

Johanns	Moran	Shelby
Johnson (WI)	Paul	Thune
Kyl	Portman	Toomey
Lee	Risch	Vitter
Lugar	Roberts	Wicker
McCain	Rubio	
McConnell	Sessions	

NOT VOTING—2

Inhofe Kirk

Mr. FRANKEN. On this vote, the yeas are 58 and the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Under the previous order, the cloture motions with respect to amendment No. 2789 and S. 3457 are withdrawn and the bill will be returned to the calendar.

The majority leader.

Mr. REID. Mr. President, I now move to withdraw my motion to proceed to Calendar No. 499.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2013

Mr. REID. Mr. President, I now move to proceed to Calendar No. 511, H.J. Res. 117, which is the continuing resolution.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows.

A resolution (H.J. Res. 117) making continuing appropriations for fiscal year 2013, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I am momentarily going to send to the desk a cloture motion that I will ask be reported. But prior to that, I am filing cloture. What a shame. Why would we have to file cloture on the continuing resolution? It is absurd. But I will go through the process and do it. I think it is just such a shame.

I have a cloture motion at the desk, and I ask that it be reported.

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, do hereby move to bring to a close debate on the motion to proceed to calendar No. 511, H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Harry Reid, Daniel K. Inouye, Patty Murray, Bernard Sanders, Jeanne Shaheen, Richard J. Durbin, Sheldon Whitehouse, Debbie Stabenow, Ron Wyden, Max Baucus, Mark Pryor, Christopher A. Coons, Jon Tester, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Barbara Boxer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

Mr. REID. Mr. President, per our previous consent agreement which is now before the Senate, we will have the cloture vote after the caucus lunches, at 2:15 p.m. today.

RECESS

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

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. SANDERS).

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2013

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative 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, do hereby move to bring to a close debate on the motion to proceed to calendar No. 511, H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Harry Reid, Daniel K. Inouye, Patty Murray, Bernard Sanders, Jeanne Shaheen, Richard J. Durbin, Sheldon Whitehouse, Debbie Stabenow, Ron Wyden, Max Baucus, Mark Pryor, Christopher A. Coons, Jon Tester, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Barbara Boxer.

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 H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE,) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted: "yea."

The yeas and nays resulted—yeas 76, nays 22, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—76

Akaka	Brown (MA)	Conrad
Alexander	Brown (OH)	Coons
Ayotte	Burr	Cornyn
Baucus	Cantwell	Durbin
Begich	Cardin	Feinstein
Bennet	Carper	Franken
Bingaman	Casey	Gillibrand
Blumenthal	Chambliss	Hagan
Blunt	Coats	Harkin
Boxer	Cochran	Hatch

Heller	Lieberman	Rockefeller
Hoeven	Lugar	Sanders
Hutchinson	McCaskill	Schumer
Inouye	McConnell	Shaheen
Isakson	Menendez	Stabenow
Johanns	Merkley	Tester
Johnson (SD)	Mikulski	Thune
Johnson (WI)	Murkowski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Warner
Kohl	Nelson (FL)	Webb
Kyl	Portman	Whitehouse
Landrieu	Pryor	Wicker
Lautenberg	Reed	Wyden
Leahy	Reid	
Levin	Roberts	

NAYS—22

Barrasso	Graham	Rubio
Boozman	Grassley	Sessions
Coburn	Lee	Shelby
Collins	Manchin	Snowe
Corker	McCain	Toomey
Crapo	Moran	Vitter
DeMint	Paul	
Enzi	Risch	

NOT VOTING—2

Inhofe Kirk

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Montana.

THE FARM BILL

Mr. BAUCUS. Mr. President, 3 months ago the United States Senate came together and passed a full 5-year farm bill. We did not kick the can down the road. We passed a bill, working together, that provides the certainty America's farmers and ranchers need to continue supporting rural jobs and putting food on our tables. So there is absolutely no excuse for Congress to adjourn without sending this bill to the President's desk to be signed into law. Still, because the House refuses to even bring this bill up for a vote, it looks as though that is exactly what is going to happen. It is shameful.

Passing the bill in the Senate was not easy; everyone had to make a compromise. But the farm bill touches on the lives of millions of Americans in every single State. It is too important not to act.

The Senate's farm bill is true reform. We cut the deficit by more than \$23 billion over 10 years. We streamlined programs to make them more efficient. We went back to the drawing board on commodity programs and created a true safety net—one that works for America's farmers as well as for the taxpayers—again, cutting the farm program by \$23 billion.

The House Agriculture Committee pushed out a bipartisan farm bill as well. I give the House Agriculture Committee a lot of credit. It is no secret that there are differences, but even to begin working out those differences the House needs to catch up, because despite having a bipartisan farm bill that passed the House Agriculture Committee, the House leadership is refusing to take it up.

This isn't my first farm bill. I can tell my colleagues from personal experience that this action in the House body is unprecedented. House leadership has never blocked a farm bill that

has been reported out of the House Agriculture Committee.

On September 30, our farm safety net programs expire and the farm program expires—just 11 days from now. This is our last chance to give America's farmers and ranchers the certainty they deserve.

This is also an opportunity to provide much-needed disaster assistance. Not long after we passed the farm bill in the Senate, a drought began to stretch across the United States. It was on the news virtually every night and has been for months. Wheat and cornfields have been drying up. Without enough forage, ranchers had to face the decision to either sell their herds or purchase extra feed, cutting into their very thin margins.

As of this week, more than 2,000 counties have been designated as drought disaster areas by USDA, and 36 of them are in Montana. That is well over half of our State in a disaster.

There is a consensus in Congress and across the countryside that something must be done, and the farm bill is that something. We had a bipartisan vote here in the Senate by a large margin and, as I mentioned, a bipartisan vote in the House Agriculture Committee.

We have so many reasons to be grateful for the hard work of America's farmers and ranchers. They help sustain healthy rural economies. And because of the strength of America's agriculture, they put food on tables around the world. In 2011, agricultural exports reached \$137 billion, with a record surplus of more than \$42 billion.

Agriculture supports 16 million jobs nationwide. In Montana, one in five jobs is tied to agriculture. The farm bill is our jobs bill.

Last week many Montana farmers and ranchers came to town to talk about the farm bill. They each told me and other Senators and House Members the same thing: We need a farm bill, and we need it now.

Three of those Montanans were Bing Von Bergen from Moccasin, Ryan McCormick from Kremlin, and Charlie Bumgarner from Great Falls. Bing, Ryan, and Charlie, similar to many Montana farmers, plan to go into the field next month to plant their winter wheat. They will be doing so with the current farm bill expired. They will be doing so with no certainty of what the farm programs will be—that certainty which community bankers happen to rely on to advance loans so farmers can plant.

They do not want to see the farm programs expire. They do not want short-term extensions. They need the certainty of a full 5-year farm bill.

I urge the House to listen to what farmers and ranchers across the country are saying: The time to pass the farm bill is now.

Holding up a farm bill with wide bipartisan support is playing politics with the livelihood of our hard-working rural constituents. Instead, let's do our job so farmers can do theirs. Let us an-

swer their calls and pass a 5-year farm bill now.

#### TRIBUTE TO RUSS SULLIVAN

Mr. President, I would like to take a few moments to tell you about a dedicated public servant and his son—Russ Sullivan and Alhaji Amadu Hassann, or AJ, as he was known by his family and friends.

AJ died on July 28 of this year. But in his short life, he inspired people through his exuberance for life, his courage, and his determination. Born in Sierra Leone, west Africa, in 1992 during the midst of a brutal civil war, violence served as the backdrop to AJ's early childhood in Freetown, Sierra Leone.

As a young boy, AJ, his mother, and two sisters were forced to flee their war-ravaged country to Guinea, where they found safety in a refugee camp. However, life in the refugee camp was difficult. There was no work for the adults, no formal schools for the children, and little hope for a better life. Unable to return to their homeland, their lives were put on hold for 8 years as refugees.

But AJ remained hopeful for a brighter future. That day came in 2002, when their father, who was living in the United States, was able to bring AJ and his sisters to America.

The children—15-year-old Ousmatta, 11-year-old AJ, and 9-year-old Laretta—moved in with their father in Virginia. However, their father had struggled in America. Similar to many who do not have steady work, he did not have health insurance. So when AJ's father got a tooth infection, he ignored it. Left untreated, the infection spread throughout his entire body and AJ's father died.

An aunt tried to raise the three children on her own but had difficulty making ends meet. The children were split up. A cousin took in Laretta, Ousmatta stayed with their aunt, and AJ was taken in by a man named Russ Sullivan.

Russ has long been serving as a foster parent in the community. He has mentored dozens of young men, becoming the legal guardian of some and helping hundreds see a different course for their life. Russ took in AJ. Then Russ took on additional responsibilities of becoming AJ's legal guardian.

So who is this man Russ Sullivan? Russ Sullivan is the staff director of the Senate Committee on Finance. He is known in the Senate—as Senator HARRY REID has said—as “a problem solver.” Russ has developed a reputation for leadership, dedication, and respect for his colleagues. His staff admires him, his colleagues trust him and admire him, and I am honored to call him a friend. Nobody who has met and worked with Russ Sullivan has a different point of view. I have never heard anyone utter a criticism of Russ Sullivan, and no one ever will; he is that kind of man.

Philosopher Thomas Carlyle once said: “The work an unknown good man

has done is like a vein of water flowing hidden underground, secretly making the ground green.”

That is Russ. His name is not in lights. People do not know about him. He is working to solve problems and make the ground green.

Under Russ's nurturing care, AJ began to adjust to his new life in America. AJ had boundless energy and loved to play soccer. He was fun to be around, had a great sense of humor, made friends easily, and loved to flirt with the girls.

AJ completed high school but had no intention of going to college. That was until Russ came into his life. In April 2011, AJ told a newspaper reporter that his life changed after meeting Russ. This is AJ:

I was just going to do what everybody else was doing—drop out and get a job. But after I met Russ, everything changed about my mentality toward life. He started pushing me and getting me to think harder. . . . He's a great man, and I thank God I met him. . . .

AJ first enrolled at Salem International University and after 1 year transferred to the University of West Virginia. He majored in sports management and loved being a “Mountaineer.”

Then tragedy struck. In a senseless act of violence, AJ was assaulted in front of a local college hangout. He fell, hit his head hard—back, head snapped—and over the next few hours slipped into a coma.

On Capitol Hill we were in the middle of deficit reduction negotiations. When Russ received the news about AJ, he rushed from Washington to West Virginia, where he stayed at AJ's side.

Over the next month, Russ was traveling back and forth—back and forth—from West Virginia to Washington. This is during the supercommittee talks. Russ was juggling not only his career but also AJ's medical treatment. He was also forecasting what we could do. He was fostering several other boys—this is not the only boy Russ was a foster father for—and Russ kept working with the extended family and friends in the loop. He kept working with them and telling them and keeping them informed about AJ's condition.

I often hear the media reports about Capitol Hill being dysfunctional—the sides are polarized and compromise is a dirty word. But when Chris Campbell, the Republican Senate Finance staff director, heard the news about AJ's injury, he enlisted his staff and the Republicans stepped up to help. They took Wednesdays.

For the next couple months, Russ's boys—18 in total when they are all home from college; imagine, Russ Sullivan is the foster father for 18 different young men—knew that Wednesday night was pizza night, coming from the pockets of the Republican Finance Committee staff. “Wednesdays” was that night.

AJ was moved from the West Virginia hospital to Children's Hospital and Rehabilitation Center in Washington, DC, where he remained for the

next several months until his death in July.

We mourn for the loss of this young man—who brought an incredible light to this world and light to Russ's world and to all who met him. He brought such a light in such a short period of time.

We are fortunate to have Russ working on Capitol Hill. Russ epitomizes public service. He is honest. He is direct, upbeat, positive, looking for solutions, cutting through all the redtape. He always seeks to understand the arguments and keeps searching for the common ground—constantly. Senator REID keeps asking me: Can Russ help here? What can Russ do about this, in trying to reach out to the other side to find an agreement. He has always been someone I respect and trust. He is also someone I have come to admire.

Months have passed since AJ's death, but his zest for life remains in the hearts of those closest to him. Russ continues mentoring and helping others, changing lives one after another.

Just last week, Russ witnessed a victory for another one of his boys. The boy had been wrongfully convicted of a crime and was facing deportation. But because of Russ's continued diligence and commitment, his innocence was proven and the conviction was overturned. That was just a few days ago.

Harvard Professor Rosabeth Moss Kanter once said: "A vision is not just a picture of what could be; it is an appeal to our better selves, a call to become something more."

Russ sees the vision of what could be and rolls up his sleeves to make it happen.

I know I speak for all of us on the Senate Finance Committee—and many of us in this body as a whole—when I say: Thank you, Russ. Thank you for making us want to find our better selves, thank you for working to make the future better, and thank you for all you do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am personally very grateful for the wonderful remarks of my colleague, the chairman of the Finance Committee, because I do not think any words could express how much Russ means to all of us. He is a wonderful man. He is a wonderful leader on the committee. He is honest. He is straightforward. He works with you. Frankly, we all think the world of him on our side as well. I just wish to compliment the distinguished chairman for his beautiful remarks about a tremendous person and the foster children he has worked with.

Russ is the epitome of greatness on the Senate Finance Committee and as a staff member of the Senate. So I wish to personally pay tribute to him and express my sorrow over the loss of his son AJ and express my love and affection for him. He is a good man, helping a good chairman. We work together very closely, and I have a lot of regard

for what the chairman just said and a lot of regard for Russ and wish him the best.

