Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ron Wyden, Barbara Boxer.

MOTION TO COMMIT WITH AMENDMENT NO. 2846

Mr. REID. Mr. President, I have a motion to commit the joint resolution with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the joint resolution, H.J. Res. 117, to the Committee on Appropriations with instructions to report back forthwith with the instructions, amendment numbered 2846.

The amendment is as follows:

At the end, add the following new section:

SEC. _____.

This joint resolution shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2847

Mr. REID. Mr. President, I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2847 to the Instructions on the Motion to Commit.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2848 TO AMENDMENT NO. 2847

Mr. REID. Mr. President, I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2848 to amendment No. 2847.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

SPORTSMEN'S ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 504, S. 3525.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to the consideration of Calendar No. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Joe Manchin III, Jeanne Shaheen, Sheldon Whitehouse, Debbie Stabenow, Ron Wyden, Max Baucus, Daniel K. Inouye, Kent Conrad, Mark Pryor, Christopher A. Coons, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ben Nelson.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived with respect to both cloture motions.

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

Mr. REID. Mr. President, the President pro tempore of the Senate is on the floor and seeks recognition.

The PRESIDING OFFICER. The President pro tempore.

H.J. RES. 117

Mr. INOUYE. Mr. President, today, as we near the end of the current fiscal year, the Senate is considering H.J. Res. 117, a continuing resolution to ensure that the Federal Government will remain functioning through March of next year in the absence of regular appropriations. Last Thursday, the House passed this measure by a vote of 329 to 91.

This bill provides total discretionary spending of $1.047 trillion. This is the funding level the Senate Appropriations Committee recommended on an overwhelming bipartisan vote of 27 to 2 and the level agreed to last year in the Budget Control Act, but this bill is $19 billion more than what was approved by the House in the PAUL RYAN budget. I am encouraged the House has finally repudiated its own budget. I am only sorry it has taken them this long to come to their senses. One of the primary reasons Congress now faces this CR is that the House broke this agreement on spending.

I want my colleagues to know I support this measure even though it is far from perfect. In fact, I would say it is not a good bill, but passing it is much better than allowing the government to shut down over a lack of funding.

Continuing resolutions are not new. As some of my colleagues are aware, I have served in this Senate for 49 years and 9 months. During my tenure, this Congress has completed its work and enacted all of its spending bills without needing a continuing resolution on only three occasions. In 49 years, three times. This is not a record we should be proud of, but it demonstrates how difficult it is to agree on funding for each of the thousands of Federal programs that the Appropriations Committee reviews annually. However, never before in history has the Congress passed a stopgap resolution in September to fund the entire government for half the coming fiscal year. It is unfortunate that it has come to this.

Seven months ago, as we began this legislative session, the mood was quite different. There was broad support for acting on appropriations bills. Several Members on both sides of the aisle came to the floor to speak about restoring regular order and passing all 12 appropriations bills. Both the Republican and Democratic leaders spoke in favor of considering all of these bills. The Appropriations Committee was urged to conduct a budget review as quickly as possible and report bills to the Senate for consideration, and our subcommittees embraced this challenge. We shortened our hearing schedule, conducted thousands of meetings with executive branch officials and the public, and began to mark up bills shortly after receiving our allocation from the Budget Committee.

In most years the Senate Appropriations Committee begins its markups in June. This year the committee reported its first two bills in April and had nine bills ready for floor consideration by the end of June.

By July the committee had reported out 11 bills, 9 of which were recommended with strong bipartisan votes, and by that I mean 30 to 0 or 29 to 1. Despite the work of the committee, none of those bills have been considered by the Senate. The decision by the House to break faith with the Senate and the administration on funding levels and the inclusion of outrageous legislative policy riders in their bills drained the enthusiasm for acting on those measures. But the real culprit thwarting the efforts of the committee was a handful of my colleagues who insisted on delaying the business of the Senate.

We have heard our distinguished majority leader cite the statistics. In 382 instances in the past 6 years he has been forced to file cloture to break filibusters. It is becoming very clear filibusters are crippling the Senate. This year, this Senate has been in session for 105 days. By my count, on 31 of those days the Senate has done nothing but consider motions to proceed, as we are doing with this motion, or to invoke cloture. That means nearly 30 percent of the Senate's time this year has been completely wasted.

Moreover, the Senate has only voted on amendments and legislation on 21 of those days that we were in session. On 21 out of 105 days, we actually legislated and worked. The rest of the time was spent on a backlog of nominations or breaking filibusters.

I have never experienced anything like this in my many years in the Senate. It is true that for some time the use of filibusters has been increasing, but this year it has truly exploded. I do not oppose filibusters. I believe the filibuster is one of the most critical tools Senators have to protect the rights of our constituents. This is especially true for small States, such as Hawaii, which are at a disadvantage in the House of Representatives compared to States with very large delegations. In fact, the first speech I delivered in the Senate was in defense of the filibuster. I supported the filibuster. Times were different then.

For example, I waited until April of that year before speaking on the Senate floor, and I spoke on the filibuster. When I delivered my maiden speech, legendary Senators such as Everett Dirksen, Richard Russell, Mike Mansfield, and John Stennis were all in attendance. Truly, times have changed, but the most striking difference between then and now is that a filibuster was used very rarely in those early days and only for matters of extreme importance to Members and their States.

I did not agree with those who used the filibuster in the 1960s to try to stop civil rights legislation. I disagreed with those who used the filibuster against health care reform in 2010. But in both cases I defended the right to do so.

This year the Senate has been held up, delayed, and rendered ineffective for at least 30 percent of its time by the abuse of the filibuster. These filibusters were not to highlight important policy differences, nor were they to protect a Senator's constituents. Instead, in virtually every case it was simply to thwart the ability of the Senate to function.

So today is a sad day. The Senate is forced to take up a 6-month continuing resolution instead of acting upon regular appropriations bills. The bipartisan zeal for regular order last spring has been crushed by dilatory tactics of a few Members who have wasted the Senate's time. At some point, this body needs to alter either its behavior or its rules.

In addition to discretionary funding, this resolution also provides $99 billion for overseas contingencies as requested and necessary for the coming year. Further, it continues funding at current levels to pay for disasters under FEMA and to fight fraud, waste, and abuse in the Social Security Program. Each of these is consistent with the authorities included in the Budget Control Act.

In addition, the bill before the Senate provides only the bare minimum that is necessary to maintain the functions of our Federal Government. The administration sought approximately 78 proposals to ensure that critical programs and authorities could be continued for the next 6 months. This bill includes only about half of them because the House was unwilling to allow more.

Provisions deemed essential by the Secretary of Defense to preserve authorities for ongoing programs in support of our efforts in Afghanistan and in Iraq are not in this measure. Special provisions to allow the Department of Defense to award contracts for critical programs were denied. Additional funding to activate new Federal prisons that currently sit empty was not included.

