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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of light and glory, bend Your ears to hear our prayers. Lord, deep inside we long to be a part of something bigger than ourselves. Give our lawmakers the wisdom to discover Your purposes and the courage to obey Your commands. Lord, teach them to promptly make right decisions and to resist the temptation to waste the currency of the faith and trust of the American people. As they follow Your providential leading, may our Senators strive to be instruments of Your glory. Use them, Lord, to do Your will on Earth even as it is done in Heaven. Into each dark and trying hour, send the illumination of Your mercy and grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will proceed to executive session to consider the disabilities treaty. The time until noon will be equally divided and controlled between Senators KERRY and LUGAR, the managers of this treaty, or their designees.

At noon there will be a rollcall vote on the Resolution of Advice and Consent to Ratification of the Convention on the Rights of Persons with Disabilities.

I have a number of requests. We don't do treaties often, and our requests from Senators on both sides of the aisle have suggested, and I think they are right, that because this is a treaty, the votes will take place from our desk today. Everyone should be on notice, they should be here, and we will vote from our desks.

Following the vote, the Senate will recess to allow for the weekly caucus meetings.

Additional votes on the National Defense Authorization Act are expected during today's session.

MEASURE PLACED ON THE CALENDAR—H.R. 6429

Mr. REID. Mr. President, I am told there is a bill, H.R. 6429, due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. The objection is heard.

The bill will be placed in the calendar.

FISCAL CLIFF

Mr. REID. Mr. President, it has been almost 3 weeks since we all met with the President to avert that fiscal cliff we hear so much about. Yesterday, after weeks of delay, and as the days dwindle and taxes are set to go up for millions of families and businesses, Republicans in the House finally showed up at the negotiating table.

Now we know why they have been holding their cards so close to their vests. Their proposal would raise taxes on millions of middle-class families. Their plan is to raise \$800 billion in revenue by eliminating popular tax deductions and credits that would reach deep into the pockets of middle-class families. Republicans are so intent on protecting low tax rates for millionaires and billionaires, they are willing to sacrifice middle-class families' economic security to do so.

In the first year, unless we do something, middle-class families; that is, people making less than \$250,000 a year, will get an average of \$2,200 in additional tax, taxes they will have to pay.

Their proposal that we received yesterday was short on specifics, but we do know from independent analysis that it is impossible to raise enough revenue to make a dent in the deficit

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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without using one of two things: raising tax rates on the top 2 percent or raising taxes on the middle class.

As my friend, the senior Senator from Missouri, said on the Sunday talk shows, the Speaker has to make a decision whether it is more important to keep his job or to do something about the economy that is in such difficult shape in America. He has to make a choice.

The nonpartisan Tax Policy Center called it mathematically impossible to reduce the deficit and give more tax cuts to the rich without harming the middle class. This is the same thing President Clinton talked about so often during the campaign, saying to everyone it is arithmetic.

As usual, given the choice between millionaires and billionaires and the middle class, Republicans again sided with the wealthy of this country. In fact, their plan doesn't just keep rates low for the richest 2 percent, it actually lowers them further. The Democrats' plan would protect 98 percent of families and 97 percent of small businesses from painful tax increases by asking the top 2 percent to pay a little bit more to reduce the deficit.

The Republicans' plan, on the other hand, is more of the same. Not only does it balance the budget on the backs of the middle class, it voids our promise to seniors with steep cuts to Social Security and Medicare, all to pay for even more handouts to the rich.

At least we now know where they stand. Republicans have sought cover by invoking Erskine Bowles' name, but he has disavowed their plan in no uncertain terms. We are glad to finally see Republicans joining in the negotiating process instead of watching from the sidelines.

While their proposal may be serious, it is also a nonstarter. They know any agreement that raises taxes on the middle class in order to protect more unnecessary giveaways to the top 2 percent is doomed from the start. It will not pass.

Democrats would not agree to it. President Obama wouldn't sign such a bill, and the American people would not support it. That is in all the polls that are in at press this morning.

The American people are tired of budget-busting giveaways to the wealthiest few people who have enjoyed growing paychecks and shrinking tax bills for more than a decade. The American people want a balanced deal. Simple math dictates that a balanced deal must include higher taxes on the richest of the rich. Republicans would be wise to keep that in mind as negotiations move forward.