I hope the Good Lord will comfort him and comfort his soul during this very trying time.

Mr. BAUCUS. I say to the Senator, thank you very much. I know Russ deeply appreciates that, and we all do. I thank the Senator.

UNANIMOUS CONSENT REQUEST—S.J. RES. 50

Mr. HATCH. Mr. President, on July 12, 2012, the Obama administration's Department of Health and Human Services issued an Information Memorandum informing States that for the first time in the 16-year history of the Temporary Assistance for Needy Families Program, HHS would permit them to waive welfare work requirements.

This action undermines a robust work-first approach that was one of the key features of the 1996 Welfare Reform Act.

If allowed to stand, this action could result in activities such as journaling, bed rest, and smoking cessation classes being counted as work for the purposes of meeting Federal welfare work performance standards.

This change in policy presents a serious substantive question. Should taxpayer dollars go to welfare recipients who are not working but are instead journaling or working to quit smoking?

But it presents serious institutional questions as well because the action by the Obama administration was, quite simply, a unilateral power grab that usurps the constitutional power of the legislative branch, and every Member of this body ought to be concerned about it. That is no small thing.

Our Constitution, for good reason, locates the lawmaking power in the Congress. That is because our Founding Fathers understood that in a republic of laws, the lawmakers must represent the people directly. The people must have a close hold on the representatives who create the laws under which we live.

If changes are going to be made to the welfare work requirements, it should be up to the Congress to make them. Faceless bureaucrats at HHS should not be the ones making changes to the welfare work requirements. Yet that is exactly what happened here.

Unelected bureaucrats at HHS are attempting to change the law—a law passed by the Senate and the whole Congress. If left unchecked, welfare policy is being substantially changed by the Obama administration in a way that never would have been acceptable to the people's elected representatives in Congress.

No administration should be permitted to disregard the laws Congress passed and simply make up their own rules.

For 16 years, no President, Health and Human Services Secretary or Governor—regardless of political party—believed welfare work requirements could be waived.

If the Obama administration believes welfare work requirements should be

changed, they should submit a legislative proposal to Congress.

In the 3½ years before the July 12 information memorandum, the Obama administration never offered a legislative proposal to change the welfare work requirements.

The unprecedented nature of the Obama administration's power grab is supported by the nonpartisan Government Accountability Office.

On September 4, 2012, the GAO responded to an inquiry from Ways and Means chairman DAVE CAMP and me.

They determined that the July 12 information memorandum was a rule that should have been submitted to Congress. GAO further found that as a rule, the information memorandum was subject to the Congressional Review Act. The Congressional Review Act provides Congress with an opportunity to review and, where appropriate, disapprove rules issued by the executive branch.

When more and more of the rules that govern the American people are being made by anonymous and unelected bureaucrats with no responsibility to reflect the priorities of the American people, the Congressional Review Act is a critical device and one we should always uphold. It allows the people's representatives in Congress to stand up and reject a rule emanating from the Federal bureaucracy.

The Committee on Ways and Means favorably reported the resolution of disapproval last week. The full House of Representatives will consider the resolution of disapproval this week. I have introduced S.J. Res. 50, a resolution of disapproval here in the Senate. I am pleased that my legislation is co-sponsored by 21 of my colleagues.

The Congressional Review Act also provides for fast-track consideration of a resolution of disapproval when a Senator has secured at least 30 Senators on a discharge petition. That means no filibuster. I am pleased to report that I have well over 30 signatures on the discharge petition. Unfortunately, this expedited process does not kick in until later this month.

The Senate will be voting on my resolution, there is no question about that. The only question is when. In my view, we should take up this matter now. It is a critical issue for the American people, and it is a critical issue for this institution. As the people's representatives, it is a dereliction of duty to stand by while unelected officials attempt to change the law unilaterally without the constitutionally-prescribed input of the people's representatives in Congress. For that reason, in a few moments I will propound a unanimous consent request for debate, followed by a vote on proceeding to the resolution of disapproval. It is a simple request. A vote on the resolution of disapproval is inevitable. The only question is whether the majority will allow a vote in a timely manner.

Therefore, I ask unanimous consent that the Committee on Finance be discharged from further consideration of

S.J. Res. 50, a joint resolution disapproving a rule submitted by HHS regarding welfare waivers; that there be 2 hours of debate on the motion to proceed equally divided and controlled between the two leaders or their designees; and that the Senate then proceed to a vote on the adoption of the motion to proceed.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection?

The Senator from Maryland.

Mr. CARDIN. Madam President, I reserve the right to object. Under my reservation, let me first thank my colleague from Utah for bringing this matter before us. But, like him, I was in the Congress in the late nineties when we passed the TANF law. I remember being part of welfare reform. Prior to that time, we had what is known as AFDC, aid for dependent children, which was an entitlement program that offered the States the opportunity to move forward without risk because they were guaranteed a certain amount of money for every child who was eligible—for every family who was eligible for welfare funds. We changed that to provide for temporary assistance for needy families, TANF.

I remember very clearly working with the States and working with my distinguished colleague, and what we told the States was this: You are going to get a block grant. That means you are going to be bottom-line responsible for the program, that there will no longer be a guarantee on the number of families who are enrolled in welfare as to dollars you are going to receive.

We promised two things: We told the States we were going to give them the tools they needed to get the job done. We provided the funds so they could provide for job training so that the people on welfare would have adequate skills in order to get jobs. We promised them childcare so that children could be taken care of while they were in the workforce.

We provided the tools, but we also said we would provide the States the flexibility to get the job done. We provided accountability, and accountability was the participation rate, which could be satisfied in different ways, which said the States have the flexibility to get the job done—a model of federalism—but we would let the States experiment to figure out the best way to accomplish the end result: getting people off of cash assistance, getting them into the workplace.

Now, let me point out to my colleagues that the waiver authority has been in the law for a long time, section 1115. We have had our disagreements with all administrations on the use of the waiver authority. My colleague refers to the GAO's report which dealt with five waivers that were requested from 2000 to 2009. Those State waivers sought relief from specific requirements. It did not bring forward an innovative new approach to try to use State experimentation to get the best results.

It is interesting that in 2008, under the Bush administration, Health and Human Services documented that the waiver authority indeed existed as it related to the participation rates and the way in which they could be satisfied.

Secretary Sebelius has made it clear that the waiver will only be used for a credible plan to increase employment by 20 percent. So she is looking at using the waivers to increase participation rates, to increase the number of people who are actually employed. If there is not progress within a year, the State runs the risk of losing the waiver. It is focused on improving employment outcomes for participants.

I must say that I am extremely disappointed about the partisan nature of this discussion. I say that because I think we have all seen the ads that have been put on the networks by Governor Romney that accuse the Obama administration of eliminating the work requirement on TANF, on welfare, when the fact is that the use of this waiver authority has been to strengthen the work participation rates—to strengthen the work participation rates. These ads have been condemned by major news sources on both the left and right. They understand this. So you would think that once Governor Romney understood that his ad was misleading and wrong, he would take it off the air, but instead he has actually increased the usage of this ad, which I find to be outrageous. Maybe it is consistent with Governor Romney's recent disclosure of his concern for half of America, saying it is not his problem.

My job—our job—is to consider the needs of all of our constituents. TANF is a program that I think represents a model in federalism. It allows us to learn from the States so we can take their best models and use them for national policies. That is the reason for federalism. That was the reason we went to TANF reform. What the waiver authority is being used for is to give us that experimentation.

We have heard from more and more States that Congress mandates too much. I hear from my Republican colleagues all the time that we have too many mandates. Well, some States have a better way of doing it. Rather than spend their money dealing with the mandates, they said: Look, we will accomplish the bottom line. We will get more people working. We will get better results. We will get people better trained. We will not only get people employed, but they will have the skills to go up the employment ladder, to really succeed and have good-paying jobs in their lifetime. Let's do what is right, and then you can learn from us, rather than having to listen to the specific mandates some of my colleagues would like to see in stone here from Washington.

This was a commitment we made to the States in the nineties. The waiver authority is in existing law. The Secretary of Health and Human Services,

Secretary Sebelius, is only using it for innovative approaches that increase the work responsibilities of the State, not diminish them. That has been well documented.

For all of those reasons, I do object. The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. HATCH. Madam President, I appreciate my colleague's remarks, much of which I agree with. That still does not negate the fact that the administration has acted unilaterally as the executive branch to usurp powers of the legislative branch. That is the issue. It is a very important issue. It is the responsibility of the Congress, not the President, to give the States flexibility with regard to the work requirement. The Constitution is pretty explicit on that.

GAO reported today that even though States had requested or inquired about waivers, no administration—not the Clinton administration, not the Bush administration, not the Obama administration—believed they had waiver authority; that is, until July 12 when HHS did this. I think they knew they were wrong.

The latest GAO report details how whenever States requested TANF waivers in the past, HHS responded that no such authority exists. Between 2000 and 2009, during the Clinton, Bush, and even Obama administrations, HHS has consistently told States they have no waiver authority. Specifically, GAO finds that at least five States asked HHS about TANF waivers during that period. In two of those cases, GAO said the HHS official response said they “did not have authority to provide waivers.” In the three other cases when States asked informally, GAO reports that HHS responded saying that “the requested waiver authority was not available.”

Separately, in 2005 and 2007 HHS published two “program instructions” about flexibilities in TANF, both indicating that no waiver authority existed. In these instructions, HHS stated, “We have no authority under current law to waive any of the TANF requirements” and “We have no authority to waive any of the provisions of the Act.” Only the Obama administration has claimed the “authority,” circumventing Congress.

Look, this is not just a political issue, as the distinguished Senator from Maryland, one of my dear friends here, said. We both graduated from the University of Pittsburgh School of Law. I have great admiration for him and great feelings toward him. But only the Obama administration has claimed this “authority” circumventing Congress. The latest GAO report highlights that only the Obama administration has claimed the authority to waive welfare work requirements. Further, GAO notes that this action by current HHS officials is in response to the President's February 2011

memorandum, which, according to subsequent administration guidance, solicited “input on significant statutory barriers that could be addressed through waivers.”

Especially when viewed in the context of the President’s “we can’t wait” agenda, it is clear that this HHS proposal is part of an organized administration effort to circumvent Congress and its legislative authority. We have seen that time after time with an abusive use of Executive orders.

Look, TANF has worked amazingly well because of the work requirements in TANF. There is a good reason no other administration has tried to pull this type of a stunt.

Whether you agree with the administration or not, it seems to me we ought to first uphold the rights and powers of the legislative branch of government that cannot be circumvented just because a President wants to do something on his own. That is what is involved here. I think we ought to all stand, Democrats and Republicans, and say: Look, you are not going to be able to do this. If you want to do it, then you are going to have to do it through statutory changes or at least ask Congress for permission.

That is the purpose of asking for this vote which has been objected to. I guess we will do it during the lame-duck session. But the purpose is to stand up for the rights of the Congress of the United States and especially the rights of the Senate that are being ignored.

There is a lot more I can say about it. That basically covers it. I appreciate my colleague’s feelings on this matter, but to put it in the category that this is Mitt Romney trying something—Mitt Romney has had basically nothing to do with it other than he agrees with what we have done. He said that after we did it. He did not come to me and ask me to do it.

The fact is we are standing for the legislative prerogatives that we really ought to stand for and that the GAO said should be stood for because they declared it a rule. The GAO is not in the pockets of Republicans or Democrats; it is there to try to determine these types of issues that are extremely important legal issues, extremely important legislative issues, extremely important separation-of-powers issues. So that is what we are doing here, and it really shouldn’t even be a political issue. We ought to just vote and let it go at that. But it has been objected to, and I am willing to wait until the appropriate time to have a vote.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I very much appreciate my friend Senator HATCH, and we are good friends, and I very much appreciate the point he makes. I do need to correct at least two points.

One, I graduated from the University of Pittsburgh undergraduate, not law

school. I am a graduate of the University of Maryland Law School, and I want to make sure my friends in Maryland know it was their law school.

Mr. HATCH. If the Senator will yield, I certainly retract my statement on that. But I feel bad the Senator didn’t graduate from the University of Pittsburgh, as I did.

Mr. CARDIN. Well, I was afraid to apply. I wasn’t sure I would get in.

The second point, on a more substantive matter on this debate, is that I wish to point out the requests that were made for waivers between 2000 and 2009 were from the final requirement. They didn’t seek to bring forward a demonstration program or a different way to get to their results. The difference here is that States should have the flexibility to come in with innovative ways if they accomplish at least what we set out in law for them to accomplish. In fact, with these demonstration waivers, they will have to do better on the end result on people working. I just wanted to point that out because I thought there were differences from the prior requests that were made and Secretary Sebelius’s response.

Mr. HATCH. Madam President, I would just add that if they want that type of authority, they should come to the Congress and ask for it because we put that authority subject to Congress’s decisionmaking, and it shouldn’t be done unilaterally by an out-of-control approach by the executive branch. That is what is involved, and it is important. Whether one is a Democrat or a Republican, we ought to have an understanding of the legislative and executive branches and our rights and prerogatives in Congress. There is nothing that says States can’t add work requirements that are legitimate work requirements in the statute. They didn’t need this type of unilateral decision by the HHS Department to do that. That is the point.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. I thank the Chair. (The remarks of Mr. SANDERS and Mr. FRANKEN pertaining to the introduction of S. 3562 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair. (The remarks of Mr. FRANKEN pertaining to the introduction of S. 3557 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. FRANKEN. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

## THE RYAN BUDGET

Mr. HARKIN. Madam President, today as I have done for days since we have been in session since we returned from our August break, I have been talking about the impact of the Ryan budget, which is now the Romney-Ryan budget, on America and what it would mean for our future. I take the floor today as I have in the past to talk about one aspect of it. In the past I have talked about impact on health care, on education, on the social safety net. Today I wish to talk about what the Romney-Ryan budget does to our infrastructure, to job training, to avenues to the middle class for people.

