republicans have more to say than no, it is time for them to do it.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Madam President. I would ask to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection.

Ms. STABENOW. Thank you. First, I thank the distinguished chair of the Budget Committee for her words and her work on focusing on middle-class families and making sure the economy grows for everyone. I wish to echo and expand upon the very same topics our distinguished chairwoman has been talking about.

First, I think it is important to note that we have seen an improvement in the economy. We are seeing a stock market that has doubled since President Obama took office. We have seen deficits going down. We are seeing projections of slowing increases as they relate to health care and Medicare costs. We are seeing more jobs being created.

The challenge for us is making sure everyone has an opportunity in that economy. We see an economy that has turned, but yet we see way too many people who are not able to benefit from that economy and who don't have a fair shot to create the opportunities for themselves and their families.

So there is more work to be done and that is what the "fair shot" agenda is all about. I thank the Presiding Officer for her leadership around this whole question of how to make sure the economy works for everyone, how to make sure we have a middle class in this country—and we will not have a middle class unless everybody has a fair shot to make it.

We have put together five issues we have voted on that we will continue to bring up over and over again until they get passed—and certainly there are other issues as well but five that would make a tremendous difference to Americans in terms of creating opportunity.

The first one is the minimum wage. If you work, you ought to be receiving more wages than if you were in poverty. Why not be over the poverty line if you are working 40 hours a week. We ought to value work in our economy. Raising the minimum wage is an important piece of that. It is the floor, the foundation that is high enough that your family is not in poverty if you are working 40 hours a week. We raised this issue and we voted on this issue of raising the minimum wage above the poverty line and it was blocked by our Republican colleagues in April.

We then came back and looked at the fact that another part of the burden on middle-class families and those aspiring to get into the middle class is the cost of student loans. In fact, it is shocking to know we have more student loan debt than credit card debt in this country. We are seeing that people are able to refinance their homes to

lower interest rates and benefit from lower interest rates for a variety of things, but they cannot refinance their student loans. People are locked in, whether it is current students, people recently out of college—we know there is a certain percentage of the trillion dollars in student loans that are paid by people who are retired, actually on Medicare and still paying off student loans. The law currently does not allow them to even just refinance to the low rates that one can get in other parts of the economy. Back in June we put forward a refinancing bill that would help 25 million Americans—including 1 million in Michigan alone—reduce their student loan debt, put more money in their pocket so they can buy a house, they can raise a family. I know realtors in my State of Michigan and those who are involved in mortgage banking are now deeply concerned about this issue because the debt they have is disqualifying people from buying a home or being able to make other investments, starting a small business or other opportunities for refinancing.

So this is a critically important issue. If someone is following the rules of working hard and doing what we all say to do, getting skills so they can compete and be part of the new economy and get a job, but folks find themselves in a situation where all they can do is create crushing debt in all of this and spend years and years and years, oftentimes hundreds of thousands of dollars in student loan debt, this is a concern. This is getting in the way of allowing people to be successful and have a middle class in this country. We have our student loan bill based on students, and it was unfortunately voted down by Republicans in June.

Then we go on to an issue we didn't originally have on our agenda until the Supreme Court made what I believe was an outrageous decision that affects women in their personal health care decisions, basically saying that for a woman to get a certain kind of coverage for birth control or contraception, she would have to walk into her boss's office and sit down and explain her personal health care issues and get approval for birth control. I don't know any other part of the health care system that requires a boss to oversee a decision made by an employee. But this was something that was decided as being a legitimate option under a Supreme Court decision called the Hobby Lobby decision.

So we put forth legislation to make it clear it is not your boss's business, that women ought to be able to receive coverage for preventive care for women just as men do for their health care decisions. We voted on a bill that would make sure women could make their own basic health decisions in privacy, and that was blocked in July by Republicans, indicating they did not believe women should have the opportunity to make their own health care decisions.

Then a bill of mine with Senator WALSH called the Bring Jobs Home Act

came before us. It is a very simple premise again. We are a global economy. We want to export our products but not our jobs, and we have tax policy right now that incentivizes those who want to take the jobs overseas. Some of this is craziness in the Tax Code, I believe.

One of those very simple policies that has sent a message that it is OK to ship jobs overseas is the fact that if a company closes shop in places such as Michigan or Wisconsin or Ohio or anywhere in the country—we have seen too much of this in Michigan over the last decade—they can actually write off the cost of the move. The employer can say to the employees, you pack up the boxes, and by the way—through the Tax Code—you will end up paying for the move. The Bring Jobs Home Act says, no, we are not paying, as American taxpayers, for your move if you are moving outside the country with those jobs. If you want to come back, great, you can not only write off those costs, we will give you an extra 20-percent tax credit for the cost on top of it.

Very simply put, the Bring Jobs Home Act is for those who want to come home to America. We are all for it. We will support you and help you do that. If you want to leave America, you are on your own. That was blocked by the Republicans in July.

As if blocking those four very important, commonsense bills was not outrageous enough, Republicans once again blocked a bill to guarantee women equal pay for equal work. I can't believe we are talking about this in 2014. Everybody says, wait a minute, we have equal pay for equal work. We have a law on the books that is not enforced at this point in time. We have court decisions that do not allow the actual equal pay for equal work statute to truly be enforced in this country, which is why we find ourselves in a situation where nationally women still only receive 77 cents on a dollar. In Michigan, it is 74 cents on a dollar.

It is hard to believe that in this day and age—in 2014—42 of our Republican colleagues voted against the Paycheck Fairness Act. I hope we are going to have another chance in the near future to vote on that and again give them an opportunity to support equal pay for equal work.

When we look at Michigan, where women are working very hard every day, I find it stunning that they are making only 74 cents on every dollar. They are getting 26 cents less for every dollar that they work. When you go to the grocery store, you don't get a 26-percent reduction. They can't say: Hey, I am paid less. Here is my 26-percent discount. When they go to the gas station, they don't get a 26-percent discount. When they pay their mortgage, they don't get a 26-percent discount. Obviously it doesn't make sense and the numbers don't add up, but it is much more than just about numbers.

I remember when Kerri Sleeman from Houghton, MI—up in the Upper

Peninsula—came here to testify in the Senate. She was a senior engineer supervising a group of engineers at the company. After the company closed and went bankrupt, she was reviewing the legal documents and found that she, as the engineering supervisor, had, in fact, been paid less than those whom she supervised.

Madam President, I ask unanimous consent for another minute.

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

Ms. STABENOW. Kerri Sleeman, as a supervisor, deserved to receive the kind of pay she should receive as a supervisor.

One of the things I find outrageous is when we hear folks on the other side of the aisle say equal pay for equal work is nonsense; the bill is nonsense. It is a distraction. In Michigan we have heard people say: Women don't care about equal pay, they want flexibility. Well, flexibility doesn't pay for my groceries. The truth of the matter is women want to have the opportunity to receive equal pay.