We are willing to compromise, but we also will not consign the middle class to higher tax bills while millionaires and billionaires avoid all the pain.

I have been told the leader of the Democrats in the House will file today a discharge petition asking the Speaker to bring the bill to the floor. All Democratic House Members, as far as I

know, every one of them will sign this discharge petition.

We have heard Republicans in the House who are willing to move forward. If every Democrat signs this, we will only need about 25 Republicans to join. The American people should see that picture. With 25 Republican votes—25 Republican votes—middle-class America would be able to rest assured that they will not have a tax increase at the first of the year. Twenty-five Republicans is all it would take.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LIMITING THE RIGHT TO DEBATE

Mr. MCCONNELL. Mr. President, during the past couple days, we have discussed the plans of the Democratic majority to make the Senate more "efficient" and to do it by breaking the rules of the Senate. It is what my Senate colleagues roundly criticized during the Bush administration as "breaking the rules to change the rules." It is something Senate Republicans thought about but wisely chose not to do.

The Senate has two great traditions, two great rights of Members and, by extension, the citizens they represent; the right to amend and the right to debate.

Yesterday and last week I talked about the first of these great Senate rights and how the Democratic majority has sought systematically to marginalize the minority in its exercise of this right.

I noted how the Democratic majority has bypassed committees to an unprecedented extent, how it has blocked members of the minority and members of the majority, too, from offering amendments on the Senate floor before cloture is invoked and how, when that didn't shut out the minority, the majority used a bare majoritarian means to change Senate procedure to bar the minority from offering motions to suspend the rules after cloture was invoked.

This systemic effort to marginalize the minority stands in stark contrast to the trend in the House under the Republican majority. It has allowed the minority in the House more chances to amend legislation on the House floor than existed under previous majorities.

In fact, according to the Wall Street Journal, last year, the House held more votes on amendments on the floor than it did during the 2 previous years combined, when congressional Democrats were in the majority.

When one compares the amendments and the motions voted on in the House this year with those voted on in the Senate, as the nonpartisan Congressional Research Service has done, the difference is truly startling. The House minority has been able to offer 214 such

motions and amendments, compared to only 67 for the Senate minority, which is more than three times as many motions and amendments, but the minority in the House has had three times as many votes as the minority in the Senate. In terms of protecting the right of the minority to represent their constituents through amendments on the floor, the House is becoming more like the Senate used to be, and the Senate is becoming more like the House used to be.

But what about the second great right in the Senate, the right to debate? How has the exercise of this right fared under the Democratic majority? The short answer is not so great. The filing of cloture under the Senate rules is the beginning of the process to end debate, and the wielding of this powerful tool is in the hands of the majority leader. If one wants to simply equate the filing of cloture, if one wants to equate the filing of cloture with a filibuster, there is the potential for the majority to generate a lot of filibusters with a quick trigger on the cloture motion.

My friends on the other side of the aisle have painted a picture where cloture filings are needed to overcome an obstinate minority. Cloture is needed, so we are told, because of Members of the minority who refuse to stop delaying.

But does filing cloture on a matter, be it on a bill, an amendment or a conference report, on the very same day the Senate is considering that matter, indicate a minority that is prolonging debate or does it indicate a majority that is eager not to have a debate at all? To me, a habitual effort to file cloture on a matter as soon as the Senate begins to consider the matter indicates the latter.

What do the numbers show about the use of cloture by this Democratic majority? According to CRS, the current Senate majority has filed cloture on a matter—exclusive of motions to proceed to a matter—on the very same day it considered the matter three and a half times more often than the Senate Republicans did when they were in the majority.

According to CRS, Senate Republicans filed same-day cloture on a matter just 30 times in 4 years. The current Democratic majority has done so well over 100 times. Put another way, Senate Democrats are much more apt to try to shut off debate on a matter as soon as the Senate begins considering the matter than were prior majorities including, most recently, Senate Republicans.

The desire of my Democratic colleagues to shut down debate before it begins in these instances has nothing to do with overcoming resistance to the Senate taking up a bill because, as I have just noted, this analysis specifically excludes—excludes—same-day cloture filings on a motion to proceed.

It is not just the right to amend that has taken a hit under the Democratic