This bill denies necessary authorities for dozens of programs. In some cases, the administration will find cumbersome work-arounds. For others it will have to slow down work on ongoing programs, and this increases costs and brings about inefficiency. Many programs will simply have to cease activity and await additional action on appropriations bills.

We urged the House to include many of the provisions requested by the administration, but they refused. The bill would have been far better had more of these requirements been met. Yet I would point out that the House has not played favorites. No department was granted the authorities it required. The Defense Department has not been singled out for special help by House Republicans. If anything, it has been treated more harshly than many other agencies.

So I support this bill because opposing it is not a responsible alternative. No one should be interested in delaying or defeating this bill. We simply cannot afford to shut down government operations.

I urge my colleagues to join me in voting for this bill which will preserve our government. It is lean and it is stripped down, but it contains the funding and minimal authorities essential to ensure that the services provided for all Americans can be continued over the coming months.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Mississippi.

Mr. COCHRAN. Madam President, this continuing resolution results from an agreement reached between the President and the congressional leadership for a 6-month, clean CR that adheres to the fiscal year 2013 spending levels set out in the Budget Control Act.

The continuing resolution does not make reductions in programs for which the President requested less money in fiscal year 2013, nor does it make cuts that have been proposed by the Congress. Neither does the resolution increase funding for programs Congress or the administration deemed to be high priorities, with a few exceptions. The continuing resolution does not contain any new oversight provisions to guide agencies, nor does it include any new riders to limit the activities of the executive branch. In short, it puts the portion of government that we call discretionary on automatic pilot. Enactment of this resolution will, for the time being, avoid a disruptive government-shutdown fight.

The resolution represents a lost opportunity. We have lost the opportunity to provide agencies with at least some certainty about funding for this fiscal year. We have lost the opportunity to make informed judgments about which programs are effective and deserving of additional resources and which programs should be reformed or terminated. Contracts will not be let in a timely and efficient manner, and acquisition and construction costs will rise with delay. The morale of the Federal workforce will suffer. Perhaps most importantly, we have lost a chance to supplant the looming sequester.

Elections have consequences, as they most certainly should, but elections should not have the consequence of rendering Congress unwilling or incapable of performing its most fundamental duties in the times leading up to those elections. In my view, the thoughtful and dutiful appropriation of funds for our national defense and other government operations is such a fundamental duty.

I deeply regret that the majority leader chose not to call up a single appropriations bill. Chairman INOUYE has shown impressive leadership of our committee in reporting 11 of the 12 bills out of our committee. Most were reported on a broad bipartisan basis. The chairmen and ranking members of the subcommittees have put a lot of time and thought into the bills. The staffs have worked very hard producing this legislation. The other body has also produced a bill. It has passed seven of the appropriations bills in the other body and I suspect would have passed the others had there been any sign of movement in the Senate.

We can only speculate as to why none of the bills have been considered here in the Senate. Other issues were deemed more pressing or expedient for one reason or another. Perhaps votes on amendments to spending bills were deemed to be politically perilous, whatever the reasons.

At a time when addressing our Nation's fiscal situation is so central to our duty as Senators, it seems more imperative than ever that Members of this body have an opportunity to offer amendments to shape the spending bills. Our problems are sufficiently large that it will require all of our good ideas to make the day-to-day operations of government as efficient and effective as possible. This might mean we have to take votes on difficult amendments. But would that really be so traumatic?

As a result of our inaction, we are compelled to pass this continuing resolution to fund the government. I would have preferred a shorter term CR in order to motivate action on the appropriations bills, but 6 months is what has been agreed to.

Proponents of this 6-month CR argue that the prospect of a government shutdown should be taken off the table so that we can focus on the complex issues facing us in the coming months. But do those issues look any more simple now that we are about to pass this CR?

All manner of taxes are scheduled to go up on January 1. Medicare reimbursement rates will be cut dramatically. The debt ceiling looms. And due to the inability of the supercommittee to propose a debt reduction package, we are facing a budget sequester that very few people seem to think is a good idea.

Perhaps passage of this CR will help us address these pressing matters. I hope that it will. But I am not so sure it changes things that much.

Regardless of who wins what in the upcoming election, we have a great deal of unfinished business to resolve in the coming months.

None of my colleagues likely relish the prospect of voting in March—up or down—on either a trillion-dollar omnibus bill or a trillion-dollar full-year CR. Yet that is where we are headed if we continue to do nothing.

Appropriations bills are not simply opportunities to spend more money. They provide regular opportunities for effective oversight of Federal agencies. And when we take the time to bring them to the Senate floor, they provide regular opportunities for the elected representatives of all the people to shape, as well as fund the operations of the Federal Government. I hope the Senate will not continue to deny the people that opportunity.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I believe the record should show how much we appreciate the work of the distinguished Senator from Mississippi, the vice chairman of the committee, THAD COCHRAN. We have demonstrated to our colleagues that bipartisanship works in this Senate. All they have to do is watch us operate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

REMEMBERING JENNIFER GREEN

Mr. KOHL. Madam President, I rise today with great sadness to inform the Senate that Jennifer Green, a valued member of my staff and a cherished member of the Senate family, passed away last weekend after a brief illness. It is a comfort to all who knew Jennifer that she spent her last hours in a room filled with the family she cherished so deeply, but no room on Earth would have been large enough to hold all those who mourn her, who have been touched and made better by Jennifer's beautiful smile, big heart, and easy friendship. She is sorely missed in my office, throughout the Senate, and even across the country.

Jennifer worked in my office for the past 14 years, but she served the Senate for nearly a quarter century, starting with the Sergeant at Arms when she was just 20 years old. Jennifer was often the first face visitors to my office would see. She did more than just arrange Capitol tours or point them to the nearest DC attraction; she worked out a botched hotel reservation, found a glass of water to soothe an overheated toddler, listened to worries about a failing farm, a sick grandparent, or a threatened job.

Many of my constituents arrive in the office a little overwhelmed by Washington, perhaps a little angry at Congress, but after meeting Jennifer, they left knowing they had a friend here. Jennifer put a human, caring face on the Senate—a service to this institution that affected the way hundreds, and probably thousands, of Wisconsinites viewed their government.

Of course, no one, not visitor or staff, could leave the office without an update on Jennifer's family, especially her beloved mother Beatrice Spicer, her father Floyd Spicer, her brothers and sisters, and her son Lorenzo Green. She was so proud of this fine young man, as we all are. Through Jennifer, we got to watch a mischievous little boy grow to a talented and strong man serving our country as a member of the U.S. Coast Guard. She made sure everyone got a good look at the handsome—and big—framed picture she kept in her cubicle of Lorenzo in uniform.