We are at a point in time where we ought to move forward quickly in passing each one of these issues. As we know, this is about the economy and growing the middle class in this country. We are not going to have a middle class unless everybody has a fair shot to participate and work hard and be successful, and we need to get about the business of making sure that happens.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, I can't tell you how disappointed I am that the majority leader has continued to persist in blocking votes on more than 300 different pieces of bipartisan legislation that have passed the House of Representatives and that he refuses to bring up in the Senate. Rather than work together on a bipartisan basis to try to get the economy moving and get Americans back to work, we have these focus group, poll-tested show votes. The distinguished Senator from Michigan just admitted that equal pay for equal work is already the law of the land and then said we need to vote on it again. Well, it should be renamed "The Trial Lawyer Relief Act" because that is what it is. It is going to benefit the trial lawyers by encouraging litigation and will do nothing to make sure there is equal pay for equal work. We all agree that is and should be the law of the land, but encouraging legislation such as lawsuits against small businesses would do nothing to create jobs and grow the economy.

There is a reason why the congressional approval rating is at 14 percent. The distinguished senior Senator from Arizona, Mr. MCCAIN—in a display of what I guess could be called gallows humor—said we are down to paid staff and blood relatives. Those are the only ones who still approve of what Congress is doing, and it is easy to understand why.

We just came back off of a recess where we had a chance to go back home and talk to our constituents. More importantly than talk to them, we had a chance to listen to them and hear what is on their minds. What are their concerns? What are their hopes? What are their dreams? What are they worried about? I guarantee that none of my constituents suggested we need to repeal the First Amendment to the U.S. Constitution. That is the particular legislation that is on the floor today. That is the priority of the Democratic majority leader. It is a show vote to try to deny people an equal opportunity to participate in the political process—to shut them out if you disagree with them and silence them. Tell them to sit down, be quiet, we are in charge and in control.

I cannot tell you how disappointed I am that it seems as though it is all politics all the time. Every perceived or real problem that our Democratic friends seem to identify—what is their solution? It is more government. The most feared words in the English language where I come from are "I'm from the Federal Government and I'm here to help."

We had an experiment over the last 5½ years since President Obama was elected and the electorate gave the Democratic Party control of both the House and Senate. We have had a scientific experiment in the size and role of government and the results are in, and they are pretty pathetic. Unemployment is still unacceptably high. The labor participation rate, which is the percentage of people actually participating in the workforce, is at a 30-year low. People have given up looking for work, which is a great human tragedy.

Then there is the President's approval rating. He is doing better than Congress, I will give him that, but it is down around 40 percent. Here is the troubling thing—and this is not a partisan comment. As an American, I worry when the Commander in Chief has the sort of poll numbers we are talking about. There was a poll reported by the Washington Post and ABC News on September 9. The poll showed that Americans say, by 52 percent to 42 percent, that President Obama has been more of a failure than a success as President of the United States. That is terrible. But it demonstrates his refusal to engage with Congress on a bipartisan basis to do the country's work. It also reflects the mistakes he has made when it comes to leadership around the world.

President Obama wanted his second term to be about nation building here at home rather than conflicts and crises abroad. But, as we all know by now, the world is not cooperating. Even worse, the President is not leading. Instead, he has embraced a dangerously reactive foreign policy marked by empty rhetoric and wishful thinking, and the results are now plain to see.

When we look at the Middle East, we see a massive terrorist enclave span-

ning western Iraq and eastern Syria. The border between Syria and Iraq is gone. It is the site of a new caliphate. They are the Islamic radicals who were deemed so bad that Al Qaeda didn't want to have anything to do with them—ISIS. They have created what they believe is an Islamic state or caliphate, where Shari'a law will rule and women will have virtually no rights and people will have no liberty or freedom. We have seen American journalists being decapitated on video. We see a brutal Syrian civil war in which about 200,000 civilians have been killed—200,000 human beings are dead as a result of a Syrian civil war—and millions more Syrians have been displaced internally within this country or else living in refugee camps in Turkey, Lebanon, and Jordan.

We see a failed state in Libya. We see a terrorist-sponsoring Iranian theocracy that continues to pursue a nuclear weapon, and we see a violent Iranian axis stretching from Tehran to Damascus to Beirut and Gaza.

Meanwhile, let's not forget about Eastern Europe. We see an aggressive, autocratic gangster state conducting a cross-border invasion of democratic neighbors and taking sovereign territory by force in a manner not seen on the European continent since World War II.

A few weeks ago the President announced that Western sanctions against Russia were working as intended. Yet, in late August a large number of Russian troops began launching major incursions into Eastern and Southern Ukraine in the hopes of seizing even more territory. They already have Crimea; that is yesterday's news. Now they are making further gains in Eastern and Southern Ukraine. One Ukrainian official called it a full-scale invasion. It doesn't sound to me as though the sanctions that were issued by the United States are working as intended as the President has said.

Our existing sanctions are inadequate. They are not working as intended. Vladimir Putin is not deterred by economic sanctions. In fact, according to one Italian newspaper, Putin recently told the President of the European Commission that if Russia wanted to, it could take Kiev in 2 weeks. I am sure Mr. Putin is OK if it takes a little bit longer, just as long as he gets the territory he needs to try to restore the Russian empire to his former visions of glory.

White House officials famously describe the President's foreign policy as "don't do stupid stuff." That is one for the history textbooks. That is the sort of policy our students need to study in high school: Don't do stupid stuff. Come on.

Time and time again in country after country on issue after issue, this administration has, by its inaction and its ambivalence, undermined America's partners, adversaries are emboldened, and it has weakened American credibility.

Let's start with the Middle East. In Libya, President Obama launched a war against Moammar Qadhafi in Libya and then he did virtually nothing to help stabilize the country after Qadhafi's fall. That neglect ultimately led to the tragic death of four Americans in Benghazi in September 2012. It also led to the emergence of terrorist havens. What do they look for other than a power vacuum that they can fill where they can seek sanctuary and launch attacks in the region or against other adversaries? This has led to Libya's collapse as a functioning state. It is a failed state.

It has also enabled jihadist groups in Mali and Africa until they were driven out by the French.

Then there is Syria. Remember when the President said Bashir Assad needs to step down? He then did virtually nothing to help see that happen. He did nothing to arm the moderate rebel forces opposing Assad in the Syrian civil war. The irony is that U.S. officials had a plan to support those rebels, and they recommended it to the President in the summer of 2012 a plan proposed by then-Secretary of Defense Leon Panetta, then-Secretary of State Hillary Clinton, then-CIA Director David Petraeus, and Joint Chiefs of Staff Chairman Mark Dempsey. They recommended a plan to deal with Assad and to facilitate the regime change President Obama called for. What did the President do? He rejected it, even though his stated policy in Syria since August 2011 has been regime change.

It has become commonplace to say that the United States has no good options in Syria. But President Obama's chronic passivity has helped the jihadists. I know that is not his intention, but it has helped the result. It has helped embolden the Iranians, and it has made the Syrian war even more dangerous for the United States and the United States' interests.

