

My colleagues on the other side of the aisle have come to the floor arguing that a study would simply delay repeal of 1099; that further studying this risky offset would prolong the 1099 issue; that if we just passed the amendment without protecting small businesses, this bill can go right to the President. Well, we have actually passed 1099 repeal already and shown we have the votes necessary to make this become law. It is not going to the President to become law in this bill because this bill hasn't even cleared the House.

At the same time, I have heard no mention of what this offset could do to small businesses and their health care costs—not one word. I did hear that further studying the impacts it may have on small businesses would only delay repeal of 1099. A simple read of my amendment would be enough to know that is incorrect. My amendment directs a study to be done after—after—repeal of 1099 is signed into law. Let me make it clear. Nothing in my amendment slows down repeal of 1099.

My colleagues on the other side of the aisle are also trying to frame this debate as either you are for or against small businesses. But they are helping and harming them at the same time with the Johans amendment. With this second-degree amendment, we can have a conversation about helping small businesses and ensuring that small business employees will not get hurt at the end of the day.

Now, we haven't had the Joint Tax Committee determine a revenue score as yet, but it is important to point out that this amendment does not spend—does not spend—an additional dime. It simply protects small businesses from higher health care costs and coverage cuts.

If there is any revenue score associated with it, that would only be due to the study finding that this offset drives up health care costs or drives down health coverage for small businesses. Would we not want to know that?

We are all here supposedly arguing to try to enhance the opportunity for small businesses to have less burdens, to be able to grow, to be able to prosper, to be able to create jobs. Well, we certainly would want to know—we certainly would want to know whether this offset drives up health care costs associated with small businesses or drives down the health care coverage for small businesses.

Why is anyone afraid of that? Why is anyone fearful of that? So to those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses, there is no harm in voting for it because you believe the study will not show premium increases or coverage cuts. So the offset would remain in place. If you believe my amendment would have a revenue score, then you are assuming the offset hurts small businesses. It is one way or the other, not a gray area.

The idea of protecting small businesses in this manner has precedent. I have a history working across the aisle to support small businesses, including cosponsoring a Republican amendment to the Wall Street reform bill which requires regulators to ensure new rules do not harm small businesses. We thought it was a good idea then to protect small businesses in the event new rules might unfairly impact them. I strongly believe we should come together now to protect small businesses if this risky offset drives up health care costs on small businesses or forces cuts in their coverage.

I would just simply ask, who in the world, especially during these fragile economic times, would want to do anything that could raise costs on small businesses? Let's protect them and the 1099 repeal by supporting my second-degree amendment.

Now, I listened to my colleague from Nebraska with whom I have worked on some bipartisan efforts on housing for the disabled. We get along very well. I respect him, and actually I supported 1099 repeal as one of the 20 Democrats who voted for his amendment in November and other issues such as housing for the disabled. So it is with some regret that we find ourselves in a different view.

There have been questions raised about the sincerity of our opposition to the manner in which the offset is included in the Senator's amendment. The Senator from Nebraska says an almost identical offset was passed unanimously by the Senate just 4 months ago. I think our definitions of "almost identical" are very different.

Yes, it is true we made changes in the payback tax to pay for the doc fix in December, but that provision was very different from the one we are debating today. The one today, unlike before, removes protections we included in December in the doc fix to protect families from unlimited tax liability which could be as high as \$12,000. I mean, you are talking about taxing these families, through no fault of their own. What family of three making \$74,000 annually, gross, can afford an unexpected \$12,000 tax bill in April? I cannot think of many. But that is exactly what could happen under the Senator's amendment.

That was not the case—not the case—in the provision that was enacted at the end of last year in the doc fix. We provided a phaseout that would have avoided this clip and thus tax shock on middle-class families.

The Senator from Nebraska also said my second-degree amendment was just a delay tactic. That simply is not true. I and 80 of my colleagues have already passed 1099 repeal in the Senate this year. So to question our support for 1099 repeal would be misleading.

My understanding is that the Johans proposal is an amendment to the small business bill we are debating, which has not passed the House. So this amendment we are debating today

would not go directly to the President for his signature. It still needs to go through the whole process of the House. We are not delaying anything in that regard.

Finally, the only way there would be any revenue shortfall—I say to those who would make the assertion that our amendment creates a revenue shortfall, well, then, what you have to be saying, if you make that statement, is you believe the savings from the Johans offset comes from increasing premiums and reducing coverage on those who earn it through making our Nation's small businesses run. That is not a proposition I think they want to assert.

So I will come back to the floor later to offer this second-degree amendment. And because it works to both repeal 1099 and ensure there is not a tax on our small businesses and small business employees or a diminution of health care coverage, I am sure we will get the support of our colleagues.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### SBIR/STTR REAUTHORIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johans) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut \$200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask the Chair—I know we are discussing the bill. But do we have a time constraint? I understand that at 12 o'clock there may be some additional commentary.

The PRESIDING OFFICER. There is no formal time constraints at this time.

