

[Rollcall Vote No. 64 Ex.]

YEAS—91

Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Begich	Heller	Portman
Bingaman	Hoeben	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lugar	Toomey
Conrad	Manchin	Udall (CO)
Coons	McCaïn	Udall (NM)
Corker	McCaskill	Warner
Cornyn	McConnell	Webb
Crapo	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	
Gillibrand	Murkowski	

NAYS—3

DeMint	Lee	Vitter
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NOT VOTING—6

Akaka	Enzi	Kirk
Bennet	Hatch	Lieberman

The nomination was confirmed. The PRESIDING OFFICER (Mrs. HAGAN). Under the previous order, the motion to reconsider is made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

IMPOSING A MINIMUM EFFECTIVE RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent there be 2 minutes equally divided prior to the cloture vote on the motion to proceed.

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, many Americans sat down last week to prepare their taxes, knowing from Warren Buffett and others that the highest income Americans very often are paying a lower tax rate than they have to. The 400 highest income Americans, the most recent data shows, paid an all-in tax rate of 18.2 percent, on average. Some paid a lot less. One year Warren Buffett paid an 11-percent tax rate.

Reuters reported today that about 65 percent of taxpayers who earn more than \$1 million face a lower tax rate than the median tax rate for moderate-income earners making \$100,000 or less a year. This bill will raise between \$47 and \$162 billion that could go for deficit

reduction or hundreds of thousands of infrastructure jobs or to keep student interest rates at 3.4 percent and end the absurd inequity in our Tax Code that lets a hedge fund billionaire pay a lower tax rate than a Rhode Island truckdriver. I hope my colleagues will vote yes.

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

The Senator from Arizona.

Mr. KYL. Madam President, everyone knows this is not going to pass. This is a political exercise. I urge my colleagues to vote no. The fact is on average the people in the upper two brackets pay more than twice as much in their income tax rates as the people we call the middle-class taxpayers.

So the basis, the factual basis upon which this is allegedly founded is incorrect. The truth is this legislation will do nothing with regard to job creation, with regard to gas prices, with regard to economic recovery, or any of the other matters the American people care about. As a result, to focus attention on something like this is to try to draw attention away from the issues about which the American people are most concerned.

I urge my colleagues to vote no.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 339, S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

Harry Reid, Sheldon Whitehouse, John D. Rockefeller IV, Barbara Boxer, Patrick J. Leahy, Jeff Bingaman, Richard J. Durbin, Daniel K. Akaka, Al Franken, Jack Reed, Mark Begich, Sherrod Brown, Carl Levin, Richard Blumenthal, Bernard Sanders, Debbie Stabenow, Charles E. Schumer, Patty Murray.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 45, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—51

Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—45

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Heller	Portman
Boozman	Hoeben	Pryor
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCaïn	Vitter
DeMint	McConnell	Wicker

NOT VOTING—4

Akaka	Kirk
Hatch	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LIEBERMAN. Mr. President, I know there are many who dismiss the President's proposal of the so-called Buffett rule as an election year tactic which has no chance of being enacted. But, for me, it must be taken as a serious proposal because it touches important economic principles at a very difficult economic time for our country. Although I was unable to be present for this afternoon's vote, I would have voted against the motion to proceed to the Paying a Fair Share Act of 2012, S. 2230, and I want to explain why.

I am not opposed to the Buffett rule because I am opposed to raising income taxes on the wealthiest Americans. I am opposed to the Buffett rule because it would double to 30 percent the capital gains tax on one group of investors and therefore reduce exactly the kind of capital investments we need to get our economy growing again and create jobs. To protect America from being drowned in public debt we will eventually have to raise revenues, hopefully through broad tax reform, and, of course, we will also have to cut expenditures, particularly the rate of increased spending on so-called entitlement programs. But that is different from the question of how to tax gains on capital investments. I have long believed in the value of having a lower tax on capital gains than on regular income because capital investments are