Jennifer made us all feel as if we were part of her wonderful family. She was always the first to ask to see the picture of a new baby, quick to drive a colleague to the doctor or listen to a staffer who lost a parent, ready to swap a recipe or dissect the Redskins' latest performance. And that was not just my experience and that of my staff—Jennifer knew just about everyone who works on the Hill. We have had a steady stream of visitors stopping by the office to share memories and express their condolences. Thank you all for the comfort that has brought our staff.

Jennifer's funeral will be held in her hometown of Princeton, WV, this Saturday. I urge anyone who wants to attend or to leave a message for the family through the funeral home to contact my office for details. We will also be organizing a memorial service for Jennifer here in the Senate in the coming weeks, and we will make sure all offices get plenty of notice so that her many friends can be there.

Everywhere you look in the Capitol, there are plaques, pictures, and statues commemorating the men and women who built this great institution, but these, like all things physical, oftentimes fade or are forgotten. Jennifer touched the heart of the Senate, the people who work here, and the people who visit. Hers is a legacy and a contribution that time cannot erase.

For everyone in my office and for the entire Senate, I offer my deepest condolences to Jennifer's dear family. I hope you can find comfort in knowing of all the good she did and the joy she brought in her time here. We will all miss her profoundly and hold her in our hearts forever.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of Jennifer's obituary.

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

JENNIFER DENISE SPICER GREEN

Jennifer Denise Spicer Green, 46 of Lusby, MD, departed this life Saturday, September 15, 2012, at Georgetown University Hospital in Washington, DC. She was born February 23, 1966 in Princeton to the union of James F. Spicer and Beatrice Spicer and was the youngest of five children. Jennifer first accepted the Lord at Mt. Calvary Missionary Baptist Church in Princeton and after moving to Maryland she became a member of the Maple Springs Baptist Church in Suitland, MD. She was a graduate of Princeton High School and was a former employee at the Dairy Queen in Princeton. Her first government position was doorkeeper of the Senate Chamber, and she then worked as an elevator operator in the Unites States Capitol in Washington, DC. Jennifer continued her service as mail carrier under the Senate Sergeant at Arms Office for the Senate Post Office. She then became a data entry operator to U.S. Senator Paul Simon of Illinois and later accepted a position as front office receptionist with the Special Committee of Aging. During the changing of legislature, Jennifer moved to Charlotte, NC, where she worked with the American Heart Association and Gerrard Tire and Automotive. Upon moving back to Maryland, Jennifer accepted the position as receptionist with the Senate Finance Committee and then spent the last sixteen years with the office of Senator Herb Kohl of Wisconsin in the positions of Mailroom Manager, Photographer, and Intern Supervisor. During this time she also worked part time for Senator Evan Bayh of Indiana, Senator Kay Bailey Hutchinson of Texas, Senator Byron Dorgan of North Dakota, and Senator Bob Casey of Pennsylvania. She was preceded in death by her maternal and paternal grandparents. Survivors include her loving son, Lorenzo J. Green of the U.S. Coast Guard stationed in Alaska; parents, Beatrice E. Burton Spicer of Princeton and James "Floyd" Spicer of Atlanta, GA; step children, LaQuosha Jackson, Willard Green, Jr., Byron Green, Latonya Green, and Trea Green; three godchildren, Brittany Coleman, Mykisha Avery, and Amanda Spicer; two brothers, Joey A. Spicer and James "Toby" Spicer both of Princeton; two sisters, Cindy E. Townes of New Carlton, MD and Donna M. Spicer of Mooresville, NC; special cousin that was like a brother to Jennifer, John "Dexter" Coles of Capitol Heights, MD; faithful friend, Derrick Williams; and a host of aunts, uncles, nephews, nieces, cousins and additional friends. Funeral services will be conducted at 11:00 AM, Saturday, September 22, 2012 at the George W. Seaver Chapel of Seaver Funeral Home in Princeton with Bishop Romey Coles, Rev. Charles Stores, Rev. Jesse Woods and Rev. Terrance Porter officiating. Burial will follow at Restlawn Memorial Gardens, Littlesburg Road in Bluefield. Family and friends may call at the funeral home from 6:00 PM until 8:00 PM, Friday, September 21, 2012 and 10:00 AM until the service hour on Saturday. On line condolences may be sent by visiting www.seaverfuneralservice.com. Seaver Funeral Home in Princeton is serving the Green family.

Mr. KOHL. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO RYAN MCCOY

Mr. LEE. Madam President, I rise today to recognize and honor my friend Ryan McCoy, a departing member of my staff. Ryan McCoy is, in fact, much more than just a member of my staff; he has been the energy behind many of my legislative goals, and he is also a close friend. While no tribute of words could ever match the debt of gratitude he truly deserves, I would like to pay tribute in the official records of Congress to someone who fought to make a difference both for the State of Utah and for our country.

C.S. Lewis said:

Friendship is born at that moment when one person says to another: ''What! You too? I thought I was the only one.''

My friendship with Ryan McCoy, my former legislative director, was born in that very way described by C.S. Lewis. We met back in 2009 when I was speaking to a group of Utahans about a topic near and dear to my heart: article I, section 8 of the Constitution. I spoke of my passion for the Constitution and for the principles of limited government embodied therein, and my message apparently struck something of a chord with Ryan, who had recently taken a greater interest in finding ways to restore those same principles. We spent several hours after the speech talking about what the Constitution meant to both of us. I had not always thought about running for office, but when Ryan suddenly prepared a PowerPoint presentation for me about the problems we face as a country and about the ways in which he and I, working together, could make a difference, I started thinking much more seriously about it.

When Ryan and I discussed later his leadership role in my office, his wife Kara jokingly told him that he had no idea what he was doing. But the truth is that we needed to know only one thing, just one thing: that we could make a difference. In the end, I believe that was our greatest asset. Ryan and I shared a vision for change in Washington. We knew it would not come easily, but it had to come from people who wanted to make a difference. It had to come from people who had lived in difficult economic circumstances and felt the need for change as it tugged at their own pocketbooks and at their own individual freedoms being eroded by an ever-expanding government.

At a meeting a few months after we met, Ryan spoke of the common goals we shared. He said that our movement would be based on a clear, unequivocal message that it was time to change course for our country. Ryan and I shared this vision, and Ryan knew others would catch on to it. In the nearly 2 years he served as my legislative director, he worked hard, he worked tirelessly, he worked constantly to keep us focused on these legislative goals and to keep us true to our principles.

It is safe to say that I would not be here today without the hard work and dedication of Ryan McCoy. Once here, I would never have been able to do many of the things I have done without Ryan McCoy's expert assistance. Ryan will be remembered in my office as a respected leader and as a man who truly loves his country.

Too often in the hustle and bustle of Washington, we tend to take our staff members for granted. It is when they leave that we truly see the impact they have had and the wide breadth of influence they had while they were here.

