FISCAL RESPONSIBILITY

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the budget proposed by Congressman PAUL RYAN, which has been approved twice by the House of Representatives.

The Ryan budget, which is purported to be a measure of fiscal responsibility, is in fact an attempt to rewrite the social contract in this country while at the same time adding to the national debt.

Let me explain. There are four major components of the Ryan budget.

The first is another round of tax cuts for the wealthy. According to the nonpartisan Tax Policy Center, the Ryan tax plan would add an additional $4.5 trillion to the Nation's debt. That is on top of the staggering cost of the Bush tax cuts.

Second, the Ryan budget would virtually eliminate spending on domestic programs, imposing debilitating funding cuts for education, air quality, roads, bridges, railways, national parks, first responder programs and a host of other vital national interests.

Third, this budget ends Medicare as we know it and converts Medicaid into a block-grant program with capped funds. The Ryan budget endangers our two most vital sources of health care services for seniors, the poor and those with disabilities.

Finally, the budget repeals the health reform law, reducing the solvency of Medicare and eliminating critical consumer protections.

The tax proposal in the Ryan budget is especially troubling. According to the Tax Policy Center, the Ryan budget would mean a tax windfall of $265,000 a year for millionaires.

At the same time, the middle class and working poor would see few if any benefits.

The Ryan tax plan is very similar to that of Mitt Romney. Both plans would substantially reduce tax rates on the wealthy, and both are supposedly paid for by closing unspecified tax loopholes.

The Tax Policy Center has already analyzed Mitt Romney's plan. In order to substantially lower tax rates and remain revenue neutral, the Romney plan would have to eliminate so many tax credits and deductions that it would actually raise taxes on the middle class.

To make matters worse, the Ryan budget does not stand up to scrutiny. This is a question of basic arithmetic.

How do you reduce the national debt while at the same time handing massive tax cuts to the wealthy? Congressman RYAN already took one option off the table—reducing the Defense Department budget. In fact, his budget proposes to spend even more money on defense, money the Pentagon does not even want.

That leaves deeper cuts to domestic programs and entitlement spending as the only remaining options. And it is important to note that Congressman RYAN refuses to specify what those cuts would be—because they would be so painful to so many Americans.

Medicare in particular would be savaged by the Ryan budget.

Beginning in 2023, his budget ends the traditional guaranteed benefits structure of Medicare, instead offering vouchers to purchase either a private health insurance plan or traditional Medicare.

According to the Congressional Budget Office, that means new Medicare beneficiaries would pay $1,200 more out of pocket by 2030 and $5,900 more by 2050. Experts say the Ryan budget would also likely lead to reduced access to health care and diminished quality of care for beneficiaries.

Essentially, seniors would be forced to purchase more expensive care with less.

Consider that in 2010, half of all Medicare beneficiaries had incomes of less than $21,000 and you can see why this proposal is so dangerous.

The Center for American Progress estimates that if the Ryan budget were to pass, someone who is 54 years old today would face increased costs of $59,450 during retirement. Someone who is 29 years old today would spend $331,000 more over the course of their retirement.

I would also note that the Ryan budget includes $700 billion in Medicare savings the exact same amount that was included in the health reform law he seeks to repeal.

The difference is that rather than applying those savings to lower costs and increased benefits for seniors, the Ryan budget diverts those savings to even more tax breaks for millionaires and billionaires.

Speaking of Congressman RYAN's desire to repeal health reform—his efforts to unwind that law, which has been upheld by the Supreme Court, would add tens of millions of Americans to the ranks of the uninsured, it would eliminate critical consumer protections, and it would hasten the insolvency of Medicare by 8 years.

House Republicans want to put insurance companies back in the driver's seat, able to charge higher rates based on gender and deny coverage to people with preexisting conditions. They would remove protections that guarantee children the right to health insurance.

American families would again be at risk for bankruptcy because of costly illnesses like cancer. More than 12 million Californians would once again face lifetime limits on their health coverage.

The budget would reopen the prescription drug ''doughnut hole,'' forcing 5.2 million seniors to once again dip into their pockets to cover the full cost of prescription drugs.

In California, 3.4 million seniors would be forced to pay more for preventive services, such as cancer screenings and mammograms, meaning fewer seniors would have access to these services.