Then there is Iraq. President Obama failed to secure a new status of forces or bilateral security agreement that would have protected American forces that served on a transitional basis in Iraq after the conclusion of the Iraq war. We kept troops in Japan and Germany after World War II, and indeed the Americans were the only glue capable of holding the country of Iraq together and avoiding the sort of sectarian civil war we have seen ensue. But his complete withdrawal of U.S. forces in 2011 was a huge gift to Iraq's Shiite militias, their Iranian patrons, and the Sunni terrorists of Al Qaeda who would later form the so-called Islamic State or ISIS or ISIL, as they are now called. I have to tell my colleagues, as I reflect on the American casualties in Ramadi, in Fallujah—our marines, our brave American soldiers, men and women, their loss of life or injuries incurred in liberating Iraq from Saddam Hussein and to see all of that forfeited by the President's unwillingness to secure a bilateral security agreement and leave a transitional,

small footprint force there to help the Iraqi transition to self government and democracy—it breaks my heart. I don't know how we explain that to someone who lost a loved one in Ramadi or Fallujah or anywhere else in the Iraq war.

According to the Wall Street Journal, at least 8 million Syrians and Iraqis live under full or partial Islamic State control. Eight million Syrians and Iraqis are living under the rule of medieval barbarians who not only decapitated two American captives but have accumulated a frightening amount of territory and wealth. They control a lot of the natural resources, the oil wells, in Iraq now because we have allowed them to capture it, and now that is the source of revenue for them to continue their terror. They have accumulated a frightening amount of territory and wealth by robbing, raping, extorting, and murdering innocent civilians.

By allowing the Islamic State to take over such a large part of Iraq and Syrian territory, President Obama has neglected one of the key recommendations of the 9/11 Commission. We remember the 9/11 Commission. It was a bipartisan commission set up after the tragedy of 9/11 to ask: How do we keep this from ever happening again?

One of the key recommendations of the 9/11 Commission is that the U.S. Government identify and prioritize actual or potential terrorist sanctuaries; in other words, safe havens. Instead, the President has stood by and watched like a spectator while the Islamic State, over the course of many months, carved out its own safe haven, right in the heart of the Middle East.

I am grateful to the President that he now has made a pledge to destroy ISIS. I believe this is not a threat that can be managed; I think it needs to be eliminated. So I congratulate the President for having evolved to this point where he understands the nature of the threat to American interests and to the American people, and I hope he is serious about doing that. But as one person recently noted, the Obama administration has persuaded just about every leadership cadre in the Middle East that the United States can be safely ignored when its principals make threats or promises. Remember the red line in Syria with chemical weapons. Well, the red line was crossed, and there were virtually no consequences associated with it. What is the lesson we learn? I guess I can get away with it and I am going to keep on coming—such as Vladimir Putin in Crimea and Ukraine.

Speaking of threats and promises, President Obama has repeatedly threatened Russia with serious consequences over its invasion of Ukraine, and he has repeatedly promised to help the Ukrainian people uphold their sovereignty. Yet he continues to stubbornly refuse to provide the very arms to the Ukrainian patriots needed in order to deter and deflect and defeat

Russian aggression. What are we giving them? Our good wishes? Sending them some food and medical supplies? That is fine as far as it goes. But without the actual weapons and the training they need in order to defeat Russian aggression and to raise the cost for Vladimir Putin, he is not going to stop. Yet the President's threats haven't been reinforced with the kind of action necessary to change Moscow's calculations, and his promises to the government of Kiev now look rather empty.

The tragedy is it seems as though there is one world crisis after another, and we have long since forgotten about Libya, Syria, and the red lines and the chemical weapons there. They seem like a vague and distant memory because now we are focused on ISIS. But they are all part of the same problem.

There is a very real danger in Ukraine that last week's cease-fire will only solidify Russia's recent territorial gains and legitimize its ongoing invasion and further embolden Vladimir Putin to seize even more Ukrainian territory or the territory of another Eastern European country when the time seems right. Amidst all of this upheaval, all of this violence, all of these challenges, all of these threats to U.S. interests and allies, the President seems disturbingly aloof. Here is what he said about the ongoing global turmoil at a recent fundraising event on August 29. This was reported in the press. He said:

The world has always been messy. In part, we are just noticing it now because of social media and our capacity to see in intimate detail the hardships that people are going through.

But make no mistake about it. The Middle East has not always been consumed by the type of violence and chaos we are seeing today, and European countries have not always been facing cross-border invasions such as that posed by Russia today.

The world needs strong American leadership. Ronald Reagan was right. We have a safer, more peaceful world when America is strong and does not create the safe havens for terrorists or by our timidity or our rhetoric that is not followed up on by actions that create the impression that people can get away with it. It just encourages the thugs, the dictators, and the terrorists.

The President's refusal to accept any real responsibility for the consequences of his foreign policy is troubling enough, but what is even more troubling is he doesn't seem to fully grasp the magnitude of the threats and challenges that America is now dealing with. If he thinks this is all about social media and people being aware of things that were happening before but they weren't aware of before, I hope he will think again. Indeed, his overall record is looking more and more like a case study in the perils of weaknesses, naivete, and indecision. I can only hope that recent events will force him to change course.

That could start by his coming to Congress with a strategy to eliminate

ISIS, to eliminate this threat. I believe there would be bipartisan support for a strategy the President would present that has a reasonable chance of success. But just to have open-ended air strikes and maybe just a strategy comprising hopes and dreams but not one with the likelihood of working is not good enough. But if he came to us and worked with Congress, I think it would serve multiple purposes.

First, it would comply with the Constitution and the laws of the United States. That is important.

Second, by engaging in bipartisan support in Congress, he would build support necessarily for this policy among the American people. I don't believe Americans should ever go to war without the support of the American people. We see what happens when that support fades and crumbles, and it is not good.

The third reason he ought to come to Congress is I read in some of the news clips today he is going to come and ask us for \$5 billion to fight ISIS. Well, the President—who is famous for saying, I am going to go it alone; I have a pen and a phone—can't go it alone when it comes to appropriating money. He needs Congress to appropriate that money. And Congress should not appropriate money without a strategy that has a reasonable likelihood of working or without an explanation of how this strategy is going to protect America and Americans' interests.

So in his remarks on U.S. policy toward the Islamic State in Iraq and Syria tomorrow night when he makes this nationwide address, I urge the President to go beyond the rhetoric and offer a clear explanation of our military objectives and our strategic objectives. I urge him to explain how and why the Islamic State poses a dangerous threat to U.S. national security interests, which I believe it does and I believe he thinks it does. So I hope he will explain it to the American people so they can understand it. I urge him to explain how U.S. allies and partners can help support America's mission, because we can't and should not do it alone. Indeed, we do need that coalition, particularly of people in the region who have the most direct interest and stake in the outcome. We need them to come to the table and help too.

Finally, I urge him to explain what his strategy is and how U.S. operations in Iraq and Syria fit within the broader role on radical Islamic terrorism. If the President gave such a speech—and I hope he does—I hope it is followed with true negotiations and deliberations and consultation with Congress. I know Minority Leader PELOSI and Majority Leader REID and the Republican leader of the Senate, Senator MCCONNELL, and Speaker BOEHNER and Majority Leader KEVIN MCCARTHY are visiting with the President perhaps as I speak. Maybe that is just the beginning of the kind of consultation that should take place. But I hope it is followed on by true collaboration and consultation with all

Members of Congress so that we as Americans can come together and do what is in our national interests. But we can't do it without leadership, and we don't do it without a strategy to accomplish that goal.