Ms. LANDRIEU. Let me try to recap for just a moment because it is my understanding there may be some colleagues coming down to the Senate floor around 12 o'clock to pay tribute to an extraordinary woman and extraordinary American, Geraldine Ferraro, whom we lost this week. I most certainly want to be respectful to the Members who are coming to the floor to pay tribute to our former colleague and an extraordinary leader. But let me remind colleagues we are still trying to get to this bill, an important bill for the country, an important bill to help put this recession in our rearview mirror, an important bill that gives us yet one more very carefully crafted tool to help create jobs on Main Street, in rural areas, in suburban areas, and in urban areas all across this country; that is, the 8-year reauthorization of the Small Business Innovation and Research Program and Small Business Technology Transfer Program.

This program is approximately 20 years old, first passed by Senator Warren Rudman, when a report found its way to Congress that said, alarmingly, agencies of the Federal Government, whether it was the Department of Defense or NASA or NIH, were not accessing the power and the technology of the small business community; that when they went out to do research they were just looking at research offered by either just universities and we are very proud of the work that our universities do, but they were looking at large businesses. What did GE have to offer? What did IBM have to offer?

It occurred to many Members of Congress at that time that there was a tremendous amount of brain power and agility and quickness and cutting-edge, innovative technologies resting in the minds and hearts and dreams of entrepreneurs and small businesses in America the taxpayers were not benefiting from.

As you can imagine, people might think of all this technology coming out of New York or California. They might skip over a place such as Montana where the Presiding Officer is from or Louisiana where this Senator is from. So there were some very wise Members who said: Let's create a program that will direct at least a portion of the research and development funding of

these large agencies so small businesses can compete.

Now, these are grants not given out by formula or on a first-come/first-served basis. These grants and contracts are given out based on merit, about what looks promising, about potential, and about what the taxpayers need in terms of dealing with problems.

One thing that comes immediately to mind is the terrible tragedy unfolding in Japan as we speak with the potential meltdown, the process of a nuclear reactor melting down. Some of the technology being deployed to that situation, which is technology developed in the field of robotics, was developed, a portion of it, through this SBIR Program. So that makes very relevant the debate that we are having on the floor today.

When people go home and now are turning on their televisions or listening to their radios or over the Internet following those unfolding dramatic developments in Japan, they know that one of the companies that has been deployed and some of the material from the United States actually was developed through this program. So that is just one of a thousand examples that Senator SNOWE and I have provided in terms of testimony before the Small Business Committee to the CONGRESSIONAL RECORD, and in our numerous speeches on the floor to talk about the importance of this program.

I would like, as the manager of this bill—I am not sure it is going to be possible, but I would most certainly like to have this bill voted on and passed by the end of this week. I am not sure the leadership has decided that is something that is possible. But I would like to send a strong bill over to the House—hopefully, a bill that does not have amendments on it that would warrant a Presidential threat of a veto—and get this bill passed through the House and then passed on to the President so he can sign it and send a very positive signal for his agenda and all of our agendas for innovation—having America be the best educated, the best competitors in the world in terms of the economy, and giving our small businesses yet another tool.

We have worked on reducing the abuses in the credit card industry. We have worked on capital access through a new lending program. We have reduced fees, reduced taxes to the tune of \$12 billion to our small businesses throughout the country in the last Congress. We want to continue to work on lowering taxes where we can, eliminating regulations and supporting programs like this that work.

Let's eliminate or modify those programs that are not working, and let's step up our support and reauthorize the programs that are. The assessments done and the reviews of this program by the independent researchers have been very positive across the board and outstanding.

Senator SNOWE and I have taken into consideration those many reports in

the drafting of this bill and made some changes to the program so that as it moves forward for the 8 years it will even be better.

One of my key goals and objectives is to make sure States such as Louisiana or Mississippi or Montana or Wyoming, States that have not previously been awarded many of these grants, know we have stepped up some technical assistance and help so we can find the best technology in this country to apply to some of our most pressing problems, regardless of whether they are in the big cities and big places such as New York, Los Angeles, CA. But we need our entrepreneurs around the country to benefit by a program that they have access to as well.

So I am pleased that we can get back on the small business innovation and research bill and small business technology transfer bill. Senator SNOWE and I will be coming to the floor periodically during the day to continue to move this bill along.

I see my colleague, the Senator from Maryland, who is scheduled to speak in just a few minutes. So at this time I will yield the floor. Again, I hope, and I thank our colleagues for their cooperative nature that they have been working in in terms of trying to get our bill passed that will be so important to so many people in all of our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### REMEMBERING GERALDINE FERRARO

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for 5 minutes each on the subject of Geraldine Ferraro: Senators BOXER, HUTCHISON, STABENOW, SHAHEEN, SNOWE.

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

Ms. MIKULSKI. We come to the floor with a heavy heart and great sadness. Geraldine Ferraro, a former Member of the House of Representatives, a Congresswoman from New York who was the first woman to be nominated by a major party for Vice President, has lost her gallant and persistent fight against cancer and has passed away.

I thank the leadership for offering the resolution noting the many contributions she made to America and to express condolences to her family.

For we women, before 1960, Gerry was a force of nature, a powerhouse. She changed American politics. She changed the way women thought of themselves and what we believed we could accomplish.

On July 11, 1984, when Walter Mondale called Gerry Ferraro and asked her to be his Vice Presidential running mate, an amazing thing happened. They took down the "men only" sign on the White House. For Gerry and all American women, there was no turning back, only going forward.