As much as we will miss Ryan, we will also miss his wife Kara and her shared enthusiasm every bit as much. I thank Kara. She and Ryan have become an important part of my life, an important part of my family, an important part of my office family.

In addition to thanking Kara, I also want to thank Ryan and Kara's children, Connor, Tate, Gage, and McCall, for loaning their dad to me for these few years. Kara once told me that during a particularly busy time in the Senate, one of their children—I do not remember which one—actually came to her and asked her where their dad had gone and whether or when he might be returning. I appreciate their sacrifice, and I hope they will grow up knowing their father is a true hero of mine—and always will be—one who works tirelessly for his country and for their future. I wish them the best back in Utah, and on behalf of myself, Sharon, and my entire staff, I extend my love and sincere appreciation to each of them.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX AND ECONOMIC POLICY

Mr. FRANKEN. Madam President, two enormous challenges will await us when we return from recess. Our economy is still not yet fully recovered from a devastating recession, and the prospects for our middle class and for those aspiring to be in the middle class or to get back into the middle class remain uncertain. Meanwhile, our budget remains sorely out of balance, and our long-term debt crisis is putting our Nation's fiscal future at risk. These two challenges are, of course, linked. We cannot hope to solve our long-term debt problem unless we get our economy growing again, and we cannot hope to rebuild our prosperity unless we resolve our budget problems.

So we will have big decisions to make when we come back, but in the meantime the American people will be wrestling with the same issues: What should we do to grow our economy and reduce our debt? What are the right investments to make?

How should we pay for them? What sacrifices must be made in the name of fiscal responsibility? Who is going to make them? That is the debate our Nation will have over the next 6 weeks. Those are the questions we must be prepared to answer when we return. So before I go home to Minnesota to share my thoughts with my constituents, I wanted to take a few moments to share them with my colleagues.

My view of what we should do in response to these challenges is based upon what we have done in response to similar challenges in the past. We are not the first Congress or the first generation to struggle with these issues. At the end of 2011, our national debt had reached 100 percent of our gross domestic product. That is frightening. But after World War II, our debt was 121 percent of GDP.

To be fair, we had something to show for it. We had won World War II and the world was a very different place in 1945 than it is today. But the point is that we were tested. How did we respond? Well, we invested in the things we believed would grow the economy. We invested in education, things such as the GI bill, which helped my mother-in-law, widowed at age 29, go to college.

We invested in Pell grants which helped my wife Franni and her three sisters go to college. We invested in infrastructure. We built 40,000 miles of highways in the 1950s. We invested in innovation and we won the space race which, in turn, led to the creation of whole new industries such as personal computers and telecommunications.

Those investments paid off and our economy experienced three decades of incredible growth, growth that flowed to the top, to the middle, and to the bottom. Between 1947 and 1977, wages for the top fifth, the top fifth of workers, grew by 99 percent, and wages for those in the bottom fifth rose by 116 percent. I know that is hard to believe. The wages of the bottom fifth grew more than those of the top fifth. But that happened.

Even though we remained a Nation in which many kids like my wife Franni grew up in poverty, we had enough to invest in a strong safety net that helped those kids like Franni and her sisters and her brother work their way into the middle class. We bounced back from World War II to build an economy with a middle class that was strong, secure, and accessible to almost everyone.

Thanks in large part to the growth generated by that thriving middle class, we were able to lower our national debt to about 31 percent by 1981; so 121 percent at the end of World War II, to 1981, about 31 percent. Since then our economy has had some good times and some bad times. We have raised taxes and we have lowered taxes. We have had surpluses and we have had deficits.

As this chart shows, our debt relative to GDP has gone up and down. We have seen the results of a variety of approaches to the issues we face today. In the 1980 election, Ronald Reagan was elected on a platform that appealed to concerns that the government taxed too much and spent too much. His approach was later called ''starving the beast.'' Here is how he explained it. This is a quote. This is President Reagan.

There are always those who told us that taxes could not be cut until spending was reduced. Well, you know, we can lecture our children about extravagance until we run out of voice and breath or we can cure their extravagance by simply reducing their allowance.

Cutting taxes, cutting revenue to the government. When Reagan took office, he fulfilled his campaign promise and signed into law a huge tax cut, and on cue we began to amass enormous deficits almost immediately. In fact, President Reagan's Budget Director at the time, David Stockman, has explained that 1981 was when the era of large permanent deficits began.

The deficits were so bad in his first year, in 1981, that President Reagan had to increase taxes in 1982, and again in 1983. In fact, he ended up raising taxes 11 times; not because Ronald Reagan was a Socialist—at least I really do not think so—but, rather, because he could not ignore the arithmetic.

Still that first tax cut was so big that over the course of his Presidency, our national debt nearly tripled. It did not grow rapidly during the administration of George H. W. Bush. Then he handed it off to President Clinton. And what he handed off was at that point the largest deficit in the history of our country.

In President Clinton's 1993 deficit reduction package, he added two new tax rates, marginal tax rates, at the top end: 36 percent for income above $180,000, 39.6 percent for incomes above $250,000. The Republicans objected rather vehemently, arguing that asking the top 2 percent pay a little more would send the economy into a recession, which, of course, would be detrimental to the goal of reducing the deficit.

The bill passed without a single Republican vote in either House. But the Republicans' dire predictions turned out to be wrong, extremely wrong. Between 1993 and 2001, this country experienced an unprecedented expansion of our economy. We created 22.7 million net new jobs. We decreased the number of Americans in poverty to record lows. We increased the median household income and we created more millionaires than we ever had before.

Not only did President Clinton's deficit reduction plan reduce the deficit, it eliminated the deficit. President Clinton was able to hand off to President George W. Bush a record surplus. In fact, in January of 2001, we were on track to completely pay off our national debt by the year 2011. However, as we know, President Bush chose a different course. Whether you agree with the two wars we entered into during his administration, the new entitlement program that we created, or the two tax cuts we passed, the fact of the matter is we did not pay for any of those things. They all went on our national credit card.

While the two tax cuts tilted toward those at the top—they did help some at the top do extremely well during the Bush administration—it is hard to say the things we put on that credit card created the kind of durable broad-based prosperity we saw in the 1990s or that we built in the 30 years after World War II, for that matter. It would be hard to say, because when President Obama took office from President Bush, the economy was hemorrhaging jobs at the rate of over 800,000 a month. And when the bill came for the Bush policies, we were staring at a projected $1.1 trillion deficit for 2009. That was the projected deficit that President Bush left for President Obama.