The real question the American people face this coming election is: Are we going to restore and rebuild the middle class or are we going to continue to shift even more and more of our wealth to just a few at the top at the expense of the middle class?

My Republican friends have made clear where they stand on this. They have done so when nearly every Republican in Congress voted in favor of the Ryan budget plan which Governor Romney embraced as “marvelous.” The very centerpiece of the Ryan budget is a dramatic shift of even more wealth to those at the top, huge tax cuts for the richest 2 percent. Those making more than \$1 million a year would get an extra \$394,000 a year in tax breaks under the Ryan budget. That is on top of the \$265,000 they already have. That brings it up to well over \$400,000, almost \$500,000 a year they would get.

We keep hearing a lot of talk about entitlements for the poor. Governor Romney, when he talks about entitlements, always focuses on the poor. How about this. If you make over \$1 million you are entitled to it. You will not hear him talk about that entitlement.

How do the Republicans in the Ryan budget pay for these huge tax cuts that total over \$4.5 trillion over 10 years? The Romney-Ryan budget would partially offset the tax cuts by making deep, Draconian tax cuts that undergird the middle class and that are essential to the quality of life in this country—everything from education, student grants, loans, to highways, bridges, other infrastructure projects.

Last, the Romney-Ryan budget offsets big new tax cuts for those at the top by actually raising taxes on the middle class. Yes, you heard me, that is exactly right. The nonpartisan Tax Policy Center estimates that under the Ryan plan, middle-class families with children would see their taxes go up on average by more than \$2,000.

The bottom line is that the Ryan budget does not reduce the deficit. The savings they gain by slashing spending and raising taxes on the middle class basically go to offsetting the \$4.5 trillion in new tax cuts, which, I just pointed out, go to the wealthiest Americans.

I think this shows you right here what would happen to the deficit. We always hear the talk about balancing

the budget. The truth is Representative RYAN and Mr. Romney are not interested in balancing the budget. Their plan would not balance the budget until 2040—28 years from now.

As I said earlier, Mr. RYAN is a true acolyte of former Vice President Cheney who, in an unguarded moment, said that deficits don't matter. That was Vice President Cheney. If you look at the debt piled up under the Bush years, you will see they didn't think deficits matter.

Look at this. Here is the debt held by the public under the Ryan budget from 2013 to just 2022, in the next 10 years. Look at the debt. The debt does not go down, it goes up. Where does this debt go? Tax cuts for the wealthiest Americans, that is where it goes.

Representative RYAN doubles down on the theory that if we give an even greater share of wealth to those at the top, it will magically trickle down, a theory that was tried under President George W. Bush. But in the years after those Bush tax cuts we know what happened to jobs in America—they plummeted in the years after George Bush and those tax cuts went into effect.

Today I want to focus specifically on the impact of the Romney-Ryan budget on our Nation's infrastructure and job training. Both, I believe, are crucial for the creation of middle-class jobs in a competitive global economy. Regrettably, the Ryan budget would be a devastating one-two punch to our Nation's economy and slash investment in infrastructure which would slash hundreds of thousands of well-paying jobs. It would radically reduce funding for job training, reducing opportunities for the unemployed to get retooled for jobs in sectors of the economy that are doing well, where they are needed.

The United States now competes in a global marketplace. To improve our competitiveness and to give our workers the education and skills they need to compete, both our public and private sectors must make a robust investment in infrastructure, education, and job training.

Overcrowded and crumbling roads, outdated waterways, other means of transportation and transport have a profoundly damaging effect on our economy. This increases the time and expense of moving goods, it hurts our global competitiveness, as I said, especially at a time when our rivals in the global marketplace are investing heavily in both infrastructure and job training.

Even maintaining our current levels of infrastructure investment will have negative consequences for our economy. That is if we just maintain what we have.

The American Society of Civil Engineers predicts that, if current trends continue, by 2020 our continuing infrastructure will result in 900,000 fewer jobs and \$900 billion in lost economic growth.

This was the American Society of Civil Engineers in 2011. They said:

The deficiencies in America's roads, bridges and transit systems cost American households and businesses roughly \$130 billion, including approximately \$97 billion in vehicle operating costs,

You can read that to mean potholes and things that bang your car up.

—\$32 billion in delays and travel time,

If you have been stuck in a lot of traffic.

—\$1.2 billion in safety costs and \$590 million in environmental costs.

That is the Society of Civil Engineers. That is not part of the Democratic Party or any party. This is a nonpartisan economic look at what is happening in our infrastructure.

By slashing these investments to even lower levels, the Ryan budget will only make these problems worse, not better. In fact, the Ryan budget cuts transportation spending by one-third in the first year.

We are not talking about a little nip and a tuck on infrastructure. Here is the fiscal year 2012—enacted—transportation budget: \$89 billion. The Ryan-Romney budget for next year, \$57 billion. It is almost a one-third cut. Think what that would mean to the jobs in America. Think what it means to our crumbling infrastructure.

Then you have to compare how much we are investing in our infrastructure to what one of our biggest competitors, China, is doing. Here is China. As a percent of their gross domestic product, they are spending 9 percent of their GDP on infrastructure. Here is the United States. In 1960, when I was a college student working summer jobs, laying pavement and building bridges on the Interstate Highway System, we were spending 4 percent of our GDP on infrastructure. We are now down to 2.4 percent. And the Romney-Ryan budget would take that even lower.

So already our Federal investments in infrastructure are inadequate. For example, we have failed to bring the half-century-old Interstate Highway System into the 21st century. Again, the Romney-Ryan budget would make that even worse. The Romney budget would make deep cuts to funding for the Corps of Engineers which is already grossly underfunded and struggling to maintain a deteriorating waterway system so crucial for the movement of bulk goods, and, I might add, also crucial for flood control.

The Ryan budget would also take a meat axe to Federal funding for job training and education, America's pathway to the middle class. It would jeopardize vital job services for millions of Americans. Thirty-one million Americans got Federal help with their job searches last year—help to write their resumes, prepare for interviews, information about the best jobs available in their local area, referrals to job openings. Several hundred thousand were also able to participate in job training under Federal programs. This gave these American workers the opportunity to compete for good jobs so they have a shot at the middle class. It

created a steady supply of skilled workers for U.S. businesses, made their operations more productive, and it helped them to grow.

Think about it; several hundred thousand people out of work were able to participate in job training because of Federal programs. That is part of Mr. Romney's 47 percent that he says he doesn't care about, who are the takers in our society. No, no, Mr. Romney, they are not takers. These are people struggling to make a better life for themselves and their families. They want job training. They want better education. They want to upgrade their skills. They want to work. The Romney-Ryan budget would pull the rug out from underneath them and say: Tough luck, you are on your own. I don't think they should be on their own; they should be part of our American family.

Without sustained robust investments in quality infrastructure and well-trained workers, America will fall behind and job creation will suffer. This is a critical threat to the future of the middle class in our country.

In essence, the Ryan budget essentially rejects the very possibility that the Federal Government can act to spur economic growth, boost competitiveness, and create good middle-class jobs. But this flies in the face of overwhelming evidence to the contrary. At critical junctures going back to the beginning of our Republic, the Federal Government has stepped up to the plate, acting decisively to spur economic growth, foster innovation, and help create jobs. In 1791, Alexander Hamilton presented to Congress his landmark Report on Manufactures, a set of Federal policies designed to strengthen the new Republic's economy by creating a network of roads and canals.

The most visionary 19th century advocate of Federal investments to spur economic growth was the first Republican President, Abraham Lincoln. In 1862 he signed the Pacific Railway Act to finance construction of the transcontinental railroad, one of the great technological feats, by the way, of the 19th century. But Lincoln did more; he created the Department of Agriculture to modernize agriculture and distribute free land to farmers. As a proud graduate of Iowa State University, I also note Lincoln dramatically expanded access to higher education across the United States by signing into law the Land Grant College system. Taken together, these initiatives had a transformative impact on the U.S. economy.

It is humorous to imagine how today's Republicans would have reacted to Lincoln's agenda. What if Abraham Lincoln were to present this today to the tea party? He would not get anywhere.

Later, in the 1950s, there was another Republican president, Dwight Eisenhower, who championed one of the greatest public works projects in our national history, construction of the

national highway system. A 1996 study concluded that the Interstate Highway System is an engine that has driven 40 years of unprecedented prosperity in America.

In recent times, the Federal Government has funded and spearheaded scientific discovery and innovation. The Department of Defense invented the Internet. It was Federal research that led to the invention of the global positioning satellite system. Any discussion of the Federal Government's historic role in discovery and innovation and job creation must acknowledge the staggering achievements of the National Institutes of Health. More than 80 Nobel Prizes have been awarded for NIH-supported research. So it is absurd to claim that the Federal Government cannot serve a positive and even profound role in boosting the economy and spurring innovation. But the Romney-Ryan budget demands that we permanently hobble the Federal Government. That is the Romney-Ryan budget. This negative, defeatist viewpoint is dead wrong, and the disinvestment it advocates will only send our country into a death spiral of stagnation and decline.

Going back to the 1930s, the American people have supported and strengthened a kind of unique American social contract. The social contract says a cardinal rule of government is to provide a ladder of opportunity so that every American can realistically aspire to the American dream. The Ryan budget would rip up that social contract.

Don't take my word for it. Former Reagan economic adviser Bruce Bartlett on the Ryan budget said this:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them.

The Ryan budget rips up the social safety net, disinvests in our infrastructure, cuts funding for job training, cuts money for education, cuts money for health care. As I said, it is a negative, defeatist viewpoint that will set our country into a death spiral of stagnation and decline.

The Romney-Ryan budget would replace the unique American social contract that we have with a survival-of-the-fittest, winner-take-all philosophy that tells struggling, aspiring Americans and their communities: Tough luck, you are on your own.

I agree with former President Bill Clinton. We have two philosophies: the Romney Ryan budget—tough luck, you are on your own—or the other philosophy that we are all Americans and we are all in this together. We are all mutually supportive. We believe in a ladder, a ramp of opportunity, and, yes, we believe the Federal Government has a powerful role to play in making sure all Americans can aspire to the American dream. They can reach the middle class. They can achieve the highest of their potentialities and their abilities. That is the difference.

I think the American people need to know what is in the Ryan budget. One might say: Well, a budget is a budget.

A budget is a blueprint. Just as we build a building, we have to have a blueprint; a budget is a blueprint for the future of where we want to go. Communities have budgets, families have budgets, schools have budgets. We have a budget so we can plan. It represents where we want to be in the future. The Ryan budget is a blueprint for defeat and a death spiral into stagnation for America.

I believe the more the American people understand and know what is in that Ryan budget, the more they are going to turn it aside and say: No, we can do better than that in America. We need a budget that reflects our hopes and aspirations and our abilities as Americans to work together to achieve the American dream for all.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### FISCAL CLIFF

Mr. THUNE. Mr. President, the Senate is sort of wrapping up its business, if you will, until after the election. It is ironic, in a way, that there are so many big issues in front of us as a nation—so many challenges—yet we are talking about things I am sure are important, but, once again, we are punting, kicking the can down the road on all the big crises in front of us as a nation.

I have to say that never before has a President and a Senate done so little when the Nation's challenges are so great. People have talked about the fiscal cliff repeatedly, and people have talked about the fiscal crisis in which we find ourselves in terms that I think ought to frighten all Americans. It certainly ought to frighten Members of Congress when we talk about the most predictable crisis in American history, probably in human history. It is not like it is any surprise what is going to happen. We are repeatedly reminded by all of the experts that if we don't deal with this issue of the fiscal cliff, it will have devastating, catastrophic impacts on our economy, on our national security, on our country, and on the American people. Yet we are not addressing it and doing what we should be doing to avert the disaster ahead of us, the fiscal cliff that faces us on January 1 of this next year.

It is not as though there isn't already a lot of evidence that we have big problems. We just crossed the \$16 trillion level in terms of our debt. We have added over \$1 trillion of debt every single year now for the past 4 years, since President Obama has taken office. That is \$50,000 for every man, woman,

and child in America. Everybody in America—man, woman, or child—now has \$50,000 as their share of Federal debt. So it is a fiscal crisis unlike anything we have seen before, and it has, as I said, been predicted.

The Congressional Budget Office has said if we don't deal with the fiscal cliff, it will plunge the economy into recession. They have suggested that it will reduce by 2.9 percent the size of the economy. We actually will have a contraction of the economy in the first 6 months of next year.

They have also projected it will drive unemployment above 9 percent. Granted, we are over 8 percent today. We have been at 8 percent now for 43 consecutive months. That is the longest stretch in history. In fact, if we go back to the time the Bureau of Labor Statistics started keeping unemployment data and we add up the data for the 11 Presidents from Harry Truman through the end of the George W. Bush administration—about 60 years—there were 39 months where the unemployment rate exceeded 8 percent. That is 11 Presidents in about 60 years of history where we have had unemployment above 8 percent.

We have now had unemployment above 8 percent for 43 consecutive months. So 39 months in the first 60 years since they started keeping data, and 43 months now in a row under the current administration.

We have the Federal Reserve telling us if we don't deal with our fiscal crisis, the economy is going to soften next year.