Let me be clear: the health reform law extended the life of Medicare by 8 years. In addition to forcing seniors to pay more for services, the Ryan budget would place the Medicare Trust Fund on a track for insolvency by 2016.

Medicaid is another big loss in the Ryan budget. He would change Medicaid from a State-Federal match program to a block grant program, including dangerous funding caps. Millions more of the most at-risk Americans would become uninsured or underinsured because of this budget.

Medicaid spending would be slashed by $810 billion over 10 years, a 22 percent cut.

This would jeopardize health care for nearly 7.3 million Medi-Cal beneficiaries in California, many of whom would see reduced eligibility, coverage of fewer services and increased out-of-pocket expenses.

Low-income pregnant women who depend on Medicaid could be dropped from the program, a threat to health of both mother and baby.

Let me be candid: The Ryan budget is just another salvo in the war against the middle class and working poor.

It would mean more tax cuts for the wealthy at the expense of investments in our future, it would lead to greater numbers of uninsured and it would demolish some of the most vital safety net programs in the Nation.

Let's set aside the politics and get to work on real solutions for the country.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

RECOGNIZING THE CONGRESSIONAL MANAGEMENT FOUNDATION

Mr. REID. Mr. President, I stand before you today to congratulate the Congressional Management Foundation on its 35th anniversary of service to Capitol Hill. Founded in 1977, CMF is a non-profit, nonpartisan organization dedicated to improving management practices within the Halls of Congress, as well as facilitating better communication between legislators and their constituents. By improving congressional operations, providing institutional research, and educating Americans on how Congress actually works, the Congressional Management Foundation has been a valuable contributor to building trust and effectiveness in Congress.

The Congressional Management Foundation strives to help legislators get off on the right foot even before they are sworn into office. Within 5 days after election day, all incoming freshmen receive a copy of ''Setting Course'' and ''The 90-Day Road Map''—

two experience-driven publications produced by CMF that provide new House Members, Senators, and their staff a detailed outline for setting up and running an effective office. ''Keeping it Local'' stresses the importance of maintaining a strong presence in district offices and the value of effective constituent outreach and interaction at the local level. These publications are time-tested, indispensable resources that provide our leaders with the appropriate tools they need to overcome the challenges of lawmaking on the national stage.

In the past decade, CMF has adapted its mission to keep up with the rapid introduction of new technology on Capitol Hill. Recently CMF has offered guidance on how to design effective and accessible Web sites, culminating in CMF's Gold Mouse Awards for the best congressional Web sites. CMF has helped Senators significantly improve their online operations, resulting in more transparency and accountability in government. Because of CMF's research and guidance in Web sites and online communications, Americans have a better understanding of the Congress and better access to necessary services.

Finally, I wish to congratulate CMF on focusing on improving the Congress in a nonpartisan way. There are only a few places left in Washington where those of us who are in public service can gather and truly engage in problem solving. I congratulate the Congressional Management Foundation on more than three decades of outstanding work and wish them success in all of their future endeavors.

TRIBUTE TO STEPHEN J. CLOOBECK

Mr. REID. Mr President, I rise to honor my friend Steve Cloobeck of Las Vegas, the chairman of the board for Brand USA. This month, Steve will step down from the board after 2 years of working tirelessly to build Brand USA from the ground up.

Over the past decades, the United States lost valuable tourism dollars as international visitors traveled to other destinations instead of the U.S. In part, the United States lost market share because we failed to promote tourism, while other countries invested in tourism promotion. To encourage tourists to visit the U.S., I worked for the passage of the Travel Promotion Act. This bipartisan legislation established the first-ever United States public-private initiative to promote tourism. The new organization would help attract millions of international visitors by advertising our Nation abroad—all at no cost to the taxpayers.

If this new organization, Brand USA, was going to be successful, it would need a strong leader with a bold vision to promote tourism. Fortunately, we found that leader in Steve Cloobeck. From the moment he joined the board, Steve established aggressive timelines for setting up the new organization. He helped draft the organization's strategic platform and goals, while ensuring that operations continued on schedule.