So far I have talked about President Reagan and his approach of cutting revenue in order to force the government to cut spending. We saw what happened. We could not or did not cut enough spending to keep our budget in balance. We had huge deficits even when Reagan tried to backtrack and raise more revenue. I have talked about President Clinton and his approach of raising taxes on the top 2 percent in order to bring the budget into balance. We saw what happened. The economy grew and we generated a record surplus. I have talked about President Bush and his approach of cutting taxes and incurring large expenses without worrying about the ramifications on the deficit. We saw what happened. Deficits ballooned and when the economy crashed, it crashed hard.

So what about President Obama? What has his approach been? Well, if you ask some people, including unfortunately many in this Chamber, they tell you that President Obama's approach was to go on a massive spending spree. Well, it is not true. Over his 4 budget years, Federal spending is on track to rise from $3.52 trillion to $3.58 trillion, an annual increase of 0.84 percent.

You can hash these figures out, but here is a chart that comes from Market Watch, a publication of Dow Jones which also owns the Wall Street Journal, that shows Obama's increase in spending from 2010 to 2013. These are Reagan's. These are numbers from the nonpartisan Congressional Budget Office, from the Office of Management and Budget. You can see the growth of Federal spending. This is lower than it was under any of the Presidents I talked about.

Indeed, the article that ran with this chart concludes that the growth of Federal spending under President Obama is the lowest it has been since the Eisenhower administration during the wind-down from the Korean war. But remember that besides a $1.1 trillion deficit, President Obama inherited an economy that in the month he took office lost over 800,000 jobs. That was January. The next month, February, 2009, he lost about 700,000 jobs. But that is also the month in which we passed the Recovery Act. By the way, when the Recovery Act was passed in February of 2009, the unemployment rate was already above 8 percent.

The Recovery Act, also known as the stimulus, is what people usually point to when pressed to explain why they think President Obama has increased spending. But the truth is that more than one-third of the Recovery Act was tax cuts. The stimulus cut taxes for 95 percent of American families. Another one-third was fiscal aid to the States, which were feeling the same budget crunch as the Federal Government but, in most cases, didn't have the option of running a deficit in tough years. Without the Recovery Act, imagine how many more teachers and firefighters and police officers would have had to have been laid off, and imagine what that would have meant to our economy, never mind what it would have meant to our communities. But the one-third that gets the most attention was the one-third that went toward creating jobs.

Did it work? There are a few ways to answer that question, but the answer is the same every time: Yes. First, we can look at our chart and see that once the Recovery Act began to be implemented we started losing less jobs and then we started creating jobs. We have had 30 straight months of private job creation—of growth.

Secondly, we can ask economists. The most reputable economists, including——

Mr. REID. Would my friend yield?

Mr. FRANKEN. Certainly.

Mr. REID. Madam President, we are going to have no more votes today—no more votes today. It is obvious to me what is going on. I have been to a few of these rodeos. It is obvious a big stall is taking place, so one of the Senators who doesn't want to be in the debate tonight will not be in the debate. He can't use the Senate as an excuse.

There will be no more votes today.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. I thank the Chair. That is too bad.

I was going over what happened, reviewing what happened once the stimulus package had been passed in February, when unemployment was over 8 percent. And we can see as it started taking effect we lost less and less jobs and have since had 30 straight months of private sector job growth. I said we could ask economists. Most reputable economists, including those of the nonpartisan Congressional Budget Office, agree the Recovery Act created or saved anywhere from 2.5 million to 3.5 million jobs.

In the words of Mark Zandi, the economic adviser to Senator JOHN MCCAIN in his 2008 Presidential campaign, the Federal policy response to the financial crisis, including the stimulus, ''probably averted what could have been called the Great Depression 2.0.''

But we don't have to take the word of Mark Zandi. We don't have to take the word of all the other reputable economists. We don't even have to take the word of the Congressional Budget Office, although the CBO sort of exists for those of us in Congress. We can ask Jamie, Cecil, and Sheila.

This is Jamie, working on the Duluth Lift Bridge a couple years back. This is a picture of Cecil, who is working on a highway extension project. Let's give Cecil his due. He is working on a highway extension project in Brooklyn Park in the suburban Twin Cities.

Then we have Sheila. This is Sheila in front of her Bobcat working the night shift on an I–94 improvement project.

These are people who were put back to work by the stimulus. Despite claims by some that the only jobs created by the stimulus went to government bureaucrats, we will notice Jamie, Cecil, and Sheila are not, in fact, government bureaucrats. Thankfully, we do not let government bureaucrats operate heavy machinery.

What can we say about the approach of President Obama so far?

He slowed the growth of Federal spending to its lowest level since Eisenhower. He has cut taxes—not just in the stimulus package but many times during his first term—to the tune of more than $850 billion. When the economy was at its low point, he made investments and put people back to work in the short-term and prevented things from getting even worse.

There was another road we could have taken. That approach would have involved not just cutting spending but gutting the government, and it definitely wouldn't have involved making investments to put people back to work.

We will never know whether that approach—known as austerity—would have gotten us results such as the ones reflected on the previous chart, but we do know what happened in countries where they tried this alternate approach. This is a chart of European countries that went the austerity route. This is GDP from 2008 to 2012. This would be where President Obama became President and this is Europe and we all were seeing a global meltdown. These are countries that did austerity in Europe, and this is the United States. The evidence tells us our way worked. President Obama's way worked and theirs did not.

Of course, while we are better off than we were 4 years ago and better off than we would be if we had tried austerity instead of the approach taken by President Obama, which, if we look at the growth in spending, was pretty close to austerity, we are obviously still not where we want to be, either in terms of our economy or in terms of our deficit.

What is the right way going forward? First, let us talk about deficit reduction. It is clear to me that any solution that does not include both increased revenue and decreased spending simply isn't going to work. The hole is too big for us to tax our way out or to cut our way out. We have to do both. The hole is, in fact, so big we can't even get out of it just by taxing and cutting. We have to grow our way out too.

That is why I think we need to invest in education, and infrastructure, and innovation. That means early childhood education, which has a return of investment in every study—quality early childhood education—of $16 for every $1 spent, and in workforce training, in roads and bridges and rural broadband, in clean energy and health care technology.

I don't think only government can create jobs. I know that. But I know that only government can make those critical investments that will help the private sector create jobs, and I know it works when we do. It worked after World War II, it worked under President Clinton, and it worked in the Recovery Act. Those investments, however, cost money, and we will not be able to afford them unless we reduce our deficits.

I think people who talk about cutting spending should say what spending they want to cut. I want to cut spending, so let me tell you what spending I want to cut.

I want to cut the billions in subsidies we give to oil companies that simply don't need them. I want to let Medicare negotiate for pharmaceuticals under Part D, just as the VA does, because prohibiting Medicare from doing so amounts to a subsidy for pharmaceutical companies, one that, again, they do not need. I want to make cuts in our military budget, because as the comprehensive defense review found—begun under Secretary Gates and completed under Secretary Panetta—we can make hundreds of billions of dollars in cuts to the defense budget without compromising our fundamental security and military interests.