We have ratings agencies such as Moody's suggesting that if we don't have a plan in place not only to deal with the sequestration that is going to occur at the end of the year in a way that is paid for but also to deal with the longer, structural problem—the debt and deficits crisis we have in this country—we are facing a downgrade in our credit rating.

You had the World Economic Forum come out just recently with their assessment about the world's most competitive economies. Back in January of 2009 when President Obama took office, the World Economic Forum found that the United States had the No. 1 most competitive economy in the world. In terms of global competitiveness, the United States was ranked No. 1. Now we have dropped. We had dropped to fifth, and this year, just recently, as I mentioned, when they came out with their current rankings, the United States had dropped down to seventh. So in a short 4-year timespan, we have gone from first in terms of global competitiveness down to seventh. That does not speak well for the steps that are being taken here in this country to make America competitive in the global economy, to deal with the problems of spending and debt and the fiscal cliff that is ahead of us.

It is interesting to note that at the World Economic Forum—what did they point to in terms of their analysis?

Why did they come to the conclusion that the United States had fallen from first in January of 2009 when the President took office to seventh here this year? Well, they pointed out spending, debt, taxes, regulations, redtape—all the things that come from Washington, DC; all the things that are controlled by policies here in Washington; the regulations that continue to spin out of various government agencies that drive up the cost of doing business in this country, that make us less competitive; the higher taxes that are being assessed on our economy in so many different ways; and, of course, all the taxes that are going to take hold, take effect as part of ObamaCare, the health care law that was passed a couple years ago, that begin to kick in. So you are going to have higher taxes. You have the redtape associated with doing business in this country and the bureaucracies, the mandates, the requirements that are imposed on our small businesses and our job creators. And then, of course, as I said, you have this massive amount of debt that hangs like a cloud over our economy. These are all factors that contribute to this assessment that has basically downgraded the United States from the No. 1 position in terms of global competitiveness to No. 7.

So the question before the house is, What can we do? What should we be doing to avert that crisis? Well, it strikes me, at least, that it starts with having a plan and working together, having the President step forward with a plan that would make sure our economy does not go into a recession next year; that makes sure the defense cuts that would occur under the sequester—which are terribly disproportionate relative to the size of the defense budget as a percentage of our total budget—do not harm our national security interests; figure out ways to solve that problem; reduce spending in other areas to redistribute the cuts. Defense represents only 20 percent of the entire budget, but it gets 50 percent of the cuts under this across-the-board sequester that would take effect on January 1 of next year.

Our national security experts and our military leadership have said that if these cuts take effect, we will have the smallest Army since the beginning of World War II. You have to go back to 1940 to find a time when we would have had an Army that is that small. You have to go back to 1915, before World War I, to find a time when we would have had a Navy that is as small as it will be if these cuts take effect in the number of ships we have at our disposal. And we would have the smallest Air Force, literally, in the history of the Air Force.

That is what our military leadership is telling us will happen if these devastating cuts take effect. You have had the Secretary of Defense, Leon Panetta, the President's own Secretary, say that this would be catastrophic, that these cuts would be disastrous.

You have the service chiefs saying the very same thing.

So we have all this right in front of us, staring us in the face, and instead of dealing with that crisis we are putting bills on the floor that really do not have near the consequence—as I said, I am sure important; I am not denigrating at all any of the legislation the Senate is considering, but it seems to be right now geared a lot more toward the election than it is about saving the country and doing the things that are necessary to avoid this cliff that is ahead of us and all the disastrous consequences that come with it.

Now, just again, a point of fact, and I mentioned this before. We have had now 43 months of 8 percent unemployment or above. We have 23 million Americans who are either unemployed or underemployed. We have seen that the data continues to suggest how sluggish our economy is, the impact it is having on the middle class in this country. In fact, middle-class Americans are continually hit by continued bad news.

You start with the fact that since President Obama took office, average incomes have gone down almost \$4,000. Added on top of that is the fact that fuel prices have literally doubled in that timeframe—now more than doubled. In fact, we hit, in the month of September—this month—the highest fuel prices ever for the month of September. That is a cost that is borne by middle-class Americans. One of the biggest costs, biggest expenses in their lives is dealing with getting their kids to and from school, getting to work, taking care of the day-to-day activities for which they are responsible. The cost of fuel is a very important pocket-book issue for middle-class Americans. Then you have news the Kaiser Foundation came out with that says health care premiums have gone up by 29 percent. That is despite all the assertions when ObamaCare was being debated that it would drive health care costs down. In fact, the President, as he campaigned for office 4 years ago, talked about bringing the premium for an average family down by \$2,500. Well, the opposite has happened. According to the Kaiser Foundation, health insurance costs have gone up by 29 percent. Instead of coming down by \$2,500 for the average family, they have gone up by over \$3,000 for the average family. So whether it is health care costs, fuel costs, tuition costs, which, by the way, have gone up by 25 percent, or average incomes that have gone down, you see this worsening picture for average Americans. All of that will be dramatically complicated by what is going to happen on January 1 if we do not take action to avert that crisis.

What happens on January 1? As I mentioned, you have an across-the-board cut. It is across the board in the sense that everything gets hit, but not everything gets hit proportionately. Defense, as I said, gets 50 percent of the cuts although it represents only 20 per-

cent of the budget. You are going to have all these cuts that take effect that hurt the national security budget and the jobs that go with that, but you also have taxes going up. Tax rates go up on January 1, which will absolutely devastate job creation in this country if they are allowed to take effect. In fact, the total amount of tax increases that will hit us on January 1, if Congress does not take action, over a 10-year period is about \$5 trillion—about \$5 trillion over a 10-year period in additional taxes.

Even if you say, as the President does, that you want taxes to go up just on people who make more than \$200,000 a year or couples who make more than \$250,000 a year, you are harming almost 1 million small businesses—the very people we are looking to to create the jobs to get the economy moving again—almost 1 million small businesses that file income tax returns. They are passthrough entities or flowthrough entities organized as subchapter S corporations or LLCs; therefore, they file their business income on their individual tax returns. And they would see their taxes go up—almost 1 million small businesses that represent 25 percent of the workforce, hire 25 percent of the workforce in this country. So that is a huge tax increase that is facing job creators in this country come January 1 of next year.

These are things on which the House, the Senate, and the President of the United States ought to be focused. Yet we are not getting that focus. In fact, it is hard to get even information from the President of the United States about how he would implement the sequestration proposal. We had passed legislation earlier this summer which he signed into law in August which required him to submit to the Congress a proposal for how he would implement sequestration. We finally, after a delay—he missed the deadline—received that last week, but, again, it lacks specificity, it lacks detail. Congress asked to have that on program, project specific areas, and we did not get that. So as a consequence, again, we are still operating without the information that is necessary to do something to replace that sequestration.

I have to say that the House of Representatives has attempted—they passed in their budget—in the subsequent reconciliation bill that went with it—a replacement for this sequestration so that we would not have this \$½ trillion cut in our national security budget and all the attendant problems and risks that come with that. Yet that was not picked up, that was not acted on here in the Senate.

So, unfortunately, we are where we are, which is we are going into the election season now. We have not dealt with the across-the-board cuts, the sequestration. We have not dealt with the issue of taxes going up on January 1 on the people who create jobs in this country. For that reason, we have all

these analysts—independents analysts, government analysts—concluding the same thing; that is, we are headed for a train wreck. That is what we ought to be focused on right now.

Frankly, that is not going to happen unless we get some leadership from the President of the United States. We have to have the President engaged, involved in these discussions if we are going to try to solve this problem. I would hope the leadership here in the Senate would be a partner to that as well. I know there are Republicans here who have tried to get votes on ways to replace the sequestration or come up with a substitute for the defense cuts that it includes. We have tried and actually gotten some votes on actually extending the tax rates at the end of the year, but that was voted down here. But the Democratic leadership in the Senate has to be a party to discussions, as does the President of the United States, in order for us to do what is necessary to avert what we know is going to be a calamity come January 1 unless we change course.

As we begin to conclude this particular session of the Senate—I see that my colleague, the Senator from Wyoming, Mr. BARRASSO, who is a physician, a doctor, is here. I know he has spoken at great length about the impact of many of the policies that are coming out of Washington on our small businesses, on our middle class, and I certainly would want to give him an opportunity to make some observations about that as well. But I want to conclude by saying I hope that before this catastrophe hits us, we have the foresight and the willingness and the courage to take on these big issues. You cannot solve big issues in this city without leadership. It is going to take leadership from the President of the United States. It is going to take leadership in the Senate. As I stand here today, we have not seen that. We have not passed a budget in 3 years. We have not dealt with any of the long-term problems that are posed and raised by the fiscal cliff that hits us on January 1 of next year. I hope that changes. I hope to see that leadership. And I hope we can get this country back on track.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I would like to associate myself with the remarks of the Senator from South Dakota, who speaks so eloquently on the major issues facing our Nation, the concerns of people all around the country: their quality of life, the cost of energy, the cost of their health care, the impact of government regulations and rules that make it harder and more expensive for small businesses to add workers to their rolls.

#### A SECOND OPINION

I come to the floor today as a physician, a doctor who has practiced medicine in Wyoming, taking care of families there for about a quarter of a century, to do as I have done week after

week since the health care law was passed: to give a doctor's second opinion about the health care law because one of the reasons I got involved in politics was, as a doctor, I have concern for my patients, worried that they were not getting the care they need from the doctor they want at a lower cost, realizing the impacts of costs on the availability of care, the quality of care. So when the health care law was passed, I had great concerns because I felt it was going to end up being bad for patients, bad for the providers—the nurses and doctors who take care of those patients—and terrible for the American taxpayer.

It was interesting that during the discussion of the health care law, NANCY PELOSI, the then-Speaker of the House, said that in terms of the health care law, first you had to pass it before you got to find out what is in it. Well, the law has been passed, and as more and more people are finally finding out what is in it, the law continues to be very unpopular. But it is interesting that when a law is written behind closed doors, passed in the dark of night, when people on the side who voted for it actually never read it, did not understand the implications, that here we are 2 years later with so many people still saying: What is in it?

One of the things I want to visit about today is an editorial in the New York Times from just a couple of weeks ago. It was while I was traveling around the State of Wyoming, visiting with people, visiting with former patients, that an editorial came out with the headline "A Glitch in Health Care Reform."

Well, for 2 years I have been coming back to the Senate floor, week after week after week, talking about things that were in this health care law—unintended consequences, things people did not realize were there, did not understand were there, were surprised to find out were there.

So the headline is "A Glitch in Health Care Reform." Right under that, the subheadline is "Millions of middle-class Americans could be left without affordable coverage." And then my favorite line, the first line, the first paragraph:

Confusing language in the health care reform law has raised the possibility that millions of Americans living on modest incomes may be unable to afford their employers' family policies and yet fail to qualify for government subsidies to buy their own insurance.

Confusing language. That is what happens when a law is written behind closed doors, not read by the people who voted for it, and the Speaker of the House of Representatives of the United States of America says: First, you have to pass it before you get to find out what is in it. And this is an editorial in the New York Times 2 years after the health care bill has been signed into law: Confusing language. "A glitch in health care reform. Millions of middle-class Americans could be left without coverage."

So it is not a surprise that I will continue to come to the floor with a doctor's second opinion because we will continue to find where confusing language leaves people confused.

Now, one of the areas that is so often discussed on the Senate floor is the Congressional Budget Office. Well, they came out today with a new report. It talks about the health care law. No surprise. They said they got it wrong a couple of years ago. They have relooked at the numbers. This is the Congressional Budget Office that is supposed to be an expert on making some assumptions and making some suggestions and some predictions. Today they came out with a report called "Payments of Penalties for Being Uninsured Under the Patient Protection and Affordable Care Act."

Now, let's go back. Payments of penalties for being uninsured. Well, this is a health care law that reaches into every home in America and says: You must buy a government-approved product. You must have health insurance. Not enough money to pay for doctors to care for patients but plenty of money for IRS agents to investigate the American people.

What does it say when we go through the report? They said, well, they thought there would be about 4 million people who would have to pay penalties for being uninsured under the health care law. Well, they were only wrong, they say, by 50 percent. They were off by 50 percent; not 4 million but 6 million Americans will be penalized and have to pay taxes under the health care law which the Supreme Court found to be constitutional.

Well, it may not be unconstitutional, but it is still unworkable, very unaffordable, and very unpopular. So I come to the floor week after week as new reports continue to come out saying CBO was wrong. The New York Times, talking about "confusing language."

You know, I would say James Madison, the father of the Constitution, had it right when he said:

You should pass no laws so voluminous they cannot be read, so incoherent they cannot be understood.

But that is what Democrats in the House and the Senate did when they passed and when the President signed the health care law.

Now, another report has just come out within the last couple of days. I recall the President, when he was talking about the health care law, said computerizing medical records would cut waste and eliminate redtape. Now what does the report say? Well, it says the amount of paperwork, the amount of manhours put into just complying with the rules and the regulations they have come up with—they are predicting—and I will get into those who have done the predictions—that businesses and families will end up spending 80 million—80 million—hours a year on paperwork trying to comply with this health care law.

Former Internal Revenue Service Commissioner Fred Goldberg said the current form of the Obama health care law “will be a needless administrative and compliance quagmire for millions of Americans.” The Ways and Means Committee in the House of Representatives under committee chairman DAVID CAMP found that more than half of those 80 million manhours will be consumed by small businesses. That is the group that can least afford to have to spend this kind of time, this kind of manpower. Talk about productive work and nonproductive work, this goes into the category of nonproductive work. So they are either going to hire more people to just do paperwork or take people from doing productive work and move them onto the nonproductive side.

