

Udall (NM)	Webb	Wyden
Vitter	Whitehouse	
Warner	Wicker	

NOT VOTING—6

Burr	DeMint	Kirk
Conrad	Inouye	Rockefeller

The nomination was confirmed.

VOTE ON NOMINATION OF TERRANCE G. BERG

The PRESIDING OFFICER (Mrs. MCCASKILL). The question is, Will the Senate advise and consent to the nomination of Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

UNANIMOUS CONSENT REQUEST—
S. 3664

Mr. REID. Madam President, I now ask unanimous consent that at 1:30 p.m. today, the Senate proceed to the consideration of S. 3664, which is a bill regarding debt limit increases, the text of which is at the desk; that there be no amendments in order to the bill; that there be up to 10 minutes of debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to passage of S. 3664.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Madam President, reserving the right to object, what we are talking about is a perpetual debt ceiling grant, in effect, to the President. Matters of this level of controversy always require 60 votes. So I would ask my friend, the majority leader, if he would modify his consent request to set the threshold for this vote at 60?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, reserving the right to object, what we have is a case of Republicans in the Senate once again not taking "yes" for an answer.

This morning, the Republican leader asked consent to have a vote on his proposal. Just now I told everyone we are willing to have that vote, an up-or-down vote. But now the Republican leader objects to his own idea. So I guess we have a filibuster of his own bill. So I object.

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

Mr. MCCONNELL. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader.

Mr. DURBIN. Madam President, what just transpired deserves a word. Senator MCCONNELL came to the floor this morning and offered a change in law that would help us avoid the kind of obstruction and the kind of showdowns that we have had in the past over the debt ceiling. In fact, the idea was not new. It was his original idea that has been the law of the land and followed. He offered and challenged Senator REID to bring this matter for consideration in the Senate.

Senator REID just agreed to it. He said he would bring this to a vote in 20 minutes, and we would decide, up or down, whether the debt ceiling problem would be resolved once and for all under Senator MCCONNELL's proposal. Then Senator MCCONNELL objected—objected—saying: No, no, we need 60 votes.

For those who do not follow the Senate, 60 votes is the equivalent of a filibuster vote—breaking a filibuster vote. So this may be a moment in Senate history when a Senator made a proposal and, when given an opportunity for a vote on that proposal, filibustered his own proposal. I think we have now reached a new spot in the history of the Senate we have never seen before.

I am going to ask the Parliamentarian to look into this. I do not think this has ever happened before. But it calls into question whether this was the kind of offer that one would consider to be good faith—if Senator REID offered a vote on it, and Senator MCCONNELL said, no, it has to be 60, it has to be a filibuster-proof vote.

Ms. STABENOW. Will my colleague, the distinguished assistant majority leader, yield for a question?

Mr. DURBIN. Yes.

Ms. STABENOW. Is it also correct, basically, if we had voted, we would have guaranteed we would not place the country again in a situation of defaulting on our bills; that we would send a message that we can work together—the fact that we were willing to accept the Republican leader's proposal and be willing to send a message that as a Senate we want to make sure we have fiscal stability, we are paying our bills, that this could be one step forward in making sure we can resolve the fiscal issues for the country? Isn't that the Senator's view of this as well; that, in fact, it would be an important message about stability?

I also have to say, I share the Senator's amazement that the leader would, in fact, object to his own proposal and now be filibustering his own proposal that we were willing to accept as a bipartisan, good-faith effort for the country. Didn't he just take us in a wrong direction?

Mr. DURBIN. Madam President, I say in response to the Senator from Michigan, the Senate Republican leader, Senator MCCONNELL, has such a strong appetite for the filibuster that we have seen 386 or 387 filibusters in the last 6 years, and now he has decided another

good idea is to propose a bill and then filibuster your own bill. I do believe that is history in the making. But that is why this appetite for the filibuster in the Senate has to change.

What an abuse, that we cannot have a majority vote on something the Republicans proposed and the Democrats were prepared to vote for. This would have been a true bipartisan measure, good news—maybe leading the news—across America. It really is unfortunate.

Mr. SCHUMER. Will the assistant majority leader yield?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. If my friend will yield, I have business here and then he will get the floor right back.

TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 554, S. 3637.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554 (S. 3637), a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. REID. Madam President, 387 is on its way. 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. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Richard Blumenthal, Mark Begich, Jon Tester, Max Baucus, Herb Kohl, Kay R. Hagan, Barbara A. Mikulski, Tim Johnson, Mary L. Landrieu, Kent Conrad, Jeanne Shaheen, Jeff Merkley, Daniel K. Akaka, Mark L. Pryor.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

THE DEBT CEILING

Mr. SCHUMER. Madam President, we saw what happened here—the minority leader filibustering his own bill. He should have trusted his first instincts. Imagine if we would have passed the minority leader's resolution: The markets would have been jubilant, stocks

would have gone up, one of the great specters hanging over our economy—that we would not raise the debt ceiling—would have been greatly mitigated in terms of damage and danger. We could move on to the real issues of dealing with the fiscal cliff and dealing with our debt situation and not have a debt ceiling hanging out there as a diversionary but dangerous issue.

But for some reason—inexplicable—the minority leader, the Republican leader, changed his mind. Now he said on the floor, well, important measures deserve 60 votes. But when he brought it up earlier, he acted as if he was in favor of it. He was offering it. Now, of course, he is saying, no, he is going to object to his own resolution. I wish he would reconsider.