Of course, we can't only cut the things we think are easy calls to cut. We are going to have to cut some things we don't want to cut. Speaking personally, I have already had to vote for some of those hard cuts, and it was not fun. But there simply aren't enough cuts to make. It is clear to me, if we are going to protect our most vulnerable Americans—our children, the sick, the disabled, our seniors—and make the investments that will grow our middle class and our economy, we are going to have to raise revenue.

Just like President Reagan—but unlike some of today's Republicans—I know we don't raise revenue by cutting taxes. That is why I support restoring the Bush tax cuts for the first $250,000 of income but after that allowing the top marginal rate to go back to where it was under President Clinton. I know that, as they did in 1993, people will argue that doing so will hurt the economy. But I am equally confident that, as they were in 1993, they will be wrong.

I know we all come to the debate about our Nation's challenges with different philosophies and different convictions and I respect that many of my colleagues feel they would be betraying their own political core by asking the wealthy to pay a little more or investing taxpayer dollars in job creation. I didn't feel great about all the cuts I had to vote for over the last couple years either. But I don't think we are going to get anywhere if we are so invested in following our own ideologies that we refuse to acknowledge the lessons of where we have been or the truth about where we are and where we are headed.

We are not going to get anywhere if we can't agree that, yes, the government does have a role to play in helping the private sector create jobs; and, no, we will not cut the deficit by cutting taxes; and, yes, we are going to have to both raise revenue and reduce spending if we want to get a balanced budget; and, no, asking the wealthy to pay a little more will not drive us back into a recession.

We have debated these issues a lot this year and we haven't resolved the argument. Now we are going home, and it is the American people's time. It is the American people who get to have their say. I hope that over the next 6 weeks we lead them in a debate worthy of the challenges we face—a debate rooted in the facts and mindful of our history.

I hope when we come back we are ready to have that kind of worthy debate ourselves and then make the tough calls, as our constituents will in November.

I wish my colleagues well over the recess, and I look forward to getting back to our important work when we return.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

UNANIMOUS CONSENT REQUEST S. 3576

Mr. MCCONNELL. Madam President, I see my friend, the majority leader, on the floor.

I am surprised they announced no more votes a little while ago. We are prepared to finish business today. In fact, I intend to offer shortly the unanimous consent agreement that the majority leader himself was shopping last night. Our side of the aisle is prepared to finish up the business for this particular preelection session.

I ask unanimous consent that at 5 p.m. today, the Senate proceed to the consideration of S. 3576, Senator PAUL's bill regarding foreign aid; that there be up to 2 hours 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 consideration of Calendar No. 418, S.J. Res. 41; that there be up to 60 minutes of debate, equally divided between Senators Graham and Senator 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 30 minutes of debate, equally divided between the two leaders or their designees, with Senator COBURN controlling 15 minutes of the Republican time, 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. The majority leader.

Mr. REID. Madam President, reserving the right to object, we have had the stall for several days now. I wanted to make sure that one of the Senators who wanted to go to a debate would be able to do that tonight. So he can go now, because as I announced half an hour ago there is plenty of time to do the debate.

As I have indicated before, we are anxious to finish the business we have to do this work period. I am happy to vote on the Paul amendment. I have said that. I am the one who arranged it so it is possible to vote on it. I have no regret as to having done that. I am happy to vote on the continuing resolution, something that has 80 or more sponsors.

I am happy to have all these votes. In fact, we can do the debate tonight on the containment resolution and the Paul amendment. But understand this: We are not separating the vote on the CR and a piece of legislation that groups around this country have been trying to get done for years. It has been held up here. As I have said before, everything shouldn't be a fight here.

The Senator from Montana, Mr. TESTER, has assembled a broad package of bipartisan legislation that has wide-ranging support from Republicans. They are noted publicly in publications here saying they support it. They will vote for it. It has the support of sportsmen throughout this country. Getting to vote on this bill should not have to be a big fight. This is the sort of thing we ought to be able to simply vote on, and we are going to do that. But we are not going to separate the two. We are going to have a vote on the CR; immediately thereafter, we will have a vote on the motion to proceed to the sportsmen's bill.

We can get the debate out of the way tonight. We can vote tomorrow. If not, we are going to vote tomorrow after midnight. That will take care of one vote, and the next will be sometime Sunday morning.

We are not having these votes today, so everyone should understand. We are not going to do that for the reasons I have already indicated. So if we want to do this, we can do it early in the morning—that is fine with me—or we can wait until tomorrow night after midnight and then come in Sunday morning.

So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, just so everybody in the Senate will understand, both Democrats and Republicans, I just offered the consent the majority leader himself was trying to get last night.

Senate Republicans are prepared to finish the continuing resolution today, prepared to vote on the Rand Paul proposal today, and prepared to vote on the Lindsey Graham proposal today. That was acceptable to the majority leader; it is not acceptable to him today. Obviously, something changed over on that side of the aisle.

So I just want everybody to understand that I and all the members of my conference are prepared to finish the business of the Senate that was before the Senate at the suggestion of the majority leader as recently as last night.

Mr. REID. While we are educating Senators, I would like to add a little to that.

We are willing to vote on all these things, but we will do it tomorrow, not today. We want the debate to go forward. We are in very important Senate races across the country.

So we will vote early in the morning, get all the debate out of the way or we will do it tomorrow night after midnight because we are not going to separate the sportsmen's bill from the rest of the stuff for obvious reasons.

Mr. MCCONNELL. I would only add that is a new development here that the majority leader is saying.

I yield the floor.

Mr. REID. Madam President, there has been no new development. Everyone—Republican staff, Democratic staff, all my caucus—has known for a long time that we are going to have a vote on this sportsmen's package. This is no new development.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The majority leader.

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

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

ORDER OF PROCEDURE

Mr. REID. Madam President, we have a very important matter at 4 today. The Secretary of State is coming to address all of us as to what is going on in the Middle East and around the world. There will be intelligence officers here and a lot of other people. So I ask unanimous consent that the Senate recess from 4 to 5 today to accommodate this very important Senators-only briefing.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, it is my understanding we have a couple Senators who would like to speak before that.

Mr. CORNYN. Reserving the right to object.

Mr. REID. I have no problem with the Senator from Texas speaking. I ask unanimous consent that Senator CORNYN be recognized for up to 15 minutes; and when he completes that, the Senate go into recess for 1 hour.

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

The Senator from Texas.

Mr. CORNYN. I thank the majority leader for his courtesy.

LABOR FORCE PARTICIPATION RATE

Earlier this month, we received another big job report and along with it a serious disappointment.

The numbers speak for themselves. In August, a remarkable 368,000 Americans left the workforce. They gave up, bringing the labor force participation rate, as it is known, to its lowest level in more than three decades.

