

GOVERNMENT REGULATIONS

Mr. REID. Madam President, it is impossible to open a newspaper or watch cable news these days without hearing my Republican colleagues talk about the evils of “job-killing regulations.” Each day, they arrive on the Senate floor to rail against the safeguards that keep our water clean, our air fresh, and our mines safe. According to the GOP, these safeguards are actually the source of all this Nation’s economic woes—these terrible, horrible, time-consuming government regulations that hinder the economic progress of America.

Republicans will have you believe that these commonsense rules that check the greed of Wall Street banks, keep huge corporations honest, and stop Big Oil’s unnecessary risk-taking are also causing small businesses great harm. Indeed, that would be a terrible thing if that were true. And it isn’t.

While it is proper to guard against and remove onerous regulations—and we need to do that—my Republican friends have yet to produce a single shred of evidence that the regulations they hate so much do the broad economic harms they claim. That is because there isn’t any.

Conversely, there is plenty of evidence to prove those regulations save lives, prevent asthma attacks, and ensure that mom-and-pops face a fair fight against these multinational corporations and moneyed interest groups. There is plenty of evidence to prove that disasters such as the BP oil spill and the financial crisis of 2008 could have been prevented by better, stronger government watchdog regulations.

But Republicans aren’t relying on evidence as they propagate the myth of the job-killing regulations; they are relying on repetition. There are many people, but let’s just take one—Bruce Bartlett, an adviser to President Ronald Reagan, a Treasury official under President George H.W. Bush, and a trusted conservative voice on economics. I had many to choose from, but I chose this one to talk a little bit about today. He offered a number of strong words on the regulation monster under big business’s bed:

No hard evidence is offered for this claim: It is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber . . . In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

Listen to what he said again because it is worth repeating.

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case of political opportunism, not a serious effort to deal with high unemployment.

But why use regulations proven to protect the health of every mom, dad, man, woman, and child in this Nation as a scapegoat? What are the origins of this myth?

I believe, as Bartlett does, that Republicans are attacking regulation because they don’t have a plan to create jobs and turn our economy around—no plan. While Democrats have been pushing time-tested remedies for a flagging economy, such as infrastructure investments or middle-class tax cuts, Republican colleagues have been peddling a cure-all tonic of deregulation.

Bartlett says:

People are increasingly concerned about unemployment, but Republicans have nothing to offer them.

They have offered up the spectre of overreaching government regulation to distract from the fact that they haven’t offered a single idea for how to put America back to work. They use the argument to justify rolling back everything from clean air and water safeguards to Wall Street and health insurance industry reforms. We voted on a number of those last week.

What is more, they spread the tall tale that removing these regulations and letting big business do exactly as it pleases will not only prevent job losses but actually create new jobs. Bartlett called that logical leap “nonsense. It’s just made up.”

So let’s talk fact, not fiction. According to the Bureau of Labor Statistics, which asked executives why they downsized, only a tiny, tiny fraction of layoffs had anything to do with tighter regulation. Last year, only three-tenths of 1 percent of people who lost their jobs were let go principally because of government regulations or government intervention. On the other hand, 25 percent of them were laid off because of no business, lack of business. In a recent survey by the Small Business Majority, only 13 percent of small businesses cited regulation as their biggest concern. Half said economic uncertainty was the greatest challenge they had.

That is why Democrats have been offering real solutions to our job crisis and policies that help small firms hire, grow, and thrive again. The truth is, we have enough to worry about in these tough economic times. We can’t allow the myth to distract us from the real crisis of high unemployment facing this great Nation.

RECOGNITION OF THE MINORITY LEADER

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

CONSIDERING HOUSE-PASSED LEGISLATION

Mr. MCCONNELL. Madam President, over the past few weeks I have high-

lighted some of the good work Republicans in the House are doing in identifying jobs legislation that Members of both parties can agree on, and I have suggested that the Democratic majority here in the Senate follow the lead of House Republicans and take up bipartisan legislation that has already passed in the House and pass it here in the Senate. The American people want us to do something about jobs. They want us to work together. Here is the formula. Let’s apply it.