I think in the process the President could inject some much needed clarity and direction into a foreign policy that has become hopelessly muddled and aimless.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Illinois.

#### FOREIGN POLICY

Mr. DURBIN. I am going to give a brief statement about corporate inversion, but before I do I wish to respond to the Senator from Texas, who is my friend, and we have served together for many years. He has taken the floor for a period of time and spoken about some of the problems facing this Nation at home and abroad and has been largely been critical of the President in both categories. I didn't arrive early enough to hear his parade of horrors when it came to domestic policy; I just caught the end of it when he suggested there was something wrong with this President because America's labor force, its workforce, is shrinking. People are giving up looking for work. Well, that is a serious concern, and we ought to ask a question: Why are they giving up looking for work? It turns out it has, perhaps, something to do with the policy of our government, but it also has something to do with the life expectancy of Americans.

I am a little older than the Presiding Officer, and I just barely missed what we call baby boomers. Baby boomers are those born after World War II when the returning soldiers and their wives and spouses sat down and said: We are going to build a family. And they did. A lot of kids were born in America. It was called a baby boom.

Guess what. Baby boomers are facing retirement age. The workforce is shrinking because they are retiring. I would like to blame Barack Obama for that, but I think maybe that is a stretch. I don't think you can blame him for the baby boom. He wasn't even around after World War II, and he certainly can't be blamed because people decide to retire. Longevity kind of suggests when that might happen.

But still in all, it is another one of the things that is ticked off: The shrinking labor pool is an indication of the failure of the Obama labor policy. No. It is an indication of the shrinking baby boomers, who are aging out and retiring—and God bless them; they are entitled to it. Folks ought to think twice about that particular criticism.

I would like to address the foreign policy side, and I do wish to put in perspective what the Senator from Texas had to say, which was a long list—going all across the world—of problems this President has either failed to fix or has created.

I listened carefully, and I always do, because critics of the President have

every right to do that. That is part of democracy. But they also bear some responsibility to suggest what we should do as an alternative. Many of them said we have to be more manly, we have to stand up, and we have to show the world we are assertive. What does that mean? What are they saying?

What the President is saying is that we have to be careful that we invest American lives, American treasure, and the American military in this world in places where we can make a difference and take care not to do, as they said inartfully, stupid stuff by sending our military into places where they cannot achieve their goal and reasonably come home in a short period of time. That is the President's position.

I have not heard those on the other side be more specific when they say we have to be more assertive in America.

The date was October 11, 2002, on the floor of the Senate—and I was here. It was 12 years ago, and it was the night we voted on giving President George W. Bush the authority to invade Iraq. The rollcall took place late at night, and I stuck around afterward. There were about three or four of us left on the floor. In the final rollcall there were 23 Senators who voted no on the invasion of Iraq. I was one of them. There was 1 Republican, and the rest were Democrats—1 Independent and 21 Democrats, I should say. Twenty-three of us voted no on invading Iraq. Twenty-three of us questioned whether being assertive at that moment in history was the right thing to do. Remember, we were told about weapons of mass destruction and threats to the United States. Some of us were skeptical. The case had not been made. But we went forward.

I would like to make a note as well that even though there was a difference of opinion about the policy of Iraq under President George W. Bush after the decision was made to go forward, many of us who voted no joined in with those who voted yes to say: Now that we have made the decision, we stand together as a nation. We are going to provide for President George W. Bush the resources for these men and women in uniform so they can accomplish their mission and come home safely.

In other words, partisanship ended at the water's edge after we had made our decision. I still think that is the right course in foreign policy. Even though I voted against that war, I voted for the resources for the troop to execute it.

I thought: What if it were your son, Senator? What if it were someone you loved? Do you want them to have everything they need to get them home safely?

Of course.

I wish that longstanding tradition in Congress would return. Wouldn't it be healthy and inspiring if after a heated debate over a foreign policy issue we said: Now we stand together. The decision has been made. We are going to stand as a nation.

But instead what I hear from the other side when it comes to foreign policy issues: We are going to be critical

of whatever he does, whenever he does it, wherever he does it.

I don't think that is constructive. I don't think it speaks well of the United States. The debate is important. The debate is part of us, part of who we are as a democracy. But after the debate, let's get on with working together.

Do you remember that it wasn't that long ago when they discovered chemical weapons in Syria? The President said: This isn't just a threat to Syria; this is a threat to the Middle East and beyond. I am going to make a stand to dismantle those chemical weapons in Syria, and I ask Congress for the authority not to send in troops but, if necessary, a missile, a bomber, a fighter plane to support our efforts to eradicate this chemical weapons stockpile.

Do you remember what happened? I do. What happened was we had a debate in the Senate Foreign Relations Committee and a vote—a bipartisan vote—which supported the President. Then we couldn't bring it to the floor because there was not adequate support from the other side of the aisle to stand by the President when it came to dismantling chemical weapons in Syria. He went forward, working then with Russian leader Vladimir Putin, and basically all of those weapons have been dismantled. When the President asked for the authority to dismantle those weapons, he couldn't get the support of the other party. That was the reality.

Now we face a new challenge, and there are those who say that if we had just been bold and assertive—and I wonder if what they are saying is if we had just shown the strength we showed with the invasion of Iraq, this might not have occurred.

Make no mistake. I am honored to chair the Defense Appropriations Subcommittee. It is the biggest. Our budget is just under \$600 billion a year. It is almost half of domestic discretionary spending. I have come to learn that our military is really the best in the world, starting with the men and women who serve but way beyond that—our technology, our intelligence. We have the very best, but we have learned the hard way that even the best military in the world can run into obstacles they did not anticipate.

The first time I went to Walter Reed, I visited with a disabled Iraqi veteran. He was a sergeant from Ohio who had his right leg blown off below the knee.

I said: What happened?

He said: It was an IED.

I said: What is that?

He said: Well, it is an explosive device, roadside bomb. And we were in the best military equipment in the world, and this crude roadside bomb went off and blew off my leg.

I thought to myself: I wonder, if the greatest military in the world with the greatest technology in the world can be brought to a stop by a crude roadside bomb, if we are properly evaluating war today, fighting terrorism today.

What the President is trying to do is to find effective ways to stop this onset

of terrorism in the Middle East, this new round of terrorism in the Middle East, this group called Islamic State.

Why are we picking this group out of all the other terrorist groups—and there are many of them. They are quantitatively, qualitatively different. They are the first terrorist group we know that has taken and held territory. Usually terrorist groups set off a bomb in the marketplace and they are gone. No, they take and hold territory. They capture banks—go inside and take all the resources out—so they have a treasury. Some people think they earn as much as \$1 million a week off the oil wells they are controlling in Iraq. They use American equipment that has been left behind or stolen, and they engage in the worst level of savagery we have seen in modern times. The beheading of those two innocent Americans was heartbreaking—heartbreaking in one respect as I thought about their poor families and what they face, but it also enraged me to think that this group, the Islamic State, would do that to two innocent Americans, defying us and saying to us: This is just the beginning. It is a serious threat, and it is a threat to the stability in Iraq.