Fewer people are looking for work in America than at any time in the last 30 years. That is a national tragedy. The unemployment rate stayed above 8 percent only because they quit counting the people who have given up. But it had been above 8 percent for the 43rd straight month. If, in fact, the same number of people who were looking for work in January of 2009 are still looking for work today, the unemployment rate would be over 11 percent. That was the date President Obama took office, January 20, 2009. So if the same number were looking today as were looking for work then, it would be over 11 percent, to show you how those numbers don't reveal the true pain and the sacrifice of American citizens who are looking for work.

I don't know of anyone who could look at the August job report or the June or July job numbers and feel good about the economy. I also don't know how they could now support a tax increase when the economy is growing at a much slower pace, contrary to their position—including the President's position—in December 2010, when the economy was growing at roughly 3 percent of GDP.

Beyond our borders, the Europeans are mired in a debt crisis, the Chinese economy has slowed down dramatically, and the United States continues to face major economic headwinds. We can't afford any self-inflicted wounds.

All I am suggesting is that we maintain the current Federal tax rates until we can work together in a bipartisan way and adopt real tax reform. Yet the President occasionally calls that position extreme—ironically, the same position he, himself, held in December of 2010, as I said just a moment ago.

It seems the President does not always understand or appreciate the strong connection between taxes and economic incentives on small businesses and other people we are depending upon to create businesses or to grow existing businesses and create jobs and to put Americans back to work.

We need look no further than the 2010 health care law, the law that went to the U.S. Supreme Court. Two aspects of it were found unconstitutional but not the tax on middle-class Americans.

In addition to that middle-class tax increase, the law contains a new excise tax on medical device manufacturers that will discourage companies from building factories and creating jobs in the United States. That is not just my conclusion.

For example, Cook Medical, which has roughly 4,000 employees around Bloomington, IN, recently announced it is canceling five new manufacturing plants it had scheduled to open over the next half decade. A senior official estimated the new medical device tax will cost his firm between $20 million and $30 million extra each year. That is why they are shuttering those additional five plants and killing those potential new jobs.

Another medical device company in another part of the country—New York—Welch Allyn, recently announced it will be slashing 10 percent of its global workforce in response to this new tax.

All of this is, sadly, predictable and it is common sense. Unfortunately, common sense doesn't seem, to most Americans, to prevail or to be all that common in Washington, DC, these days. But if we raise the taxes on these medical devices, it is only logical, it is only reasonable, it is only common sense to expect that these companies will produce fewer jobs and, in the process, less innovation.

The irony of this discussion over taxes is we now have a growing bipartisan consensus in Congress and in Washington, DC, about the need for commonsense tax reform that would broaden the base, lower the rates, and help grow the economy by creating the proper incentives.

That was the recommendation of the President's own bipartisan fiscal commission, the Simpson-Bowles Commission in December 2010—the President's own bipartisan fiscal commission—where Republicans and Democrats agreed this is a good place to start in reforming our broken Tax Code, paying down the debt, and getting our country and our economy growing again. It was also the recommendation of the Domenici-Rivlin panel, another bipartisan panel. Both recommended a more logical, more equitable, more growth-oriented Tax Code.

Why, we may ask, is tax reform so urgent? Earlier this month the World Economic Forum released its new ''Global Competitiveness Report.'' America is not alone in trying to create jobs and grow our economy. We are competing with other economies and other countries around the world. As recently as 2008, the United States was ranked the most competitive country on the planet.

In the latest index, we fell to seventh. We are heading in the wrong direction when it comes to competing in a global economy for the jobs so that Americans can work and provide for their families and put food on their tables and gain the dignity that goes along with working and providing for your family.

Harvard Business School also surveyed 10,000 of its alumni to find out their views of America's competitiveness. At Harvard Business School, one of the premier business schools in the country, alarmingly 71 percent of those who responded said America would become less competitive during the next few years. In other words, they were not optimistic about the direction of the country when it came to competitiveness and job creation. One of the biggest reasons for their pessimism is the bewildering complexity of our Tax Code. A large majority said the tax complexity is either ''much worse'' or ''somewhat worse'' in the United States than it was in other developed countries. That is why Americans now spend hundreds of billions of dollars on tax compliance, because of a broken, unnecessarily complex and impenetrable Tax Code—unless you have the money to hire armies of lawyers and accountants to help you figure it out.

One more point about our Tax Code. Over time, our Tax Code has become larded with special provisions and tax expenditures that represent what has come to be known as crony capitalism. In other words, the Federal Government just doesn't spend money, the Federal Government has a Tax Code that benefits certain industries and sectors of the economy. Some of them we would largely agree on—such as the mortgage interest deduction or the interest you pay on your home mortgage. There is broad support for that, although everyone realizes we need to get all of these on the table. That is what Simpson-Bowles recommended. Let's get $1 trillion or more of these special tax expenditures on the table and look at the ones that still make sense and the ones we should do away with. As long as the Tax Code is as complicated as ours is, it is a drag on the economy. It promotes a culture of corruption, where people come to Congress and they lobby for special tax provisions that are not available to the broad population that benefit them. It seeks favoritism and rent-seeking, with companies and industries that try to gain competitive advantages through tax subsidies.

If we want businesses to spend more time in productive activity and less time begging the government for tax breaks, we need to fix the broken Tax Code with a flatter, fairer, more transparent system which encourages working and saving and investing—not lobbying here in Washington, DC, for special breaks. If we want our tax laws to be respected and understood, they need to be clearer, simpler, and more equitable.

Given how much President Obama talks about fairness of the Tax Code, you would think he would be all over this. You might expect he would be an eager champion for tax reform. Instead, the President wants to use the Tax Code as an ATM machine to subsidize particular industries and interest groups while punishing others. We need to get them all on the table, bring them all out into the light of day and address all of these special tax provisions so we can simplify and make more fair our tax system, unleashing the growth potential of the entrepreneurial American economy to create jobs and prosperity that is sadly lacking now in the current environment.

Unfortunately, President Obama, rather than attack this issue of crony capitalism, has promoted it. During the long government-run Chrysler bankruptcy process, the company-secured bondholders received less for their loans—29 cents per dollar—than the United Auto Workers pension funds. They got 40 cents on the dollar. The UAW pension funds, mind you, were unsecured creditors, entitled to less priority than the bondholders, who were entitled to the highest priority, but because of the way this was manipulated, the bondholders got 29 cents on the dollar, the union got 40 cents on the dollar.

During the automobile bailouts President Obama let politics trump the rule of law. What do I mean by that? I believe that rather than let the rule of law apply, he injected politics and favoritism in the process. In his energy policy, which I alluded to a moment ago, he put politics before his fiduciary responsibility to the American taxpayer. We agree that the Federal Government has a role in funding, through the research and development tax credit and other ways, basic scientific research to promote innovation. But the President and Congress should not be using your tax dollars to make risky, politically motivated investments that benefit specific companies or industries at your expense.