They are talking about 40,000 full-time people working the number of hours they would work to get this 80 million manhours of work. It is wasteful. It creates no wealth overall to the economy. It is not a productive activity. So those are the things we see week after week.

Then, finally, last week there was a group of franchise owners who were traveling around visiting with Members on Capitol Hill about the impact of the health care law on them and on their small businesses. They want to hire people. They want to get people to work. We know under the President's economy, there are 23 million Americans who are either unemployed or underemployed, people looking for work, looking for better work, looking for more hours.

But let's look at the incentives as well as the consequences that are included in the health care law. Well, these small franchise owners will tell you that in order to try to comply with the law and not be driven out of business because of the expense of the penalties and the high level of insurance they would have to provide to their workers, they only have a couple of choices.

One of the choices—they do not like it, but one of the choices is to cut the number of hours an employee works because then they are a part-time employee. Then they do not have to receive the benefits of the mandate, of the health care law. That is not what they want to do. It is not what the employees want. They want to work more hours. But the consequences of what the Democrats in this institution have passed, the consequences are that people who want to work more are going to lose that opportunity.

The other thing they are looking at is saying, well, just drop paying for insurance at all and pay the fine. Pay the penalty because the consequences and the incentives are such that the fine is, from a business standpoint, the path to follow rather than to provide the high level of insurance the President mandates. It may be a lot more insurance than people want or need or that the businesses can afford.

So I will continue to come back to the floor to talk about the President's

broken promises. He said: If you like what you have, you can keep it. We now know people who like their health insurance are not going to be able to keep it. He said the insurance rates would drop by about \$2,500 per family per year. We have seen the rates have gone up more than \$3,000 a year instead of dropping \$2,500 a year.

The promises are many. The realities are quite different than what the President has promised. That is why the American people continue to find the health care law unpopular. It is why our seniors who have seen 700 billion of their Medicare dollars taken away from them, not to save Medicare but to start a whole other government program for others, that is why they know it is going to be harder to find a physician to take care of them, especially if their physician retires or if they move to a new location.

That is why I will continue to come back to the floor to continue to talk about trying to help people get the care they need from the doctor they choose at a lower cost. This health care law is bad for patients. It is bad for providers, nurses, and doctors who take care of those patients. It is terrible for the American taxpayers. That is why I believe we need to repeal and replace this broken health care law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### THE RYAN BUDGET

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to talk about the upside-down values and blatant dishonesty that Congressman PAUL RYAN and other Republicans have put down on paper and are trying to present to the American people as their responsible budget. The truth is it is anything but. The Ryan budget would be devastating for middle-class families. It would gut our investments in education and job training, research, and our Nation's future. It would do all of that while cutting taxes for the richest Americans and biggest corporations.

Now, if that is not bad enough, it gets even worse. The Ryan Republican budget would permanently cut tax rates for the wealthiest Americans to the lowest level in more than 80 years—more than 80 years. It would cut taxes for the rich below the scheduled top rate of 39.6 percent, below the Bush tax cut rate of 35 percent, all the way down to just 25 percent if you are a millionaire or billionaire. But even that is not all.

What PAUL RYAN and the Republicans do not want people to know is their budget does not even add up. It is fiscal fraud. It is a bait-and-switch. It is a desperate attempt to pull the wool over the eyes of the American people. Ryan and the Republicans claim they would pay for their massive tax cuts for the rich by “closing loopholes and ending deductions.” But they never say which loopholes they would close or which deductions they would eliminate.

In fact, they have been pressed over and over to lay out their plan by the media, by the public, by Democrats. And they refuse. It is just a big secret. This past weekend, both Governor Romney and Representative RYAN were asked again and again to offer even one deduction they would limit. Pick one. Any one. They were asked that so the American people could judge their plan. Both refused. It begs the simple question: What are they hiding?

Well, a former Reagan adviser, Bruce Bartlett, slammed Ryan's budget in the *Fiscal Times* writing: “He offers only the sugar of rate reductions without telling us what the medicine of base broadening will be. . . .”

He says:

Any tax reform plan that simply asserts it will collect a certain percentage of GDP in revenue while specifying the rate structure but not defining the tax base is fundamentally dishonest, in my opinion.

Well, I agree. Why is this? Why are Ryan and the Republicans so specific about the taxes they are going to cut for the rich and so vague about how that is going to be paid for? Well, Ryan and the Republicans know when we do the math it becomes very clear that under their Republican budget the rich pay less and the middle class pay more and the national debt continues to grow. The math does not add up.

Here is why, here is what the Republicans do not want the American people to think about: The most expensive loopholes and deductions, the ones Republicans would need to eliminate to even start paying for these cuts for the rich, those are the ones that middle-class families depend on and the ones they benefit from the most, such as the personal and dependent exemptions, deductions for their home mortgages, charitable contributions, State and local taxes, child tax credit, college tuition credit.

If these deductions are eliminated while tax rates are slashed for the rich, it would mean a massive transfer of the tax burden onto the backs of our middle class. The richest Americans get a massive tax cut—an average of over \$250,000 a year for someone who makes \$1 million a year, according to an analysis by the Tax Policy Center—but the middle class, those families who depend on those critical deductions such as the home mortgage deduction, end up paying more. They would benefit far less from the marginal rate cut than the extra they would pay after losing those deductions.

If that sounds unbelievable, that is because it is. If that sounds like something no elected official would ever want to talk about doing, well, that is exactly right. So what Ryan and the Republicans do when they are asked is simply deny it. They simply say: Oh, that is not the case. They claim that loopholes and deductions will only be eliminated for the rich, and the middle class does not have to worry about anything.

Well, that sounds nice, but here is what they will not tell the American

people: It does not add up. The Tax Policy Center took a look at a plan that made a similar claim. Even viewing it in the most generous way, they could not get it to work. They said:

Even when we assume that tax breaks—like the charitable deduction, mortgage interest deduction, and the exclusion for health insurance—are completely eliminated for higher-income households first, and only then reduced as necessary for other households to achieve overall revenue-neutrality—the net effect of the plan would be a tax cut for high-income households coupled with a tax increase for middle-income households.

That last point is very important. According to independent analysts, if you cut rates for the rich as much as the Republicans want, and pay for it by closing loopholes and ending deductions, there is no way to avoid having the middle class pay more. That is a fiscal reality. It lays bare the fraud in the Ryan Republican budget.

Not only does the Ryan Republican budget decimate programs middle-class families depend on, not only does it end Medicare as we know it and push health care costs onto the backs of our seniors, not only does it cut investment in jobs, in education, in training, in research, in innovation, in roads and bridges, it does not even add up. It is a fiscal fraud. I am hoping, now that the American people have the opportunity to see this clearly, Republicans will stop playing games. Let us get serious about the fiscal future of our country and work with us on a balanced approach to cut spending responsibly, call on the wealthy to pay their fair share and actually reduce the deficit and the debt. As soon as they are ready to do that, as soon as they are ready to accept reality and end this fiscal fraud, I know Democrats are ready to make the kind of balanced and bipartisan deal the American people expect and deserve.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, we are trying to work through all the issues we have. There are a few of them—not too many but a few. But I want everyone to know we can finish all of our work tomorrow. We can finish it all tomorrow, but we are not going anyplace. We are staying here until Tuesday, probably 3 or 3:30, because we have Yom Kippur on Wednesday, and then we will be right back here on Thursday. We have to finish our work.

So that means if we can't work things out, we are going to be here Friday, Saturday, and Sunday. I know we talk about this once in a while, and usually we are able to work things out, and I am glad we are. But just in case we can't, no one should think they are

going to be able to catch an airplane out of here on Friday.

UNANIMOUS CONSENT REQUEST—S. 3525

Mr. President, I will be very quick. I know the assistant leader for the minority is here and I don't want to take a lot of his time.

The Senator from Montana, Mr. TESTER, has assembled a broad package of legislation. It is bipartisan in nature, and that is an understatement, to support the needs of sportsmen throughout the country. He has worked with these groups, and I have been in meetings with him where he has tried to get Democratic Senators to back off and let this package go forward, and there have been adjustments made because of problems Republicans had and Democrats had. So I appreciate very much his work.

What his bill does is to combine about 20 bills that are important to the sportsmen community around this country. These measures would promote hunting, fishing and recreational access and they would foster habitat conservation through voluntary programs. More than 50 national groups support this. These are sportsmen and conservation groups.

This is an example of leadership that is important in this body, to work on things that bring together a disparate group of bills, bipartisan in nature, and try to move forward. We ought to pass this package today.

I ask unanimous consent that the Senate proceed to Calendar No. 504, S. 3525, the Sportsmen's Act of 2012; that the bill be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I had asked the distinguished majority leader if I requested an amendment to his request to add a piece of legislation that he and I both support whether he would have to object to that, and I am presuming his answer is he would have to object. As a result, rather than doing that and forcing him to object, I will simply pose my objection at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana.

Mr. TESTER. Mr. President, I rise to discuss the Sportsmen's Act. The Sportsmen's Act is a good piece of legislation. It is a piece of legislation where, quite frankly, it would be one of the few times in this body Democrats and Republicans could come together and actually do something that is good for this country and not play politics with it.

The outdoor traditions in this country are deep and are an important part of our heritage. That is why 2 years ago, when I became chair of the Sportsmen's Caucus, I made it a goal to do something, something significant, that

would help this country's hunters and anglers.

This week we have an opportunity to play politics as usual or to get something done. This Sportsmen's Act is the biggest package of sportsmen's bills in a generation. It combines, as the majority leader said, nearly 20 different bills—all important to the sportsmen community.

These bills increase access for recreational hunting and fishing. They support land and species conservation. They protect our hunting and fishing rights. Most important, they take ideas from both sides of the political aisle. It is not about Democrats. This bill isn't about Republicans or Independents. This bill is about Americans and the great outdoors we all share as a nation.

This bipartisan bill is supported by 56 different conservation and wildlife groups, ranging from the Nature Conservancy and the National Wildlife Federation to the NRA. It earned their endorsement because it includes a wide range of responsible provisions that are important to sportsmen and women across America.

In my role as chairman of the Congressional Sportsmen's Caucus, sportsmen continually tell me about the importance of access to public lands. Right now there are 35 million acres of public land that sportsmen cannot access. That is why this bill requires 1.5 percent of the annual funding of the Land and Water Conservation Fund set-asides to increase public land access, ensuring sportsmen across the country access to some of the best places to hunt and fish in this country.

This bill also reauthorizes the North American Wetlands Conservation Act. This voluntary initiative provides matching grants to landowners who set aside critical habitat for migratory birds such as ducks. Over the last 20 years, volunteers across America have completed more than 2,000 conservation projects and protected more than 26 million acres of habitat under this successful initiative. The North American Wetlands Conservation Act is a smart investment in both our lands and our wildlife, and it needs to be reauthorized, as this bill does.

My widely supported bill authorizes the Secretary of the Interior to reevaluate the price of duck stamps to keep up with inflation. Revenue from these duck stamps has been used to purchase or lease more than 6 million acres of wetlands and preserve a viable waterfowl population. This bill also funds new shooting ranges while encouraging Federal land agencies to cooperate with State and local authorities to maintain existing ranges.

This is a responsible bill that takes into account the needs of the entire sportsmen community. Some folks around Washington are asking: Why is this important? But hunting and fishing is a way of life in places such as Montana. One in three Montanans hunt

big game, and over 50 percent of Montanans fish. Outdoor recreation contributed \$646 billion in direct spending to the economy in this country just last year. Hunting and fishing is not just recreation, it is a critical part of our economy.

In Montana, hunting and fishing brings \$1 billion a year to our economy, nearly as much as our State's cattle industry. It is big business. It drives and sustains jobs. With bow hunting season open and rifle hunting season opening in just a few days, this bill is as timely as ever.

The Sportsmen's Act of 2012 is balanced, it is bipartisan, and it is widely supported. It is also fiscally responsible. The bill has no cost.

I have been chairman of the Congressional Sportsmen's Caucus for 2 years. In that time I have had folks from all over the country telling me why they love to hunt and fish. They have also told me how outdoor activities support our economy and create new jobs while sustaining old ones. But they have also told me about how much their outdoor heritage means to their families and about how concerned they are about losing those traditions.

Frankly, they have told me about how frustrated they are with Washington and how too many good ideas—ideas from both parties—get left behind because of political gridlock right here. By approving this sportsmen's package, we will conserve some of our most productive habitat, pass on our hunting and fishing traditions to future generations, and entrust the lands and water we share to them.

Sportsmen from across the West have been waiting for a bill such as this for a generation—a bill with widespread support that preserves our outdoor economy and secures our outdoor heritage for our children and grandchildren. I know it is getting close to election season, but we have time left.

The time we are working on is the taxpayers' dime, and I think we ought to get something done. Let's take some good Democratic ideas and some good Republican ideas and pass them. Let's actually do something for the 90 million sportsmen and women who reside in this country and build our economy. Now is the time.

We have an opportunity to take a bill that does good things for this country across the board that, quite frankly, if a vote was held on this bill today, I am confident would pass with a large bipartisan majority. But as long as we are going to play political games and as long as we are going to hold up legislation, we will never get to the point where we can do what is right by the American people.

I urge we get to work and get it done. I yield the floor, and I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Mr. President, earlier today I voted against invoking cloture on the motion to proceed to a 6-month spending bill, a stopgap measure, and I wish to explain to my colleagues and my constituents why I voted that way.