Here we are 12 years after we invaded Iraq, after we have lost 4,476 American lives in Iraq, after 30,000 of our troops have come home seriously injured, after we put \$1 trillion more on our national debt to pay for the Iraqi struggle, and the country is virtually in chaos.

The President is saying to the American people: I want to fight terrorism, I want to do it effectively, and I want to do it smartly. I want to do it in a way where we are not sending in troops who are there for long periods of time to just be targets for terrorists. Let's use our resources and our forces in a thoughtful way.

I am awaiting a speech tomorrow night because I want to hear, as he lays this out, what he hopes to accomplish, how long we are going to be there, where we are going to be, and by what authority he is moving forward and using these military resources. Those are all legitimate questions, and it is right for the loyal opposition to raise questions about where he is going, why he is going, and what he wants to do. But for the time being, I think the American people want the President to present his case and then make their judgment as to what is fair to bring stability to this critical part of the world.

#### CORPORATE INVERSION

Mr. DURBIN. Mr. President, when a company moves its corporate headquarters overseas, but only on paper so it can avoid paying its fair share of U.S. taxes, these companies, are called corporate inverters. But let's call them what they really are: corporate deserters.

These companies profit using roads and bridges built with American tax dollars to deliver goods to U.S. cus-

tomers. They benefit from access to America's educated workforce . . . American investments in basic research . . . and American patent protections. And some have even made millions, if not billions, of dollars from taxpayer-funded government contracts and programs like Medicare.

But when it comes time to pay their fair share of U.S. taxes—the very taxes that pay America's roads and bridges . . . our colleges and universities . . . basic research . . . patent protections . . . Medicare . . . and other competitive advantages—these companies do everything they can to dodge U.S. taxes. And they have gotten very good at shirking their fair share.

Let me tell you how this corporate “Three Card Monte” works. First, a company in the U.S. purchases a company in Switzerland, Ireland or another country with a lower corporate tax rate. The U.S. company then files papers saying it is relocating overseas.

In many cases, almost nothing changes. The CEO and other senior executives stay in the U.S., no new headquarters are opened overseas, and up to 80 percent of the shareholders are the same, but suddenly the company gets a huge tax break.

But this is only the beginning of the story. Next, the new parent company—headquartered overseas—shifts the debts off its own books and onto the books of its U.S. subsidiary. Abacadabra: Another huge tax break, because the company can write off its debt and interests on that debt. This is called “earnings stripping.”

Now, here is the third card in the Three Card Monte: the hopscotch loophole. U.S. corporations currently have nearly \$2 trillion in foreign earnings stashed overseas. As long as they keep that money parked overseas, they can defer paying taxes on it.

But when a company “inverts,” the inverted company—the corporate deserter—can access the millions—sometimes billions—of dollars they I have parked overseas without paying US taxes on the money. So the “hopscotch loophole” gives these corporations another massive tax break. The inverted company can use the money it had parked overseas to pay back the loans it used to finance the inversion . . . or to pay dividends to U.S. investors—and pay little to no taxes.

Let me give you an example. Let's say a U.S. company wants a big tax break by inverting and purchasing an overseas company.

It doesn't have enough cash in the U.S. to buy the overseas company and it doesn't want to use the money it has stashed overseas—because once the money comes home, it is subject to U.S. taxes. So what does the corporation do?

First, it gets a short-term loan from a bank to fund the inversion. Once that transaction is complete, the company can use the money it has stashed overseas to pay off the short-term loan while dodging U.S. taxes on those overseas profits.



The result of this corporate Three Card Monte? Corporate deserters are able to avoid billions in U.S. taxes—and other folks—families and companies that are working hard to make it in America—have to pay more taxes. To add insult to injury, some of these corporate deserters have made their millions and billions off of federal contracts paid for by U.S. taxpayers—the very taxpayers who will have to pay for their tax dodging.

I'm not the only person who thinks this is wrong. Mark Cuban is a billionaire investor. Listen to this warning he tweeted to corporate deserters—quote: "If I own stock in your company and you move offshore for tax reasons I'm selling your stock."

Why did he say that? Because when companies move off shore to save on taxes, American workers and companies that stay in America, that believe in America, have to make up the shortfall.

That's not right, it's not fair, and we should take action to stop these corporations from dodging taxes and taking advantage of earning stripping and hopscotch loopholes.

#### REDUCING CORPORATE TAX RATES NOT A SOLUTION

Many of our Republicans colleagues point to our broken tax code and say if we just reduce the corporate tax rate, it will stop companies from inverting.

They are wrong, plain and simple. Absolutely, our tax code is broken and Congress should reform it. We should close loopholes that allow some to avoid paying their fair share of taxes. We should fix the tax system so it works for hard-working Americans and for companies that want to help America succeed.

But let's not try to fool people into thinking that if we just lower our corporate tax rate the deficit will disappear and all of our economic challenges will be solved. There is no realistic tax reform proposal that would reduce U.S. tax rates to compete with Ireland, which has a tax rate of 12.5 percent, or Switzerland, with its 17 percent corporate tax rate.

This is a race to the bottom the United States can't win and should not be lured into entering.

Instead, we should immediately act to stop companies from inverting and then we should get to work on reforming our tax code. Before a doctor can perform heart surgery, she or he first has to stop the bleeding and that is what we need to do.

There are at least a dozen companies that have announced they are inverting or are considering inversion. We should act now—either through Congressional or executive action—to close the tax loopholes that allow inverters—these corporate deserters—to avoid their fair share of taxes and push their tax obligations off onto the rest of us. Once we stop the bleeding, we can turn our attention to real tax reform where and a long-term, comprehensive solution.

Senator LEVIN's bill would stop the bleeding by placing a 2-year moratorium on many inversions. Only inversions where no more than 50 percent of the shareholders remain the same after the inversion would be allowed to go forward.

We should also limit the damage caused by inversions by limiting the practice of "earnings stripping"—that's the tax-lawyer's trick where you load all the debt onto the U.S. subsidiary and then write off the debt and the interest payments as a tax deduction.

That is the purpose of a bill I am introducing tomorrow (Wednesday) with Senator SCHUMER. Our proposal would prevent certain corporations from taking excessive interest deductions and sticking U.S. taxpayers with the tab.

Our bill would reduce the cap on interest deductions from 50 percent of adjusted taxable income to 25 percent. It would eliminate the ability of a company to carry forward any excluded interest.

It would also require the IRS to pre-approve related-party transactions for up to 10 years after these companies move their headquarters overseas to ensure greater transparency.

This bill is a targeted approach to a serious problem.

I urge my colleagues to support the bill.

There's more we need to do. I plan to work with my colleagues to develop a more comprehensive proposal to address both earnings stripping by foreign corporations and the hopscotch rule.

Foreign corporations should not be allowed to load up the U.S. subsidiaries with debt and expect U.S. taxpayers to pay their debts. Inverted corporations should not be rewarded with additional tax breaks by dodging taxes on their profits earned overseas.