Solyndra offers the most conspicuous example. This now bankrupt solar energy firm received a $535 million loan guarantee from the Federal Government. According to the Washington Post, the Obama administration ''remained steadfast in its support for Solyndra,'' even after being ''warned that financial disaster might lie ahead.'' Then, as Solyndra went bankrupt, the administration violated the law by making taxpayers subordinate to private lenders.

In other words, even though the taxpayers gave a $535 million loan guarantee to this company that went bankrupt, the ones who ended up taking it in the neck were the taxpayers rather than the private lenders who should have been subordinated to the taxpayers when it comes to getting paid. If President Obama is as concerned as he claims about dicey investments with taxpayer money, he should repudiate these kinds of boondoggles and let the market work to allocate capital. Washington should not be picking economic winners and losers.

Speaking of winners and losers, the Department of Health and Human Services granted a series of 1- and 3-

year waivers from the annual limit requirements contained in the President's 2010 health care law. These waivers fostered the impression that certain companies, unions, and institutions would be exempted and given preferential treatment.

The health-care law thus highlighted an inconvenient truth about big government: Any dramatic increase in federal regulations and bureaucratic authority will lead to a dramatic increase in rent-seeking and crony capitalism.

Finally, a word about the 2010 Dodd-Frank law. Democrats argue that Dodd-Frank ended ''too big to fail.'' In fact, it codified too big to fail, because certain companies will now formally be identified as ''systemically important.''

Are we really supposed to believe that ''systemically important'' companies will be allowed to collapse? The more likely scenario is that these firms will be viewed as too big to fail—both by investors and by federal officials—the way Fannie Mae and Freddie Mac were.

As University of Pennsylvania law professor David Skeel has written:

> The companies that are cordoned off as systemically important distort the credit markets, as a result of the Fannie Mae effect. Because these institutions can raise capital more cheaply than financial institutions that do not enjoy implicit government protection, they have a competitive advantage over smaller institutions. This may dampen innovation in the financial system and lead to inefficient allocation of credit to nonfinancial businesses.

In short, regardless of what Democrats may think, Dodd-Frank has actually strengthened the nexus between Washington and Wall Street.

The rise of crony capitalism under President Obama has led many people to question America's commitment to free markets and the rule of law. Likewise, the President's failure to revive our economy has led to widespread pessimism about America's future. I firmly believe we can turn things around and restore our global reputation, and I firmly reject the notion that our decline is inevitable. There is no reason we can't rejuvenate the Great American Jobs Machine and return to prosperity. But it won't happen until we get much better leadership from the White House.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5 p.m. today.

Thereupon, the Senate, at 4:08 p.m., recessed until 5:08 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The Senator from Illinois.

SPORTMEN'S ACT OF 2012 MOTION TO PROCEED—Continued

JOINT REFERRAL

Mr. DURBIN. Mr. President, I ask unanimous consent that, as if in executive session, the nomination of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, sent to the Senate by the President, be referred jointly to the HELP and Veterans' Affairs Committees.

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

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

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

STATE OF THE ECONOMY

Mr. DURBIN. Mr. President, 4 years ago our economy was in a free fall. AIG had been bailed out, and Lehman Brothers plunged into bankruptcy. The depth of the recession we fell into is difficult to understate.

With the economy contracting at nearly 9 percent in the last few months of 2008 and nearly 700,000 jobs lost every month, it is not an exaggeration to call the crisis we faced the worst since the Great Depression. Demand dried up as our financial system collapsed, families struggled to pay the bills, and millions lost their homes to foreclosure. Our unemployment rate peaked at 10 percent nationally and 11.4 percent in Illinois.

It has been a hard road back to stable economic ground, but things have turned around. Private sector businesses are hiring again and have been for 30 straight months. Between July 2011 and July 2012, the economy added an average of 153,000 jobs every month—about 1.8 million jobs. Compare that to the average monthly losses of 544,000 between July 2008 and July 2009.

There is a lot of work still to be done. We all would like to see more jobs created, but it is clear our economy is better off and we are better off than we were 4 years ago.

I saw many examples of our economic progress as I have traveled my State. The Nucor steel plant in Bourbonnais, IL, makes rebar and angle iron that is used in construction across the country. What makes Nucor unique is that during the recession when many other companies were shedding employees, Nucor made a commitment to keep all of their full-time employees. It wasn't easy. When demand slowed, the company's idle workers developed new products for customers or they were actually, in many cases, sent out to work in the community on service projects as they waited for their company to get back into business.

During this time the Bourbonnais facility applied for and received the Department of Labor's Voluntary Protection Program star certification, recognizing their extraordinary efforts to improve workplace safety. Nucor made a commitment not just to the bottom line but to its workers and to the communities where they lived. It has paid off. Demand has returned, and the company is now firing on all cylinders, employing roughly 300 workers.

I have visited a lot of different production facilities. There was nothing more jaw-dropping than to stand in that steel mill and watch these three poles go into a caldron of scrap metal, burst and explode into flames, and then watch steel come trickling out of the bottom into these forms to make rebar and angle iron.

Earlier this summer I also met with the CEO of Woodward, an aerospace and energy firm, about its possible expansion of a facility in Loves Park, IL. Woodward was considering two locations for expanding its airline turbine product line. In the end, thank goodness for us, Woodward picked Illinois. The company is investing more than $200 million in the facility, and it is estimated that it will add 600 new jobs over the next 5 years.

There is more to the story. While growing demand led to the expansion decision, it was the infrastructure and skilled workers that sealed the deal for Loves Park. Loves Park and the Rockford area has been the home of aerospace companies for decades. Yet they made a concerted effort to grow and expand the training opportunities to meet modern workforce needs. Through a public-private partnership, the community has created an atmosphere that attracts new business investments and new jobs.

Illinois is about the last place—and southern Illinois certainly the last place—one would expect to find a world-leading firm in oilspill cleanups, but if one goes to Fairfield and Carmi, IL, that is what one will find. The Elastec/American Marine Company specializes in equipment to clean up environmental accidents, specifically oilspills. In two former Wal-Mart buildings in those towns, 140 employees have developed new technologies that have expanded our ability to clean up oilspills around the world. Just last year, the company won a $1 million X PRIZE for recovering more than 2,500 gallons per minute—triple the industry's previous best recovery rate in controlled conditions. This is in southern Illinois. Testing oilspill cleanup in southern Illinois is hard to imagine. Elastec's equipment was used for cleanups during both Exxon Valdez and the more recent gulf spill.

This is American ingenuity at its best, but the business is driven by regulations governing the discharge of oil. Without these ''job-killing'' regulations, the company, its jobs, and the technology it uses to clean up oilspills probably wouldn't exist.