

have a new program in one of our areas of the government, fine and dandy, but we have to do it within the limit of spending we have agreed to. This bill does not do that. Under this rationale, we would have to assume, would we not, that the needs of this bill are so little that there is not a single other program in America, not a single one, that is less valuable. Therefore, the only way we can proceed with this bill is to raise taxes, raise revenue. That is just simply not correct. We know better than that.

There is no reason these problems cannot be fixed. Slowing down, complying with the Budget Control Act, not delegating to an unelected Cabinet Member the power to raise taxes, not violating with a blue slip by commencing a revenue bill in the Senate, is not hard to deal with.

So I say to Senator TESTER: Thank you for your work. I am not sure the way this was done precisely was something you suggested. I believe we can work this out. I have made some suggestions. I am open to a lot of suggestions, but I will just say to my colleagues, I will continue to object to any bill brought before this Congress that violates the solemn agreement we made 15 months ago in the Budget Control Act. And this one does. Senator CONRAD has verified that. If my colleagues will adhere to the limits of spending that we agreed to 15 months ago by supporting this budget point of order, this popular bill, with a lot of good values in it, will be quickly fixed and passed—there is just no other way to see it—and in the future, committees and Senator REID, perhaps, will stop sending budget busters to the floor of the Senate.

Mr. President, I was going to make the budget point of order at this point, but I see Senator TESTER. I do not know if he wants to speak. Let me say again how much I appreciate the hard work Senator TESTER has put into this. He is a friend. I know he has worked hard, and I hate to cause him heartburn at this point in time, but I really would say I have raised this budget point of order on other bills and it is not that I am complaining particularly about his. His, in fact, will be a lot easier to fix than some of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the ranking member of the Budget Committee for his comments.

Look, folks, this is a bill about habitat. It is a bill about access. It is a bill about opportunity for people who enjoy our outdoors in this country. The outdoor economy is some \$600 billion a year.

I have heard many times spoken on the Senate floor, if we are going to get the deficit and the debt under control, we have to grow our economy. This is about growing our economy. How? By allowing hunters, fishermen, outdoor activists the opportunity to go out and

utilize the great outdoors this country has to offer in Montana and throughout this country.

We are losing habitat every day. We have lost access to habitat for hunting and fishing and hiking. This bill will fix that.

I will go back to the point Senator SESSIONS made. When I go back home, folks talk to me about the debt. They talk to me about the deficit. They ask what we can do to fix it. Quite frankly, this is one of those things we can do to fix it. By increasing opportunities for our outdoorsmen and women in this country, we have the opportunity to increase our economy in a very positive way.

Like I said, when we talk about the duck stamps, those dollars go in to be used for promoting opportunities in duck hunting. Those moneys will not be going into funding the war in Afghanistan. The money coming in basically goes out for a specific purpose.

By the way, the folks who utilize the duck stamp want this money bumped up. That is why we give the Secretary this discretion.

With that, I yield the floor back to the Senator from Alabama.

#### SPORTSMEN'S ACT OF 2012

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

The bill clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Pending:

Reid (for Tester) amendment No. 2875, in the nature of a substitute.

Reid amendment No. 2876 (to amendment No. 2875), to change the enactment date.

Reid amendment No. 2877 (to amendment No. 2876), of a perfecting nature.

Reid amendment No. 2878 (to the language proposed to be stricken by amendment No. 2875), to change the enactment date.

Reid amendment No. 2879 (to amendment No. 2878), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the pending amendment No. 2875, offered by the Senator from Nevada, Senator REID, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority and outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of this pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All postcloture time has expired. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 204 Leg.]

#### YEAS—50

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

#### NAYS—44

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

#### NOT VOTING—6

Begich	Hoeben	Kirk
Harkin	Isakson	Landrieu

The PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and amendment No. 2875 falls.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the Reid amendment No. 2878 be withdrawn; that the vote on passage of the bill be vitiated; that the bill be returned to the calendar status quo; further, that at a time to be determined by the majority leader after consultation with the Republican leader, it be in order for the majority leader to resume consideration of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. I now move we proceed to Calendar No. 419, S. 3254.

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

The assistant bill clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. As I indicated this morning, we are trying to work our way through a number of issues. We thought we were going to be able to move toward the Carceri matter this evening, but we are still negotiating this matter, so we are going to have to do that at some subsequent time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

#### THE SPORTSMEN'S ACT

Mr. SESSIONS. Madam President, I appreciate the vote we just concluded. I think what the vote said is that we want the bill on the floor to be in compliance with the Budget Control Act that was passed 15 months ago. This bill, even though it was not a lot of money, violated that. Senators have voted not to waive the budget and spend the money anyway. They decided we should comply with the budget.