These two proposals, along with Senator LEVIN's Stop Corporate Inversion Act, must be part of any comprehensive tax reform proposal.

Before I close, let me mention one other issue.

Some of the very companies that move their headquarters overseas in order to avoid paying their fair share of U.S. taxes then have the nerve to come back to the U.S. with their hand out asking to profit from U.S. government contracts.

Yes, that is right. Over the past 5 years, these corporate deserters have received \$1 billion in federal contracts paid for by U.S. taxpayers, while avoiding U.S. taxes. This has to stop.

That is why I introduced a bill with Senators LEVIN and JACK REED to ban federal contracts for these corporate deserters. There is a companion bill in the House that is sponsored by Representatives DELAURO, DOGGETT and SANDER LEVIN.

This isn't a new idea. In 2008, Congress prohibited inverted corporations from obtaining any Federal contract under the annual appropriations bills,

and for the most part this ban has worked.

But these companies found a loophole. That is why they pay their tax attorneys and advisors the big bucks—to find the little loopholes worth billions of dollars. We need to close this loophole so that corporate deserters aren't able to profit from taxpayer-funded government contracts.

About 50 companies have inverted in the last decade. Another dozen companies—including three headquartered in my State of Illinois—have announced that they are planning or considering inversion. If these companies want to renounce their corporate citizenship, that is their choice. I think it is a bad choice, but it is their choice.

But they should not expect American workers and other American companies to pick up the tab for them while they take advantage of all that America offers. That is not a free market. That is freeloading.

This isn't a partisan issue. Every inversion increases the burden on you and me to make up for the lost tax revenue.

I look forward to working with my colleagues on both sides of the aisle and the President to address this important issue.

It was about 2 weeks ago that I was in central Illinois and I was heading to a forum for Senate candidates. It was put on by the farmers in downstate Illinois. I have a lot of friends there. We went off to a farm, and before we arrived I had an extra 45 minutes. I hadn't had lunch. So we were driving around Bloomington-Normal, IL, in McLean County.

I said: Let's stop and get a sandwich somewhere.

My driver said: Well, there is a Burger King.

I said: No, thanks. There is a Steak 'n Shake—which happens to be a franchise we are very proud of in the Midwest and in Illinois.

I consciously decided not to stop at Burger King. Why? Because in the past several weeks Burger King has consciously decided they are leaving the United States. This iconic hamburger chain—second largest in the world—has bought a doughnut chain in Canada, and now they want to move their headquarters to Canada from Miami, FL. Why would they move their corporate headquarters out of the United States of America, where they have most of their restaurants? To cut their taxes. It is called inversion.

If you can pick up and on paper move your corporation to Switzerland, Ireland, the island of Jersey, Canada—you name it—there are ways that accountants and lawyers have figured out how to reduce your tax burden. But, of course, as companies decide to do that, they are also making conscious decisions to stop paying U.S. taxes or avoid paying U.S. taxes—at least some part of them.

We have seen a lot of companies announce this. AbbVie, which is a pharmaceutical company in the northern

suburbs of Chicago, used to be Abbott Laboratories. AbbVie has decided they want to move overseas.

I took a look at it and thought for a moment: Interesting. A pharmaceutical company wants to move overseas.

How important was the United States to the success of a pharmaceutical company such as AbbVie, to the fact they developed drugs and products that were profitable? How important was this country to that company? I would say critically important. Companies don't usually come up with all the ideas for new drugs. They rely on the National Institutes of Health, the premier biomedical research agency in the world. The annual budget is in the range of \$31 billion, and they do research which they then turn over free of charge to pharmaceutical companies to develop drugs to make money. The National Institutes of Health is supported by American taxpayers.

If a pharmaceutical company develops a new drug they think has the potential to be a blockbuster and sell a lot, there is another step. They have to go to the U.S. Food and Drug Administration, and the FDA tests it.

If at the end of testing they come up with the conclusion that it is not only safe but effective for what it is being used for, they give it a seal of approval. It is the gold standard of safety of pharmaceuticals. The Food and Drug Administration is supported by the U.S. Government and American taxpayers. Then it is not over. There is at least one last stop. You go to the patent office to make sure you protect your intellectual property, this pharmaceutical formula. The U.S. patent office is supported by the government and U.S. taxpayers.

So here is a pharmaceutical company using research, using testing, and using protections of patents from our government that says: Incidentally, we are leaving. We don't want to pay taxes to this government. We want to reduce our tax burden to this government.

There is something wrong with this picture. Mr. President, 49 or 50 corporations have done it, and more are threatening. Take Burger King. The sale of hamburgers does not involve a great deal of research, but the product that you are cooking at your store has been inspected for safety by the U.S. Federal Government. And the place where your store is located probably is on a highway or street supported by our government.

But then there is one other element. The people who work in fast food in America are not usually paid a lot of money. Their income is supplemented by government programs such as food stamps. It turns out to the tune of about \$7 billion a year. That is what taxpayers in America pay to subsidize the income of workers in fast food restaurants. So here is Burger King that is using the largess, protection, rule of law in the United States to do their

business, counting on our government to step in and supplement the income of the person frying the hamburgers and serving it, and saying: Incidentally, we are leaving; we don't have any obligation to this country to pay taxes; we are going to Canada—on paper.

There is something wrong with this picture. To me, if you are going to desert this country as a corporation, consumers first ought to be aware of it. That is why I drove past Burger King. I do not care to do business with a company that does not think it owes its fair share of taxes. Because if they do not pay their fair share of taxes, other good American companies will be forced to pay more and other individuals will too.

So it is right for us to speak up now about this process of inversion and bringing it to an end. It is not just a matter of escaping taxes. There are accounting techniques. There are countless techniques which these inverted corporations can use to even reduce their corporate taxation more.

Some people say the U.S. corporate income tax is too high. The nominal rate is 35 percent. The effective rate is closer to 25 percent, and the major corporations pay in the range of 10 to 15 percent. When you look at the countries they are going to—Ireland, I believe their corporate income tax rate is 12.5 percent; the Cayman Islands, zero. So we cannot play it to the lowest denominator, play to the bottom line, the bottom corporate income tax. It is a lose-lose situation.

What we have to do is to make sure that the inversion comes with a price. I am joined with Senator SCHUMER. We will put in a bill later this week to talk about this whole question of inversion as it relates to the Tax Code. It is a technical bill Senator SCHUMER has largely written as a member of the Senate Finance Committee and asked me to join him on because of my interest on the subject. It limits the practice of "earnings stripping"—a tax lawyer's trick where you load all the debt on to the U.S. subsidiary and then write off the debt and the interest payments as a tax deduction. The bill which I will introduce with Senator SCHUMER is designed to prevent corporations from taking excessive interest deductions and sticking U.S. taxpayers with the tab. There are other parts of that bill.