We made some progress last week with the Veterans bill and the 3-percent withholding bill, but there is a lot more we could do. The House has now passed more than 20 pieces of jobs legislation, many of which have companion bills that are ready to go here in the Senate. I outlined some of them last week. Why don’t we take them up?

Let’s acknowledge the fact that we live in a two-party system and that if we are going to make progress, we need to do it on a bipartisan basis. That means doing precisely what Republicans in the House have been doing for the past year—finding areas where the two parties can actually agree and passing bills that reflect those areas of agreement. That is how legislation works. It is easy to push partisan legislation and then complain, when it doesn’t go anywhere, that the other party is intransigent. The more difficult job and the one we were sent here to do is to work together to find solutions, to accomplish more than fodder for campaign ads and bus tours.

This morning, I would like to call on our Democratic friends again to take up these bipartisan House-passed bills. One of these bills, for example, makes it easier for businesses to raise the capital they need to expand and to create jobs. Senators TESTER and TOOMEY have companion legislation right here in the Senate.

Another one increases the number of shareholders who are allowed to invest in a community bank before that bank is required to shoulder costly new burdens from the SEC.

Senators HUTCHISON and PRYOR have companion legislation to this bill in the Senate. Senators TOOMEY and CARPER have a bill that would expand it, by applying it to businesses other than banks. Let’s take them both up and let’s pass them.

Two other bipartisan House-passed bills give small businesses a new avenue to raise capital and small investors a new opportunity to invest in them by allowing small businesses to raise money over the Internet and through social media without having to shoulder the same kind of regulatory obstacles as big businesses.

We all know access to capital is one of the key ingredients to economic growth. Here is a way to make it easier for folks to get capital that also creates new avenues for the little guy to invest—and to start hiring. Senators THUNE and SCOTT BROWN have companion bills in the Senate. Why don’t we take them up and pass them?

This is the kind of approach we should be taking in the Senate, putting aside these great big partisan bills that Democrats know have bipartisan opposition and focusing on smaller proposals that can actually pass. On their own, these bills will not solve the jobs crisis. Frankly, no piece of legislation can, large or small—but they will help, and they make it easier for businesses to start hiring.

They will show the American people something they do not believe we do enough of around here; that is, to work together on their behalf. This is how divided government works, through real cooperation and a search for common ground and solutions. This is what Republicans on the joint committee have been trying to do for the past several weeks. It is what House Republicans have been doing all year.

I say let's take up these bills and pass them and then send them on down to the President for signature. The administration supports many of these House-passed bills. Democrats in the House strongly support many of them and Republicans support them overwhelmingly. So let's do it. Let's build on the momentum we have from last week after passing the 3-percent withholding and the veterans bill, and let's show the American people we have hit upon a formula for legislative success around here.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Maryland.

CHAINED CPI

Ms. MIKULSKI. Madam President, I wish to address one of the most important issues facing the supercommittee; that is: Where does Social Security fit into their plans? The Chair knows because she is very close to the people of New Hampshire, she knows all over her great State, and mine in Maryland, people are getting ready for Thanksgiving. As they get ready, they first of all give gratitude for living in the United States of America, the land of the free and the brave. But they are also wondering what kind of country are we living in right now because the Chair and I know they are worried about paying their bills. As they get

ready for their holiday dinner and the family gathering and all the wonderful traditions that go into this very special holiday they are saying: Where are we? Have we lost our way? Are we so mired in partisanship we cannot seem to find a path forward?

They think we are the turkeys. They want us to stuff it. They want us to get on and start worrying about the table, worry about their kitchen table, and bring everybody to the table here and begin to solve national problems and to do it in a way that brings the country together. What do they want us to do? While maybe at the kitchen table the children will argue over who gets the wishbone, they want us to have backbone to make the tough decisions that these times call for but not to be tough on one another.