I am deeply disappointed that the Senate has been unable to complete the annual appropriations bills on time before the start of the new fiscal year. This is a failure that only reinforces the public's perception of gridlock in Washington. It is not as if the start of a fiscal year is a surprise to Members of this body. It happens every year on October 1. We know the spending authority is going to run out and we know one of the most important responsibilities of the Congress is to pass the appropriations bills.

While the House of Representatives has managed to pass 7 of the 12 annual spending bills, the Senate majority leader regrettably has not brought a single regular appropriations bill to the Senate floor for consideration.

It is important to note that the Senate Appropriations Committee did its job. Thanks to the leadership of Chairman INOUE and Vice Chairman COCHRAN, we have reported 11 of the 12 appropriations bills, in many cases with strong bipartisan support. For example, as the ranking member of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, I worked very closely with the subcommittee's chairman, Senator PATTY MURRAY, to craft a truly bipartisan bill for fiscal year 2013. The T-HUD bill strikes a balance between thoughtful investment and fiscal restraint. In fact, this bill honors an allocation that is nearly \$14.5 billion or 22 percent less than fiscal year 2010 levels. These deep cuts reflect an even deeper commitment to getting our fiscal house in order.

I am proud of the work Senator MURRAY and I did on this bill and the strong bipartisan vote of 28 to 1 this bill received from the Appropriations Committee this past April. Like our bill, the Agriculture appropriations bill, the Commerce, Justice, and Science bill, the Department of Defense bill, Energy and Water, Homeland Security, Legislative Branch, Military Construction and Veterans Affairs, and the State Department and Foreign Operations bills were all reported from the Appropriations Committee on a bipartisan basis.

In putting together all of these bills, the Appropriations Committee functioned the way committees are supposed to function. We worked together to develop thoughtful and fiscally responsible bills that could be brought to the full Senate for consideration, debate, amendment, and, most likely, passage. But, instead, not a single one of those bills—not even those bills for which the counterpart had been passed by the full House—was brought to the Senate floor.

I am very disappointed that House and Senate leaders have announced that rather than consider and complete these appropriations bills, they would instead kick the can down the road by passing a 6-month stopgap funding bill. The House has done just that and will soon leave town.

With 2 weeks left in the fiscal year, it is still not too late. There is no reason why the individual spending bills could not be brought to the Senate floor, allowing Senators to offer amendments and letting the Senate work its will on this important constitutional responsibility. Given the state of our Nation's economy and the need to ensure that tax dollars are wisely and appropriately spent, it is simply unacceptable that we would agree to put our government on autopilot for the next 6 months rather than working together to establish priorities, make the tough choices to evaluate programs, and to restrain spending.

Long-term continuing resolutions such as the one we are about to consider represent an abdication of our responsibility and often end up with government departments and agencies, particularly the Department of Defense, incurring additional costs due to delays and uncertainty. Think how difficult it is for Federal managers to decide whether they can enter into long-term contracts to consider changes in programs, to manage the dollars they have, when they don't know what is going to happen 6 months from now. In some cases we do even shorter continuing resolutions that create chaos and additional costs throughout the Federal Government.

As our Nation struggles to recover and to regain its economic footing, we must provide more certainty by completing appropriations bills on time. I am extremely disappointed this did not occur for fiscal year 2013 and, therefore, I will continue to oppose the continuing resolution to protest what I believe is a failure of leadership.

Let me be clear: I do not support a government shutdown, but it is unacceptable that not a single one of the regular appropriations bills has been brought to the Senate floor for consideration. Indeed, it has been more than 3 years since the Senate has passed a budget. This is simply wrong. We must do our work. The American people deserve better.

#### CYBER SECURITY

Ms. LANDRIEU. Mr. President, I rise as chairman of the Homeland Security Appropriations Subcommittee to engage with the ranking member of the subcommittee to clarify some apparent confusion on the continuing resolution provision regarding cyber security.

The language in section 137 of this continuing resolution regarding cyber security is explicit and clear. The phrase that is apparently in question refers solely to improvements in the Federal Network Security program.

Federal Network Security is a limited program that provides security

systems on Federal government networks.

No funds or language expand any Department of Homeland Security authorities.

And, none of the funds or language in section 137 have anything to do with regulation of private sector infrastructure, and we have confirmed that in writing with the Department of Homeland Security.

Without this provision, the program will be suspended due to lack of available funding and the monitoring of Federal civilian networks will be delayed by as much as 6 months, leaving them vulnerable to infiltration and subsequent breach—and that is all we are trying to prevent with this provision.

Federal systems are increasingly targeted by individuals, sophisticated criminal organizations, and nation states that desire to do us harm. There were 106,000 cyber security incidents on Federal and other systems reported in 2011. We should not postpone critical investments to secure Federal systems.

I should also add that this provision is an abbreviated version of what is contained in both of the House-passed and Senate-reported Fiscal Year 2013 Department of Homeland Security Appropriations bills—something our Committees have been working on all year.

I will now yield to the subcommittee's distinguished ranking member, who I believe agrees with this clarification.

Mr. COATS. I concur with the clarification of my distinguished colleague from Louisiana on the continuing resolution funding and language regarding cyber security.

I strongly support the inclusion of this provision and see it as essential, but also limited in scope to only the securing of our vulnerable Federal civilian networks.

There is clearly disagreement about the best way to address cyber security more broadly, but that is a completely separate issue from the provision in this continuing resolution.

As a result, I want to make it very clear to my colleagues that this provision does not intrude upon the authorizers' jurisdiction, enable a new Executive order on cyber security, or fund new actions to regulate private sector infrastructure in any way.

Again, I thank the Chairman for yielding to me on this issue, and I yield the floor.

Ms. LANDRIEU. I thank the ranking member for his concurrence. I concur with his remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHANNIS. I ask unanimous consent to speak for 5 minutes as in morning business.

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

#### RECOGNIZING NEBRASKA HEROES

Mr. JOHANNIS. Mr. President, I am here today to recognize two incredible heroes from Blue Hill, NE, for their courageous actions amidst a terrible tragedy.

On September 5, an accident between a schoolbus and a semitrailer claimed the lives of four members of this close-knit farming community in Webster County, NE. My thoughts and my prayers continue to be with the victims, their loved ones, and the entire Blue Hill community during this very tragic time.

But through the sorrow of this terrible tragedy, a story has emerged that truly epitomizes the word "hero." As one Nebraska newspaper said:

By the grace of God, not all of the kids riding the bus home from school [have been] buried. But their fates could have been much different, if not for two guardian angels.

There were five other students riding the bus on that day who, because of the selfless actions of two brave men, are still alive today. Ron Meyer and Phil Petr arrived on this horrific scene just moments after the crash. Immediately, the two bravely ran onto the burning bus, risking their own lives to save the lives of others. They swiftly and courageously pulled five children to safety. A nearby rancher who witnessed their actions said he is sure the five survivors would have encountered a much different fate had Ron and Phil not been there that day. They are guardian angels whose heroic actions will never be forgotten.

There were other heroes who arrived on the scene and acted quickly to provide care—first responders who also deserve to be commended. First responders risk their lives to save others each and every day, just as our gratitude to them should be expressed throughout the year. But special recognition is owed to average citizens who happen upon horrific scenes and take heroic action.

Although Ron and Phil would never ask for it, many in this community have called for their heroism to be recognized and to be honored, and I could not agree more. Their willingness to risk their own lives to save others serves as a source of inspiration for all of us.

I am honored to call them my fellow Nebraskans, and I want to personally thank them. I thank them for their courage and their selflessness.

Acknowledging their heroism in no way lifts the grief and the sorrow that gripped the community and our State after this crash.

I pray that God brings peace and healing to all those who have been affected. But because of Ron and Phil, my prayer is also a prayer of gratitude.

I thank God for these heroes. I know that no recognition can adequately

convey the gratitude felt by the families of the five children whom they saved from that burning bus.

Mr. President, I stand before you today on behalf of the Blue Hill community and all of my fellow Nebraskans to offer my deepest appreciation to Ron Meyer and Phil Petr.

May God bless them and God bless all those affected by this terrible crash.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, we are trying to work through and finish all the issues we need to address before we can finish this work period. I wish to make it very clear to everyone, as I said a couple hours ago on the floor, that we can finish all our work tomorrow. But if we don't finish it tomorrow, we are going to continue to work on Friday, Saturday, Sunday, Monday, and Tuesday, until late in the afternoon.

We have to get done a few things that are important. I know there are a lot of things we aren't going to be able to do, but that has been the way it has been all Congress. I am prepared now to ask consent to move along on one very significant part of what we need to do. The consent I will read into the RECORD in just in a short time addresses voting on a continuing resolution we need to keep the government running. It addresses votes on very different concerns of others who have sought to hold up consideration on the continuing resolution. I believe, with this consent, we have gone that extra mile.

The junior Senator from Kentucky, Mr. PAUL, has been said to be holding up everything. We have two American Ambassadors, one to Iraq and one to Pakistan, and one would think we should be able to get this done. We have had something extremely important sponsored by, I think, 81 Senators, a containment resolution relating to Iran. So without belaboring the point, I have worked things out with Senator PAUL, and we are going to have a vote on something he has wanted a vote on for a long time. We can do that.

I explained to a few Republicans earlier today—in fact, some last night—that I was working with Senator PAUL and I think we have done that. He has been reasonable, and even though ideologically I sometimes disagree with him, I have always found him to be someone I can talk to. So I will be terribly disappointed if this person, whom it has been said by the Republicans appears to be holding up everything, now isn't holding up everything and that the Republicans, if there is an objection to this, are just hiding behind him because there is no reason we shouldn't

be able to move forward with this legislation.

UNANIMOUS CONSENT REQUEST—S. 3576, S.J. RES. 41, AND H.J. RES. 117

Mr. President, I ask unanimous consent that notwithstanding cloture having been invoked, at a time to be determined by me, after consultation with Senator MCCONNELL, it be in order and the Senate proceed to the consideration of S. 3576, which is the legislation I have just referred to by Senator PAUL, the text of which is at the desk; that there be up to 60 minutes of debate, equally divided between Senators PAUL and KERRY or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on passage of the bill; that the vote on passage be subject to a 60-vote affirmative threshold; that if the bill does not achieve 60 affirmative votes, it be considered as having been read twice, placed on the calendar; that following the vote on passage of that legislation, S. 3576, the Senate proceed to the consideration of Calendar No. 418, S.J. Res. 41; that there be up to 60 minutes of debate equally divided between Senators KERRY and PAUL or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on passage of the joint resolution; that if the joint resolution is not passed, it be returned to the calendar; that following the vote on the joint resolution, the Senate resume consideration of H.J. Res. 117, the continuing resolution; that the motion to proceed be agreed to, there be up to 60 minutes of debate, equally divided between the two leaders or their designees prior to a vote on passage of the joint resolution; that the vote on passage be subject to a 60-vote affirmative threshold; that following the vote, the majority leader be recognized; and, finally, that no amendments, motions or points of order be in order during the consideration of these measures.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I appreciate the majority leader's attempt to put several of these items together. I would note that our side has only had a little over an hour to try to work this through our membership. I know there is one objection that I will need to interpose, but I would encourage the majority leader to meet with Senator MCCONNELL when he is available so they can continue to work on this as a potential way to proceed. But at this time, on behalf of Senator JOHN MCCAIN, I will interpose an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, to everyone within the sound of my voice, I say again, we shouldn't be surprised. Even though there had been all this focus on Senator PAUL, that he was holding up everything, that is not the way it is. He is not holding up everything. It is the Republicans.

All this has been cleared on my side. It is unfortunate. We will continue to

work to reach an agreement. We need to move this vote on the CR. Unless we have some agreement, it is going to occur at 8:45 tomorrow night, which is when the 30 hours expires. So I think we need to continue to see if we can work our way through the logjam the Republicans have put up here.

If nothing happens, we will be out of here in a little bit tonight and proceed to vote tomorrow night. But RAND PAUL is not holding up things, as has been rumored around here for weeks.

UNANIMOUS CONSENT REQUEST—H.R. 8 AND S. 3412

Mr. President, on July 25, the Senate conducted two important votes on dealing with the so-called fiscal cliff. That day the Senate voted on extension of the tax cuts enacted in 2001, 2003, and 2009. Democrats, and a majority of the Senate, voted to extend tax cuts for 98 percent of American families while at the same time reducing the deficit by \$1 trillion over 10 years. Republicans, on the other hand, insisted on a vote on their plan—a plan that provided tax breaks averaging \$160,000 for millionaires at the same time it increased taxes by \$1,000 for 25 million American middle-class families. On July 25, we held votes on those two plans. The Senate voted down the Republican plan on a bipartisan basis by a vote of 45 to 54. The Senate passed the Democrats' plan by a vote of 51 to 48.

Since then, the House of Representatives also voted on this matter and the House sent the Senate its revenue measure. Now that we have had the debate and the votes, it is time to go to conference with the House. The Senate has voted and so has the House. It is time for us to resolve our differences. We believe the tax extenders should not apply to people making more than \$250,000 a year. We should extend them for people making less than \$250,000 a year. So let's have a conference on this. This process would be important.