I believe the Tax Code should be written in a positive fashion. It is not positive in our Tax Code to set the stage for corporations to move their jobs and headquarters overseas. In fact, we allow under our Tax Code for these corporations to deduct their moving expenses if they are going overseas. What are we thinking? Why would we create an incentive, a deduction, for taking jobs out of America? I think there is a better approach. When the time comes for tax reform—and I hope it is soon—I am going to propose that we have something called the patriot employer

tax credit. Here is what it says. It is pretty simple. If your headquarters for your corporation are in the United States; if you have kept your jobs here in the United States; if at least 90 percent of your employees are paid at least \$15 an hour; if you have good health insurance, according to the standards of the Affordable Care Act; if you will contribute at least 5 percent of your employees' earnings toward their retirement; and if you will give a veterans preference, we will give you a tax credit.

We want to reward—we should reward—and incentivize companies that build their future in America, companies that believe in America, companies that pay a decent wage in benefits to the people who work for them.

That is what should be in the Tax Code. Let's start incentivizing job building and job expansion here in the United States. Let's stop these deductions for moving jobs overseas. And let's put an end to this corporate inversion.

These folks have to realize we are not going to stand still for them gaming the Tax Code to avoid their responsibility to the country which, by and large, created the success of most of their corporations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President:

Attention all citizens. To assure the fairness of elections by preventing disproportionate expression of the views of any single powerful group, your Government has decided that the following associations of persons shall be prohibited from speaking or writing in support of any candidate. . . .

This is a statement that I have taken directly from a dissenting opinion issued by Associate Justice Antonin Scalia in a case called *Austin v. Michigan Chamber of Commerce*—a 1989 ruling of the Supreme Court of the United States.

The concern expressed in that dissenting opinion, the opening line of which I have just read, comes to mind when we review the legislation in front of this body right now, S.J. Res. 19—an attempt, a wholesale effort to repeal the First Amendment of the United States, to undo its most fundamental protections, protections that protect the right of every American to speak out on issues of public concern, to try to influence the outcome of elections, to try to dictate the course of our entire country.

Now, fortunately, this precedent that Justice Scalia was expressing concerns with was overruled. It was overruled in a case called *Citizens United*, which has itself become the target of S.J. Res. 19. In other words, because the Constitution has now been properly interpreted to protect the right of the American people to join together and form voluntarily associations and to use those associations to try to influence the outcome of elections, my colleagues across the aisle have decided—rather than to follow the Constitution

to change it, rather than to follow its dictates to get rid of those portions that would interfere with the power of government—this is something we cannot tolerate, this is something we cannot ignore, this is something that we must do something about, and we have to do it today.

As Justice Scalia explained in his dissent in the *Austin* case, this principle, this type of approach whereby we allow the government to limit the expressive capabilities of the American people, to limit the ability of the American people to form voluntarily associations and speak out on matters of public concern, is utterly contrary not only to our case law but to the text of the First Amendment, and it is inconsistent with the absolutely central proof underlying the First Amendment. The idea here is that government cannot be trusted to assure through censorship—and make no mistake, that is what this is about, censorship—the “fairness of political debate.”

So we are here ostensibly to debate the relative merits of S.J. Res. 19, which would up end well over two centuries of understanding that there are certain things the government cannot do, that there are certain things that the government can never be trusted to, that the government cannot censor our speech, particularly our political speech. We are here to debate that, and yet among those who have introduced this legislation, among those who have sponsored this legislation, we have heard, if I am not mistaken, from only three today. We have heard only three speeches today.

This is a profound and disturbing message to the American people. We are trying to upend the cornerstone of American republican democracy, and yet we have had two speeches in support of it. This is something that ought to alarm us terribly.

I was pleased to hear moments ago from my distinguished colleague, the senior Senator from Illinois. I respect the senior Senator from Illinois. He and I have worked together on a lot of pieces of legislation. We have worked together most recently on the Smarter Sentencing Act, which I think is an important bipartisan attempt to reform our Federal criminal sentencing code, which is in serious need of being reformed.

I also respect the senior Senator from Illinois for some statements he made a few years ago when another amendment had been proposed. I at least respect the approach that he took in urging caution before undertaking any effort to undo, to weaken, to undermine the Bill of Rights. Here is a statement that he made on June 26, 2006: “The Bill of Rights has served this Nation since 1791, and with one swift blow of this ax, we are going to chop into the first amendment.” He was concerned about that.

He was concerned also when on the same day he made a similar comment, instructive here, I think, when he

noted: “It is a matter which we will likely debate the rest of this week”—the week in which he was speaking in 2006—meaning this is an urgent matter, it is a matter of great concern to the American people when we are talking about changing the First Amendment or any component of the Bill of Rights. He continued:

The reason we are going to spend this much time on it is because this one-page document represents a historic change in America. If this amendment were to be ratified, it would mark the first time in our nation’s history that we would amend the Bill of Rights [to the United States Constitution].

On the same day he also said:

It takes a great deal of audacity for anyone to step up and suggest to change the Constitution. . . . I think we should show a little humility around here when it comes to changing the Constitution. So many of my colleagues are anxious to take a roller, to a Rembrandt.

I could not agree more, especially when we are talking about not just freedom of speech but core political speech, which is the subject of S.J. Res. 19. Make no mistake, the fundamental purpose, the most important objective underlying the free speech clause and the free press clause was to protect the right of the people to engage in political speech. And make no mistake, the purpose of this is to enhance Congress’s power to restrict political speech. In fact, its entire purpose focuses on efforts to spend money to influence elections—the core of political speech.

Let’s go back for a minute to the dissenting opinion issued by Justice Scalia in the *Austin* case I referenced a few minutes ago. He explained in that dissenting opinion that there are some things that we understandably do not want government to do. There are a lot of things we do in the Constitution that are all about outlining what the powers of government are. We explain what power Congress has, what power the President has. We explain further that powers not delegated to Congress are reserved to the States or the people.

Then we also identify in the Bill of Rights that there are certain areas that are just out of bounds for government, areas where we do not want government to tread. This is one of those areas. As Justice Scalia explained:

The premise of our Bill of Rights . . . is that there are some things—even some seemingly desirable things—that government cannot be trusted to do. The very first of these is establishing the restrictions upon speech that will assure “fair” political debate. The incumbent politician who says he welcomes full and fair debate is no more to be believed than the entrenched monopolist who says he welcomes full and fair competition.

This is what we face here. This is the risk we face here. We are assured by the proponents of this legislation—that is, both of them, both of those who have shown up so far to speak in support of this—that this will still allow debate to occur. Yet how are we to believe this when what they are pro-

posing is to expand Congress’s power to limit that right to participate in an open, public debate, to undertake efforts to influence the outcome of elections and thus dictate the course of an entire Nation.

Justice Scalia concluded with the thought that, as he put it:

The premise of our system is that there is no such thing as too much speech—that the people are not foolish, but intelligent, and will separate the wheat from the chaff.

He refutes the notion:

. . . that a healthy democratic system can survive the legislative power to prescribe how much political speech is too much, who may speak, and who may not.

When we try to weaken this understanding, we are playing with fire. Whenever Congress attempts to expand its power—for that matter, whenever any government attempts to expand its power—it does so inevitably at the expense of individual liberty.

Here, where it tries to expand its influence over political debate, where it purports to have the ability to expand its power over core political speech, it does so—inevitably, inescapably, unavoidably—at the expense of the free expressive rights of a free people.