Steve was also actively engaged in building partnerships with the private sector. Because of his business relationships in the tourism industry, Steve received many large commitments and contributions from companies in Nevada and across the Nation. With a slate of committed partners from Marriott to Best Western to Disney, Brand USA will raise more than $50 million from the private sector this year alone.

Under the direction of Steve and the board, Brand USA unveiled their new advertising campaign. Featuring a song by Rosanne Cash, these ads showcase America as a ''Land of Dreams'' where anything is possible. These advertisements, which have been running in nine key international markets, have created a strong brand identity for the United States abroad.

Today, we can already see that Brand USA is making a difference. So far this year, international visitation to the U.S. has increased 12 percent and we are heading for a record-setting year. And most importantly, during these hard economic times, travel promotion is creating new, good-paying jobs as we welcome millions of new visitors to our Nation's world-class cities, national parks, and tourist attractions.

Under Chairman Cloobeck's leadership, Brand USA has been a tremendous success for our Nation and the travel industry. His enthusiasm and dedication have ensured that Brand USA is well positioned for the future. I am confident that Brand USA will be a critical asset to American tourism for years to come, and I am proud to join everyone at Brand USA and the travel industry in thanking Steve for his important contributions.

TANF

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the GAO opinion letter dated September 4, 2012, and the TANF Information Memorandum dated July 12, 2012.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC, September 4, 2012.

Hon. ORRIN HATCH,
Ranking Member, Committee on Finance, U.S. Senate.
Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives.

By letter of July 31, 2012, you asked whether an Information Memorandum issued by the Department of Health and Human Services (HHS) on July 12, 2012 concerning the Temporary Assistance for Needy Families (TANF) program constitutes a rule for the purposes of the Congressional Review Act (CRA). The CRA is intended to keep Congress informed of the rulemaking activities of federal agencies and provides that before a rule can take effect, the agency must submit the rule to each House of Congress and the Comptroller General. For the reasons discussed below, we conclude that the July 12, 2012 Information Memorandum is a rule under the CRA. Therefore, it must be submitted to Congress and the Comptroller General before taking effect.

BACKGROUND

The Temporary Assistance for Needy Families block grant, administered by the U.S. Department of Health and Human Services, provides federal funding to states for both traditional welfare cash assistance as well as a variety of other benefits and services to meet the needs of low-income families and children. While states have some flexibility in implementing and administering their state TANF programs, there are numerous federal requirements and guidelines that states must meet. For example, under section 402 of the Social Security Act, in order to be eligible to receive TANF funds, a state must submit to HHS a written plan outlining, among other things, how it will implement various aspects of its TANF program. More specifically, under section 402(a)(1)(A)(iii) of the Social Security Act, the written plan must outline how the state will ensure that TANF recipients engage in work activities. Under section 407 of the Social Security Act, states must also ensure that a specified percentage of their TANF recipients engage in work activities as defined by federal law.

In its July 12 Information Memorandum, HHS notified states of HHS' willingness to exercise its waiver authority under section 1115 of the Social Security Act. Under section 1115, HHS has the authority to waive compliance with the requirements of section 402 in the case of experimental, pilot, or demonstration projects which the Secretary determines are likely to assist in promoting the objectives of TANF. In its Information Memorandum, HHS asserted that it has the authority to waive the requirement in section 402(a)(1)(A)(iii) and authorize states to ''test approaches and methods other than those set forth in section 407,'' including definitions of work activities and the calculation of participation rates. HHS informed states that it would use this waiver authority to allow states to test various strategies, policies, and procedures designed to improve employment outcomes for needy families. The Information Memorandum sets forth requirements that must be met for a waiver request to be considered by HHS, including an evaluation plan, a set of performance measures that states will track to monitor ongoing performance and outcomes, and a budget including the costs of program evaluation. In addition, the Information Memorandum provides that states must seek public input on the proposal prior to approval by HHS.

ANALYSIS

The definition of ''rule'' in the CRA incorporates by reference the definition of ''rule'' in the Administrative Procedure Act (APA), with some exceptions. Therefore, our analysis of whether the July 12 Information Memorandum is a rule under the CRA involves determining whether it is rule under the APA and whether it falls within any of the exceptions contained in the CRA. The APA defines a rule as follows:

''[T]he whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of