I talked with Senator TESTER and Majority Leader REID and assured them that the fundamentals of this bill are good. I like what they have been trying to do with the Sportsmen's Act and I have been supportive of so many of the provisions in it.

We had several little problems. First and foremost, it attempted to spend more than the EKW Committee was entitled to spend under the Budget Control Act. Second, we have a blue slip problem with it. Thirdly, we have given the Interior Department Secretary the power to raise taxes unilaterally without a vote of Congress, and I think that is bad policy. All of those, however, compared to the many other provisions in the legislation are small, and we should be able to work them out. So I hope we can, and I will be working in that regard.

However, I do wish to say to my colleagues, this is the second bill that has had a lot of support on both sides of the aisle but has failed because they violated the Budget Control Act agreement on spending. Some on the other side might think they can simply say Republicans are obstructionists, they are killing bills just because they want to kill them and they don't like them.

That is not correct. Republicans want to deal with many of the issues before us, such as veterans jobs, such as issues important to sportsmen, and we are supportive of them, but we want them to be done according to the agreement we reached on spending limits last year, and that can easily be done. We spend almost \$3700 billion a year. We ought to be able to find \$14 million from waste, fraud, duplication—savings that can be utilized to pay for this new program.

What the bill suggests by the way it is written is that we have looked at all of the spending in the entire U.S. Government and we can't find \$14 million less valuable than to spend it on migratory bird conservation. I think that is not true. Of course we can find waste, fraud, and abuse right there. We can find other ways to consolidate programs to fund this. We have to honor the agreement we reached, because it looks to me as though we will soon be headed to some sort of late-night, end-of-the-session monumental bill, and it will be like what we had 15 months ago when the debt ceiling was increased and spending was limited and we promised to raise the debt ceiling but limit spending growth, basically. We voted on that. The majority voted for it. The President supported it. He signed it. It became law. Here we are now 15 months later, having had four bills brought to this floor that violated that spending limit. So we have to be careful. The American people are not going to be very confident, if we reach some sort of other spending limit agreement to avoid the fiscal cliff, that we won't, before the ink is dry, start violating it. After all, it only takes 60 votes.

I think it is a very important issue. I am the ranking Republican on the Budget Committee. When we make an agreement, I think we ought to adhere to it, and this is why we had difficulty with the bill.

I enjoyed working with Senator TESTER on it. I have had a good conversation with Senate Majority Leader REID. Hopefully, something can be worked out to fix this problem.

I thank the Chair and yield the floor.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS RYAN JAMES SAVARD

Mrs. SHAHEEN. Mr. President, today I wish to pay tribute to the heroic service of SFC Ryan James Savard, who was killed in action October 13 in Kunduz Province as part of Operation Enduring Freedom in Afghanistan. Sergeant First Class Savard was assigned to the Headquarters and Headquarters Company of U.S. Army Special Operations Command out of Fort Bragg, NC. He was killed while serving a sixth tour of duty—a remarkable accomplishment—after completing four tours in Afghanistan and one tour in Iraq in support of Operation Iraqi Freedom. He was a brave patriot who served his country with honor and distinction. He was a loving husband and a devoted son.

Ryan was born on February 27, 1983 in Salt Lake City, UT. When he and his family moved to Jefferson, NH, Ryan attended eighth grade at the Lancaster School and spent 3 years at the White Mountains Regional High School in Whitefield. After graduating from high school in Arizona, Ryan followed in his father's footsteps and enlisted in the Army. In fact, he completed his very first day of basic training on September 11, 2001.

Ryan began his 10 years of service repairing helicopters and then went on to earn great distinction in the Special Operations Forces as a Green Beret. In June 2004 he graduated from the U.S. Army John F. Kennedy Special Warfare Center, becoming a weapons sergeant in Company A, Third Battalion, Third Special Forces Group at Fort Bragg. Ryan rose steadily in this role, deploying three times as a senior weapons sergeant in 2008 and twice as a Special Operations Team Member in two tours beginning in 2010.

Ryan received a significant number of awards for his distinguished service, including three Army Commendation Medals, a Joint Service Achievement Medal, three Army Achievement Medals, a Joint Meritorious Unit Award and Meritorious Unit Commendation and three Good Conduct Medals. In addition, he was posthumously awarded a third Bronze Star Medal, the Defense Meritorious Service Medal and a second Purple Heart.

Ryan is remembered by those close to him as a true friend with an infectious laugh and an unmatched sense of humor. He was a great listener and an extremely hard-working young man. Ryan knew the type of commitment that was necessary to be a real friend and the type of commitment that was necessary to be the best soldier possible. His drive to succeed has left an indelible mark on his family, his friends, the State of New Hampshire and the Nation. We are extremely proud and deeply appreciative of Ryan for his willingness to serve and ultimately, to lay down his life, like so many others before him, in the defense of the freedoms that we as Americans hold dear.