This is one of the main core principles upon which our country was founded. We became a nation against a backdrop in which we found ourselves subject to a large, distant, powerful national government, one headed by a king and a parliament. Our former London-based national government recognized no boundaries around its authority. It had for centuries interfered with the right of the people to express their grievances. It had for centuries supported criminal actions against persons who engaged in what they described under their laws as seditious libel. In other words, if you criticized the government—if you criticized a government official—you could be, and presumably would be, criminally prosecuted for doing so. The truth was not a defense. In fact, truth made it even worse from the viewpoint of the government, because it was more difficult to refute. So people were routinely prosecuted for criticizing the government.

We cannot—we must not—take even one step in the direction of expanding government’s authority when it comes to speech that is at the core of our political system.

Look, our political system isn’t perfect. Our political system isn’t something that everybody necessarily is inclined to enjoy. But our political system does keep us free, and it keeps us free only to the extent that individuals are allowed to speak their mind without fear of retribution from the government, only to the extent that individuals, rich and poor alike, are able to say what they want and join together and form voluntary associations for the purpose of influencing the outcome of elections so they can have some chance at standing up to a big government that affects so many of their

rights, that affects so much of how they are going to provide for the needs of their families and their communities.

When the people are intimidated by a government that recognizes no boundaries around its authority, everyone suffers. This is an issue that is neither Republican nor Democratic, it is neither liberal nor conservative. It is simply American.

It is time for the American people to stop simply expecting Congress to continue to expand its power at the expense of their individual liberty. It is time for the American people to stop simply expecting their rights have to bow to the interests of an all-powerful incumbency in Washington, DC. It is time for the American people to expect more. It is time for the American people to expect freedom.

We expect freedom, and we will defend freedom when we defeat Senate Joint Resolution 19.

The PRESIDING OFFICER. The Senator from Virginia.

#### ISIL

Mr. KAINÉ. Mr. President, 1 month ago the President initiated an air campaign against ISIL in Iraq. ISIL is a dangerous terrorist organization committing atrocities against thousands of people, including American hostages, and a strong American response, to include military action, is certainly warranted.

In the first month of this air campaign, two explanations for the mission were given by the President. We began with a mission for humanitarian purpose and also the need to protect American embassy personnel. Since that time, the White House has stated that the air strikes may go on for some open-ended period of time. Despite a pledge not to place American boots on the ground, more American military personnel have been deployed to Iraq as advisers and are on the ground there now.

In order to clarify what is at stake and set out a path forward, many of my colleagues and I have called for the President to bring before Congress and the Nation a clear plan for defeating ISIL. I am gratified that the President will address the Nation on this topic tomorrow night.

I am supportive generally of the limited and prudent steps taken thus far, while Congress was in recess, to slow ISIL's momentum. I expect to hear a comprehensive strategy tomorrow.

I support the strong U.S. diplomatic push that has forced Iraqi government formation, and I am pleased with Iraqi political developments to form a unity government. Now Iraqi leaders must govern inclusively.

I am especially heartened by reports that the administration has worked to find a number of nations willing to partner with America to deal with the ISIL threat, including nations in the region. The United States cannot be a

police force for a region unwilling to police itself. The United States should not bear the sole burden of defeating a terrorist organization that poses a more imminent threat to many other nations than the threat it does to America.

I look forward to the President's address, and I am confident that a well-thought-out plan against ISIL will compel the support of the Nation and of Congress.

We are a nation of laws but also of values. I rise today particularly to urge the President to not just inform us of what he plans to do but to follow the Constitution and to seek congressional approval to defeat ISIL. I do so for two reasons.

First, I don't believe the President has the authority to go on the offense and wage an open-ended war on ISIL without congressional approval; and, second, in making the momentous decision to authorize military action, we owe it to our troops who risk their lives to do our collective jobs and reach a consensus supporting the military mission they are ordered to complete.

Let me first deal with the legal issue. The Constitution is clear. It is the job of Congress, not the President, to declare war. Some parts of the Constitution frankly are vague and open to interpretation: What is due process? What is cruel and unusual punishment? Some parts of the Constitution are clear and specific: You have to be 35 years old to be President of the United States. The power to declare war is a clear and specific power. It is an enumerated power of Congress in article I.

The clear wording of the Constitution is additionally illuminated by writings of the principal drafter, the Virginian James Madison. In a letter to Thomas Jefferson after the Constitution was ratified, Madison explained the war powers clause in article I:

Our Constitution supposes what the history of all governments demonstrates—that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care vested the question of war in the Legislature.

So a President must seek congressional approval for significant military action. As Commander in Chief, a President can always take steps to defend America from imminent threats. The Framers understood this. But even in those instances, they intended that the President return to Congress to seek ratification of such actions.

If we take the Constitution seriously, as we pledge to do when we take our oaths of office, we must follow the command that the President must come to Congress to initiate major military action.

During a congressional recess, President Obama began a new military action against ISIL. He has indicated that the military action may continue for an extended period of time. He has stated that the action is evolving from

a narrow effort to protect Americans from imminent threat to a campaign to go on offense in order to degrade the ability of ISIL to cause harm. This is precisely the kind of situation that calls for congressional action and approval.

Some have asserted that the administration need not seek congressional approval for an extended campaign of air strikes. Humbly and respectfully, I deeply disagree with that assertion. The President's article II power allows him to defend America from imminent threat, but it does not allow him the ability to wage an offensive war without Congress. The 2001 Authorization for Use of Military Force, crafted by President Bush and Congress in the days after the 9/11 attacks, limits the President's power to actions against the perpetrators of those attacks. ISIL was not a 9/11 perpetrator. It didn't form until 2003.

President Bush sought a broader AUMF at that time to allow action against terrorist groups posing a threat to the United States. Had Congress granted such a power, the war against ISIL would have been covered by that AUMF. But Congress explicitly rejected giving the President power to wage preemptive war against unnamed terrorist organizations without additional congressional approval. Any attempt to justify action against ISIL by reference to the 2001 AUMF would fly directly in the face of the clear congressional action rejecting the preemptive war doctrine.

Congress passed a second AUMF in 2002 to allow military action to topple the Iraqi regime of Saddam Hussein. That task was completed long ago. American troops left Iraq in 2011, and the administration has testified recently before the Senate that the Iraq AUMF is now obsolete and should be repealed. It provides no support for military action against ISIL. There is no treaty of collective defense ratified by Congress that would justify the President commencing military action against ISIL. The Iraqi Government has asked for our help, which solves international law sovereignty questions, but that request does not create its own domestic legal justification.

Finally, the 1973 War Powers Resolution creates a set of timing rules for Presidential action and congressional response in matters of war. The resolution has been widely viewed as unconstitutional for a variety of reasons. But even accepting its validity—and the President, like most, almost certainly does not accept its 60-day limitation on his article II powers—it does not change the basic constitutional framework vesting the declaration of war in the legislative branch.

I believe a reluctance to engage Congress on this mission against ISIL is less due to any legal analysis supporting broad executive power than to a general attitude, held by all Presidents, that coming to Congress on a