As I think about this, I think about Social Security. We say everything should be on the table. I think everything should be on the table that caused our deficit. I think everything should be on the table that caused our debt. Social Security did not cause our debt. Social Security did not cause our deficit. Do we need to take a look at Social Security to ensure its safety and solvency for the rest of the century—or certainly well beyond 2050 or 2070? Absolutely. But I say this: While the supercommittee is charged with looking at a more frugal government, we must maintain the social contract. The social contract in the United States of America is the contract that the U.S. Government made with its people. It said, if a person went by the rules and they paid their dues, *à la* the payroll tax, there will be a benefit for them. It will be a defined benefit. It is called Social Security. It will be undeniable, it will be reliable, and it will be inflation-proof.

Every President has agreed there is a social contract. Every President has taken a look at how to provide for that. Some ways we have agreed with, some we have disagreed with. Where we agreed was the great, wonderful way we worked in the 1980s when Social Security was facing challenges and President Reagan reached out to Tip O'Neil, Bob Dole, Bob Byrd, Howard Baker, and we made Social Security solvent for 30 or 40 years. We did the same under President Bill Clinton.

President George Bush, the No. 2 Bush, "W," wanted to privatize Social Security. We stopped that. We do not believe in the privatization of Social Security. We did not want to turn Social Security over to Wall Street. We believed Wall Street got enough, they didn't have to get Social Security. If a person were older or sick, we didn't want them to rely on the bull of political promises or the bear of a market.

Social Security affects so many people. There are 50 million Americans who rely on Social Security: retired workers, their spouses, people with disabilities. For two-thirds of the people on Social Security, their benefit is between \$14,000 and \$15,000 a year. It

makes up all or more than half their income. In my own State, 500,000 workers are on Social Security, so protecting the social contract is clearly in our national interest.

What brings me to the floor today? Two things. No. 1, I don't think Social Security should be in the debate about how to reduce our debt or our deficit. I do think Social Security should be discussed in a rational, calm, nonpartisan way to ensure safety and solvency and reliability.

The other issue that brings me to the floor is how do we put our arms around the cost-of-living problem? It is indeed vexing. How do we meet the needs of the people but not exacerbate the drawdown in the trust fund? These are valid conversations. Wise people should talk about it. But one thing I am opposed to is called the chained CPI—isn't that a terrible word, "chained" CPI? In our country, the very word "chains" has such a negative connotation.

What I worry about is that its Draconian effect will have a chain reaction on seniors that will cause a tremendous crash. I am concerned we are about to shred the social contract. Let me tell you what the chained CPI is. It would actually cut Social Security by over \$100 billion over the next 10 years. It does it by changing the cost of living as calculated. It is based on a theory. It is based on social engineering, some kind of abstract concepts about human behavior, that invisible hand that Adam Smith talks about. I worry that this invisible hand will actually pinch Social Security. It assumes consumers will substitute lower cost items for what they normally purchase; that is, if the price of apples increases, they will go buy oranges. I am afraid what we are doing is we are going to buy lemons.

The chained CPI is inappropriate because actually seniors have a fixed market basket. They not only have a fixed income, but they have a fixed market basket. Their primary expenditure is health care, over which they have little control. The cost of health care continues to rise. Their next one is energy, then food, and then housing. For seniors, this is not like giving up opera tickets for movie tickets. It is not like giving up a latte for Dunkin' Donuts. For them, it is not giving up Whole Foods, it is having no food. We have to get real about the market basket of seniors.

I wish to make three points about the myths. No. 1, the chained CPI is not a technical fix. Despite popular notions, op-eds, editorial boards, it is not just a technical corrective. It would actually fundamentally restructure Social Security. It could very well have a chain reaction, pushing old people into poverty. Under the way the CPI is calculated, if a person is now getting \$15,000 a year when they are 65, when they are 75, they will have \$5,000 less, and if they live to 85, it will be reduced by \$1,000.