Unfortunately, I am sorry to say, my Republican friends often place roadblocks in the way of routine Senate business. This is simply routine. Just last week, Moody's said it would probably cut America's credit rating if congressional leaders couldn't reach an agreement to address the fiscal cliff and produce long-term deficit reduction. The bill the Senate passed in July is a big part of dealing with that fiscal cliff and the American people deserve their leaders to move to advance this legislation, and that is why I am going to ask the following consent, which is simply going to conference on a bill that has passed the House and a bill that has passed the Senate.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 502, H.R. 8; that all after the enacting clause be stricken and the text of S. 3412, a bill extending the tax cuts I have referred to in 2001, 2003, and 2009 for 98 percent of Americans and 97 percent of all small businesses, which passed the Senate on July 25, be in-

serted in lieu thereof; that the bill, as amended, be read a third time and passed; the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the chair be authorized to appoint conferees on the part of the Senate, consisting of the membership of the Finance Committee; with all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I ask unanimous consent the agreement be modified so that rather than amending H.R. 8, that bill—namely H.R. 8—would be considered read a third time and passed. This request would let that bill go directly to the President's desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Mr. President, I hope the RECORD can pick up the smile on my face. Why in the world—when the Senate has already acted, with a majority of the Senate saying we do not believe there should be taxes extended to the rich; that we believe in protecting the middle class—would we agree to extending all these tax cuts? We can't do that. That was a bipartisan vote set out in the Senate. That was the Senate's position.

We are asking simply to go to conference on the Senate's position. The other side is insisting the minority position prevail. That is an unusual situation and that is not the way democracy in America works. So I would not accept his modification to my request.

The PRESIDING OFFICER. Is there objection to the Senator's original request?

The Senator from Arizona.

Mr. MCCAIN. Reserving the right to object, the unanimous consent request of the majority leader is that we have 60 minutes, equally divided, in a vote on the Rand amendment. Is that part of the unanimous consent?

Mr. REID. It would be 60 minutes on the amendment, equally divided between Senator KERRY and Senator PAUL. If the Senator wants more time, and we are not doing much now, we could have more time.

Mr. MCCAIN. I would hope the majority leader would have some understanding that we are talking about cutting off aid to several countries that are allies which could have an incredible effect on the entire Middle East. The majority leader wants to have 60 minutes, equally divided, on a measure that, if passed, would have the most Draconian effects on the entire Middle East, a part of the world that is in turmoil now. The majority leader wants to have 60 minutes, equally divided, and with no amendments, obviously, as it is the majority leader's practice not to allow any amendments. I may want to have a side-by-side. This is an issue of the utmost gravity and the utmost importance and the majority leader wants to have an hour, equally divided.

It is absolutely mind-boggling, and I think if we are going to cut off all aid to several of our allies, including the Camp David agreements which call for aid to Egypt, including an ally in the region called Libya where we just lost our brave Ambassador—and the majority leader wants to have 60 minutes equally divided and with no one allowed to have any amendments, second degree, side-by-side, and then says Republicans are at fault?

I say to the majority leader, I have watched this Senate deteriorate in a way that is almost spectacular. Here we are on the day before the majority leader wants us to go out of session, and we are supposed to just have a vote on an amendment that has the most profound effect on this Nation's security, with 60 minutes equally divided.

I don't have a smile on my face, I tell the majority leader. I have a look of incredulous dismay and disgust.

Mr. REID. Mr. President, it would seem to me that the Senator's concern should be directed toward Senator PAUL, not me. It sounds to me he may vote against the Paul amendment from what I have heard. If he is that concerned about it, I think we should get it up, and if we want more time, we could have more time on it. But at this stage, no amendments would be called for, and I think we should vote on the Paul amendment.

I think it is pretty clear as to what has gone on this past Congress. When the Republican leader says his No. 1 issue is to make sure Obama doesn't get reelected, I think that probably is what has held up this Congress from doing all kinds of things.

Now, let me rewind. Since I have been the majority leader—which has been 6 years—we have had to try to overcome 380 Republican filibusters. This is two now. During the same period of time—6 years—that Lyndon Johnson was President—and he was majority leader before he became President—he had to file cloture once.

My friend from Arizona and I have served together now 30 years in the Congress. His agitation should not be directed toward me. They are the ones holding up hundreds of bills in the Energy Committee and basically everything we have tried to do because their No. 1 goal, if they follow their leader—and they have done a pretty good job doing that—has been to make sure the country is in such a shape that maybe they may get lucky and have Governor Romney elected.

So if there is going to be objection by the assistant majority leader, I understand that. But don't be blaming RAND PAUL for everything being held up.

Here is what we have held up, and I will mention it just briefly. Wouldn't it be nice if America had an ambassador to Iraq? Wouldn't it be nice if America had an ambassador to Pakistan? Wouldn't it be nice if a piece of legislation that has 81 cosponsors dealing with the Iran containment resolution, that we could vote on that?

So as I have indicated—and this will be the third time today—we have work to do—not a lot but we have work to do. One is to pass the continuing resolution, and we will do that. We can either do it the hard way or the easy way. As you know from the vote on the motion to proceed to that, there is overwhelming support for that. That is as bipartisan as anything could be. The Speaker and I worked on this with our staffs, and we came up with something I think is pretty fair. So we are going to pass that. If the Republicans want to stall on that like they have on everything else, they can do that. But we are going to finish this.

The American people need that done, and we are going to get it done. It may take a vote on Saturday, it may take one on Sunday, but we are going to finish the CR. So everybody should understand we are not going anywhere. My No. 1 place to go is the Senate. That is my life, the Senate. So I am going to be here and make sure that we do as much of the people's business as we can, in spite of their No. 1 goal being to defeat Obama rather than trying to legislate for the American people.

As I understand it, the request that I made has been objected to, and the request of the Senator from Arizona has been objected to; is that right?

The PRESIDING OFFICER. The majority leader's original request, H.R. 8, has not been objected to.

Mr. KYL. And the leader is right with regard to intentions. His intention was to object to my request; mine is to object to his request. That is correct.

Mr. REID. So we have dual objections.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

UNANIMOUS CONSENT REQUEST—  
H.R. 9 AND S. 3521

Mr. REID. Mr. President, last month the Senate Finance Committee reported bipartisan legislation on what are called the tax extenders.

The Finance Committee tax extender legislation addresses a significant part of the so-called fiscal cliff. The Finance Committee bill would extend relief from the alternative minimum tax through 2013. It would extend tax incentives for renewable energy and energy conservation through 2013, and it would extend through 2013 the traditional extenders, among which are the R&D tax credit, the State and local sales tax deduction, and the tuition deduction.

The Finance Committee reported that bill with a strong bipartisan vote of 19 to 5. The bill cuts taxes by \$205 billion. It cuts taxes by \$143 billion in fiscal year 2013 alone. Passing this bill today would help remove some of the uncertainties surrounding tax policy. Passing this bill today would help our economy. Passing this bill is the least we should do now.

So I ask unanimous consent the Senate Finance Committee be discharged from further consideration of H.R. 9;

that a Baucus amendment, which is at the desk, the text of which is identical to S. 3251, the Family and Business Tax Cut Certainty Act of 2012 as reported by the Finance Committee, be agreed to; that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, it is our view that the extension of many provisions of the Tax Code, which is the subject of the leader's request, makes some sense if we extend all of the provisions of the Tax Code we can.

With that in mind, I ask that the consent be modified so that the text of House-passed bill H.R. 8 be added to the substitute referred to by the leader; further, that the bill then be read a third time and passed as amended.

Mr. REID. Mr. President, we have already reached that position. That is not how things work in a democracy or, I doubt, anyplace else. So I object to my friend's suggested modification.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. KYL. We would also then object to the original request.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, would the majority leader yield?

Mr. REID. Sure.

Mr. MCCAIN. Mr. President, I am not against the RAND PAUL amendment being voted on by the Senate. I do object to an hour equally divided. I object to the fact that we do not have either side-by-side or second-degree amendments, which is the normal parliamentary procedure.

Since the majority leader had to inject the "No. 1 objective is defeat Barack Obama" routine again, I would like to point out this is the least productive Congress since 1947; that for the first time in 51 years we are not taking up the Defense authorization bill; for the first time in 51 years, when we are fighting a war in Afghanistan, that we can't find the time in the Senate to take up the bill that is so important to the security of this Nation.

So the majority leader shouldn't be proud of his record, as he mentioned, including the fact that this Congress is the least productive since 1947. But most of all, in 50 years—in 50 years—we have not taken up the Defense authorization bill that we have taken up for 50 years because other majority leaders who set the calendar have understood its importance to the men and women who are serving in the military and our national security.

I again urge that instead of this back-and-forth and mutual objections and nothing getting done around here—I know and the majority leader knows we could take up the Defense authorization bill and get it done in a matter

of a few days, and we could have since June. But instead we do this back-and-forth, which makes us the least productive Congress since 1947, with an approval rating by the American people that deservedly is in the single digits.

So I repeat: I would be glad to enter into a unanimous consent agreement on the Rand amendment, although I would also tell the majority leader that we may now be establishing a precedent that one Senator can hold up the entire Senate until that Senator gets the vote he is demanding.

I could hold up the Senate and demand a vote on the National Defense Authorization Act, which was reported to this body in June. Senator KYL could hold this body hostage for a vote because of the various pieces of legislation they have. I am not doing that, but I am saying when we are looking at an issue as serious to this Nation's security as cutting off all aid in one fell swoop without even amending, or with an hour of discussion, I think it is almost incredible that we would consider such a parliamentary procedure when we are talking about what is at stake.

So I hope we can work out an agreement. I don't feel like staying here this weekend either, but I also have some concern about the safety and security of the men and women who are serving in our diplomatic corps overseas because if that amendment did pass, I guarantee you, you would see a reaction in these countries if we announce arbitrarily that we are cutting off all aid to them.

So I think we ought to understand the consequences of the Rand amendment, and it probably would take more than an hour equally divided.

I thank the majority leader for listening.

Mr. REID. Mr. President, to my friend—and he is my friend for whom I have admiration and respect—the senior Senator from Arizona makes my case. He is absolutely right. This is, I am sorry to say, the least productive Congress perhaps ever. Why? Because everything we have tried to do they have objected to. Everything.

Once in a while we are able to work together to get something done, but he has made my case for me, absolutely, because their No. 1 goal has been to defeat the President of the United States for reelection.

Now, we have had a lot of debates. Senator PAUL has been here many times talking about this issue. I have no lock on wisdom around here. There are a lot of people who have much more wisdom than I do. But I do have the obligation to try to move legislation along on things that we have to work on here. If people want more time on this, fine. I have worked with Senator PAUL. He has agreed to this. If there are some reasonable changes, I will agree to those. I am not locked in. But whoever wants to do this, I would suggest they go to Senator PAUL, not to me. I am happy to be a conduit to try to get something done that is reasonable and fair.

If an hour is too short, we haven't been doing much today, there is plenty of time to debate legislation. So I am happy to do that.

Mr. President, I understand the rules of the Senate fairly well. This is not the first time a Senator has held things up. I came here during the days of the Senator from Ohio, Howard Metzenbaum, and he was pretty good at slowing things down and holding things up. Jesse Helms was really good at it, and we have had a number of others.

So as I have said on the Senate floor, I think we should change some rules around here. I am not for getting rid of the filibuster. I don't want to get rid of the filibuster, but we need to change the filibuster rule. Why should we have, on every piece of legislation, a motion to proceed? It takes the Senate a week to get on a bill when a single Senator objects to it. That doesn't sound very good to me.

I hope with a new Congress we can change some of the rules around here. But I am happy to work with my friend from Arizona. I know he is someone who travels the world. He has been in the forefront of changes that have taken place in this world. I understand his concern about this legislation.

If he has something else he thinks might work better than this, talk to Senator PAUL. I am always reachable, any time of the night or day.

Mr. KYL. Mr. President, might I make a response to the leader?

Mr. MCCAIN. I believe it is not Senator PAUL who sets the parameters for how many hours of debate and amendments and others; I believe it is the majority leader. Could I talk to the majority leader about how long the debate should be or whether we can have amendments? That is all I am saying.

Mr. REID. I will say this so it will save a lot of trouble for anybody. We are not going to have amendments to this. Amendment days are over. We have been blindsided many times on amendments.

I will be happy if my friend can come up with something that will allow maybe a side-by-side or something. I will be happy to do that. I am open to negotiations in any way that is reasonable. If someone does not want to contact RAND PAUL, I will—if somebody feels awkward doing that, I do not. I feel totally free to talk to any Senator about anything. That is why I reached out to RAND PAUL.

Mr. KYL. Mr. President, if I might continue, I think the point is this unanimous consent was made before everyone had been fully consulted. I appreciate the leader is trying to move things along, but it does illustrate the proposition that everyone needs to be consulted so the question of time and potential other considerations could be dealt with. I suspect, through the leader's good offices, that will be done this evening and tomorrow morning. Perhaps something can be worked out, as I said when I interposed my objection.

But one point I wanted to make is this. The objection I interposed on be-

half of Senator MCCAIN tonight has nothing whatsoever to do with the Romney campaign against President Obama. We just heard my colleague, Senator MCCAIN, talking about the concerns he has cutting off aid cold turkey to some very important countries in the world in the middle of a crisis.

Who will be another speaker raising those same concerns tomorrow? Our Democratic colleague, Senator KERRY. This is a bipartisan question of whether this is the right policy for our country. I suspect the Obama administration and the President himself would generally be supportive of the position expressed by Senator MCCAIN and Senator KERRY.

I wish we could have a conversation around here, just once, without having it portrayed as some kind of partisan political exercise. This is not a partisan political exercise. It is a question of reasonable people having different views about what the best policy is, and the lives of Americans are on the line so it needs to be considered carefully, thoroughly, and with other options possibly being raised. That is what my colleague Senator MCCAIN is saying. That is why I interposed the objection on his behalf.

I do think, if the parties can get together tonight, tomorrow, potentially work out a way to approach the issue so it can be debated for the appropriate length of time and any alternatives presented, then we could move on with things. But let's do it in the context of the issue before us, not suggesting it has something to do with the Presidential campaign because that would be incorrect.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the reason I went into that is because my friend Senator MCCAIN talked about how little we have accomplished. I didn't bring that up. I indicated why we have accomplished so little.

I also say to my two Republican friends who are on the floor—there are three actually—this: The resolution, a piece of legislation that Senator PAUL is putting forward, I am not going to vote for it. Senator PAUL knows that. Democrats are not going to vote for this. The problem is the Republicans are split, not us. They are split. Their own caucus is split on what to do with the Paul amendment, not us.

I am happy to work with everybody. I have conferred. I say to the Republican assistant leader, I talked to my leadership team this morning. I talked to my caucus today about this. Republicans have a caucus the same time we do and they knew, and they knew before the caucus because everybody knew, what was going on with this. It was no secret. I talked to Republican Senators before their caucus. This is no surprise.

The hour time I put was arbitrary. I acknowledge that. If somebody wants more time to debate this issue, I am fine. I don't care.

I appreciate my friends' involvement, both of them.

The PRESIDING OFFICER. The Senator from Iowa.

DISCLOSURE OF TAX RETURNS

Mr. GRASSLEY. Mr. President, as a matter of senatorial courtesy, since I am referring to some things that the majority leader has said previously, not recently but previously, I have informed him of what I was going to say.

On August 2, the majority leader decided that the valuable time of this body would be best employed by speculating on the contents of the tax returns of Presidential candidate Governor Mitt Romney. These remarks also touched on the vetting process of the Senate Finance Committee. It is that aspect of this to which I want to refer.

As a senior member of the Finance Committee as well as former chairman and ranking member, I have come to familiarize my colleagues with the committee's vetting process.

On Thursday, August 2, the majority leader exclaimed:

As we know, he has refused to release his tax returns. If a person coming before this body wanted to be a Cabinet officer, he couldn't be if he had the same refusal Mitt Romney does about tax returns.

This statement demonstrates a misunderstanding of the confirmation process for Cabinet officials and the Finance Committee vetting process in particular. The fact is, most prospective Cabinet officers do not need to disclose their tax returns. Actually, no prospective Cabinet officer is required to make their returns public in ordinary circumstances. To my knowledge, the Finance Committee is the only committee that asks nominees to provide copies of tax returns. Specifically, the Finance Committee asks that nominees provide copies of their last three Federal tax returns. The committee may request further returns if it is warranted by the circumstances of that particular time.

The committee asks for this information for a few reasons. To begin with, many nominees referred to the Finance Committee, such as the Secretary of Treasury and the Commissioner of the IRS, will be able to exercise significant influence over tax policy and administration. Additionally, the examination of a nominee's tax return sheds light on the nominee's character. Over the last few years, several high flyers in the Obama administration have come up short when measured by their tax returns. Therefore, the vetting process utilized by the Finance Committee has received a lot of attention.

Only two Cabinet officers and one position with the status of Cabinet rank are referred to the Finance Committee. These are the Secretaries of Treasury and the Department of Health and Human Services, as well as the U.S. Trade Representative. As I said before, to my knowledge, the Finance Committee is the only committee of the Senate to request copies of actual tax

returns. This means that not counting the Vice President, there are 19 members of the Cabinet who do not release their tax returns during the Senate confirmation process.

As I said, no Cabinet official is required to make his or her tax returns public. This goes to the details of the Finance Committee's vetting process. All nominees referred to the committee are required to submit copies of their last three filed tax returns. These copies, along with other financial data, are shared with a very limited number of staff, specifically designated by the chairman and ranking member of the Senate Finance Committee.

While being reviewed, the returns themselves are kept under a very tight control. Most staff for the committee and ranking member do not have access to the tax returns. Neither the chairman nor the ranking member may unilaterally release the tax returns or information obtained from those tax returns. This means that even when I was chairman of the committee, rules prohibited me from unilaterally releasing a nominee's tax return or even making public that nominee's specific tax information.

When an issue is identified pertaining to a nominee's tax information, the chairman and the ranking member jointly determine how to proceed. Information is only released under bipartisan agreement and after consultation with the nominee.

For example, Secretary Geithner was given the opportunity to withdraw his nomination before the world learned of his failure to pay all his taxes. He was also provided an opportunity to review the bipartisan memo the committee eventually released.

In sum then, no nominee vetted by the Finance Committee needs to make their tax returns public, and in the majority of the cases no information is released. Additionally, the purpose of the vetting is not to damage the credibility of the nominee. I bet those seeking Governor Romney's tax returns are operating under a completely different standard. I especially find it interesting that the majority leader compared Governor Romney to Cabinet officials when speculating as to the contents of Governor Romney's returns. There seems to be an implication that a discovery of unsatisfied tax obligations would be problematic to the leader. While the majority leader may want to speculate as to whether Governor Romney has paid his taxes, there are nominees and officials of the current administration we know did not completely satisfy their tax obligations.

I will start this trip down memory lane with our current Treasury Secretary. Due in large part to his failure to pay self-employment taxes, irregularities in Mr. Geithner's returns added up to his owing a total of \$48,268 in taxes and interest to the IRS. Those seeking a full accounting of the episode may read the bipartisan memorandum prepared by the Finance Committee,

which is part of the record of his January 2009 nomination hearing. As I said, we don't need to speculate whether Secretary Geithner completely paid his taxes. We know as a fact he did not, to the tune of over \$48,000.

Secretary Kathleen Sebelius disclosed that in preparation of her confirmation she filed amended tax returns for 2005, 2006, and 2007. She voluntarily made this information public in the form of a letter to Chairman BAUCUS and me. This letter was printed in the record of her nomination hearing. The result of those amended returns was that she paid a total of \$7,040 in additional taxes and \$878 in interest to the Internal Revenue Service.

Finally, I wish to mention former Senator Tom Daschle, who was the administration's nominee to be Secretary of HHS for a brief period of time in 2009. Although Mr. Daschle withdrew his nomination before the committee held a hearing on his nomination, it was widely reported, including in the New York Times and the Los Angeles Times, that he failed to pay more than \$128,000 in taxes in the 3 years prior to his nomination.

In mentioning Secretaries Geithner and Sebelius and Mr. Daschle, I am not suggesting anything beyond the reported facts of their circumstances or that their tax errors were intentional. I just want to remind the majority leader of these situations where it is not necessary to speculate on whether taxes were owed.

While I appreciate the leader's newfound attention to the Finance Committee's vetting process, I wish to assure everyone has clear understanding of how this vetting process in the Senate Finance Committee works. I will be happy to discuss the committee's procedure with any interested colleague. I am sure Ranking Member HATCH and his staff would also be happy to discuss the process with anyone who was interested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

A HIGHER STANDARD

Mr. REID. Mr. President, first of all, I extend my appreciation to the senior Senator from Iowa, Mr. GRASSLEY. He indicated he was going to say a few things about me and he told me beforehand, and I appreciate that. That is the way the Senate should operate. So I appreciate very much my friend from Iowa doing that.

He came to the floor and, in effect, said that I said—I have said it on a number of occasions, but he picked one date—that Governor Romney could not be confirmed as a Cabinet officer because to be a Cabinet officer, you have

to give at least 3 years of your tax returns. Sometimes they ask for more. So my friend Senator GRASSLEY came to the floor and suggested he could be confirmed. Well, not really. The Senator from Iowa conceded my point. Mitt Romney could not be confirmed for Treasury Secretary. He could not be confirmed as Secretary of Health and Human Services. He could not be confirmed as Trade Representative. He could not even be confirmed as Assistant Secretary of the Treasury for Public Affairs and a number of other positions.

But there is a larger point to be made here. And why they would bring this up again I do not know, but they did. But there is a larger point to be made here. When you are running for the highest office in the land—President of the United States—you are also held to a higher standard of conduct than someone who wants to be a Cabinet officer or sub-Cabinet officer who gives us their tax returns.

The least Mitt Romney owes the American people—the least he owes them—is some honesty and openness. That we do not have.

The Senator from Iowa is correct about one thing—and this is what he said: The contents of a candidate's taxes do speak volumes about his character. That is what Senator GRASSLEY said, and I agree with him.

Let's not forget, Mitt Romney could solve this problem tomorrow—tonight—by releasing his tax returns, which he refuses to do. Why?

#### MORNING BUSINESS

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

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

Mr. REID. Mr. President, the week of September 17th marks the third annual celebration of Congress Week, sponsored by the Association of Centers for the Study of Congress. The Association is an independent alliance of institutions that preserve the papers of Members of Congress and use those papers to promote the study of Congress.

Congress Week's theme this year is "Congress: Chosen by the People." Congress is the only branch of the Federal Government that is elected by the people. It is important, as Members of Congress, to manage and preserve our own papers for future historical research and study of our democracy.

Mr. President, I ask unanimous consent that a letter from the President of the Association of Centers for the Study of Congress and the Chair of the Congressional Papers Roundtable about Congress Week be printed in the RECORD.

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

SEPTEMBER 2012.

DEAR MEMBER OF CONGRESS: In honor of Congress Week (16-22 September 2012), the

Congressional Papers Roundtable (CPR) and the Association of Centers for the Study of Congress (ACSC) encourage you to remember H. Con. Res. 307 (5 March 2008), "expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary precautions to manage and preserve these papers."

Established in 1986, the Congressional Papers Roundtable is composed of members of the Society of American Archivists who work with or have an interest in the papers of members of Congress and the records of Congress. CPR provides a forum for discussing developments and developing guidelines in the preservation and management of congressional papers and records.

In 2003, ACSC was founded as an independent alliance of institutions and organizations that support a wide range of programs designed to inform and educate students, scholars, policy-makers, and members of the general public on the history of Congress, legislative process, and current issues facing Congress. ACSC encourages the preservation of material that documents the work of Congress, including the papers of representatives and senators, and supports programs that make those materials available for educational and research use. The association also welcomes the participation of institutions and individuals committed to the goal of promoting a better understanding of Congress.

ACSC has sponsored an annual celebration of "Congress Week" since 2009. The central goal of this national initiative is to foster the study of the U.S. House and Senate, and to promote a wider appreciation for the vital role the legislative branch plays in our representative democracy. This year's theme, "Congress: Chosen by the People," is drawn directly from language in the Constitution and emphasizes that Congress is the only branch directly elected by the people. During Congress Week, ACSC members and participating organizations will feature a range of events including lectures and exhibits to highlight the role of legislative branch and the participatory role of citizens in registering to vote, staying informed on issues, and making one's opinions known to members of Congress.

Every day, the House and Senate make significant contributions to our nation's history. As a Member of Congress, the archival preservation of your papers is a long-lasting form of service to constituents in your state and throughout the nation. We urge you to embrace the tenets of H. Con. Res. 307:

(1) Members' Congressional papers (including papers of Delegates and Resident Commissioners to the Congress) should be properly maintained;

(2) each Member of Congress should take all necessary measures to manage and preserve the Member's own Congressional papers; and

(3) each Member of Congress should be encouraged to arrange for the deposit or donation of the Member's own noncurrent Congressional papers with a research institution that is properly equipped to care for them, and to make these papers available for educational purposes at a time the Member considers appropriate.

Documenting our democracy through the preservation of the record created by Congress is the work of many. In addition to the efforts of the National Archives, the endeavor involves the efforts of libraries, archival repositories, historical societies, and congressional and public policy centers in every state across the nation. We cannot succeed without you. Please take steps to preserve the historical legacy of your state and na-

tion as represented in the records generated by your congressional office.

Sincerely,

LEIGH MCWHITE, CHAIR,  
*Congressional Papers Roundtable, Society Association of American Archivists and Political Papers Archivist, University of Mississippi.*

SHERYL B. VOGT,  
PRESIDENT,  
*Association of Centers for the Study of Congress and Director, Richard B. Russell Library for Political Research and Studies.*

U.S. SENATE,  
OFFICE OF THE SECRETARY,  
*Washington, DC, September 13, 2012.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR SENATOR REID: The week of September 17, 2012 marks the third annual celebration of Congress Week, sponsored by the Association of Centers for the Study of Congress (ACSC). The ACSC was founded in 2003 as an independent alliance of institutions that preserve the papers of members of Congress and promote the study of Congress through the educational use of these collections.

This year's celebration builds on successful Congress Weeks in 2010 and 2011, observed by 35 member institutions around the country through lectures, film series, exhibits, and appearances by members of Congress. For Congress Week 2012, the ACSC and the Congressional Papers Roundtable would like to call attention to H. Con. Res. 307 (2008) by asking you to insert the attached letter into the Congressional Record.

As Chair of the Advisory Committee on the Records of Congress, I support this request because it encourages members of Congress to preserve their records and history.

Sincerely,

NANCY ERICKSON,  
*Secretary of the Senate.*

#### TRIBUTE TO PHIL AND JENNIFER SATRE

Mr. REID. Mr. President, I rise to honor Phil and Jennifer Satre, who have spent more than 35 years as dedicated stewards of their community and champions for education. These college sweethearts are model parents, grandparents, philanthropists, and business and community leaders in northern Nevada. I am pleased that KNBP Public Broadcasting is recognizing the Satres with a special honor at the 15th Annual Aged to Perfection Tribute Dinner.

Phil Satre's work in Nevada began in 1975 with the local law firm Vargas & Barlett in Reno. Five years later, Phil started his career with Harrah's Entertainment, where he held various positions, including chairman and CEO, until his retirement in 2005. Phil was named Best Chief Executive in the Casino and Hotel Industries by the Wall Street Journal and was inducted into the Gaming Hall of Fame by the American Gaming Association, just two of his many outstanding honors and