Again, using the debt ceiling as leverage, using the debt ceiling as a threat, using the debt ceiling as a way to achieve a different agenda is dangerous. It is playing with fire. Yet, with the opportunity to take that off the table, reassure the markets, the minority leader blinked. I do not know why. It is hard to figure out the strategy that he is employing. But we would hope on this side of the aisle—and I think I speak for all of us—that he would reconsider and, perhaps, early next week let us vote on his own resolution.

I yield the floor.

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.

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

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

FACING CHALLENGES

Mr. HOEVEN. Madam President, today I would like to speak on several important issues pending before the Senate—issues that I believe are related.

I want to speak first about the recent proposal to change the rules of the Senate with a simple majority vote.

Second, and related, I want to talk about the need for consensus and bipartisanship to address our Nation's pressing challenges; specifically, the fiscal cliff that we face.

We must, and in fact we can, find consensus and agreement. We have done it before. We have done it in building a good solid farm bill which actually found \$23 billion in savings toward the deficit. We did it in passing a strong highway bill that will strengthen our Nation's infrastructure. We did it most recently this week in working through a large and complex Defense authorization bill that will keep our Nation safer and more secure in these perilous times.

It will take more of this kind of cooperation and consensus building to address the very real and substantial challenges facing our Nation today. That is why I am deeply concerned

about a proposal floated recently by some Members of the majority regarding the rules of the Senate. They propose to change the nearly 100-year-old Senate rule that requires a two-thirds majority to change the operating rules of the Senate.

Our colleagues in the majority are proposing to use a simple majority vote to make the change. That is the issue here. The issue is the manner in which they plan to do it. Once the precedent of changing a rule with a simple majority vote is established, 51 Senators could change the rules to suit their own convenience. In other words, they want to break the rules in order to change the rules.

That would be a big mistake. That would be, as the majority leader himself said in his own book, the death of the Senate. Votes that require a supermajority serve a very valuable function in the Senate. They encourage consensus, they encourage bipartisanship, and they make certain that the minority has a voice in the lawmaking of this body.

In recent history, both Democrats and Republicans have held the majority. In fact, it was not that long ago that the Democrats themselves were adamantly opposed to changing the rules of the filibuster. They argued that doing so could bring an end to a century-old tradition of bipartisan consensus building in the Senate and diminish the influence of minority voices. The reality is, we are now at a point in our history when bipartisanship and consensus is exactly what we need.

Laws passed by a narrow majority will only fuel greater partisanship and greater divisiveness. We need both parties working together so that when we are done we can say, this is a plan the American people can agree on. That is the kind of approach we need to address the economic challenges that are posed by the fiscal cliff. We need bipartisanship and we need consensus building.

With bipartisan consensus, I believe we can avert the fiscal cliff looming before us and put our Nation on a sustainable fiscal path. To do anything less could put our Nation and our future at risk. In little more than a month, nearly \$400 billion in tax increases will combine with sequestration; more than 100 billion in mandatory across-the-board spending cuts over 1 year, to drag our Nation over the so-called fiscal cliff.

What those tax increases mean to the average American family of four earning \$50,000 a year is over \$2,000 in higher income taxes. Add to that expiration of the alternative minimum tax patch new taxes mandated by the Federal health care bill, and the reinstatement of the death tax, which will impact the next generation of farmers, ranchers, and small business owners, and Americans will see the largest tax increase in the history of our country.

If all of this happens, the Congressional Budget Office predicts the Na-

tion's economy will shrink next year, and the unemployment rate could rise again. In other words, we go back into recession. I believe we can avoid the fiscal cliff and address our massive deficit. But that requires doing three essential steps: reforming our Tax Code, reforming entitlement programs, and better controlling our spending. We can get additional revenue by reforming our Tax Code. That means closing loopholes and limiting deductions.

By closing loopholes and limiting deductions, we can make the Tax Code simpler and fairer to stimulate growth in our economy. Markets get the kind of certainty they need to invest, to grow, and to hire. It is a growing economy, a growing economic base that creates more jobs and revenue, not higher taxes.

The simple fact is we must make America a great place to do business again. Our progrowth strategies in my home State of North Dakota have broadened our economic base and raised revenue without raising taxes. That has resulted in the lowest unemployment rate in the Nation, growing personal income, and, rather than a deficit, a budget surplus.

In addition to progrowth tax reform, we also need to start a fair and thoughtful process to reform entitlement programs. If we do not, they will not be sound and solvent for future generations. For example, Medicare's Hospital Service Program is in serious financial trouble. In a report this spring, the Medicare trustees cautioned that the trust fund that covers the program's hospital services will be depleted and consequently insolvent by 2024.

The fact is, we can accomplish entitlement reform in a way that does not change programs for people at or near retirement, yet ensures that those promises will be there for our children and grandchildren down the road when they need them. Republicans and Democrats should be able to come together, as should older and younger Americans, because thoughtful entitlement reform is in everybody's interests.

Finally, we need to control our spending. Our Federal deficit for the fiscal year 2012 was \$1.1 trillion. Our national debt is now more than \$16 trillion. That is unsustainable. More revenues from tax reform and economic growth, combined with entitlement reform and controlling spending, will reduce our deficit and our debt. There is no question we can do it. For example, we can help make a downpayment on our deficit reduction right now by passing the farm bill we put together in this Chamber.

The farm bill version we passed with broad bipartisan support in the Senate would save \$23 billion over 10 years. The House version, which has been passed out of committee and is now pending on the floor, would save \$35 billion. Passing a good farm bill can be part of the solution for the fiscal cliff.

The reality is, solving our Nation's fiscal problems is achievable. We can find real budget savings in a far more thoughtful way than doing it through sequestration: Reforming our Tax Code, reforming entitlement programs, and better control of our spending will work.

Add a measure of good-faith bipartisanship and we can get our Nation growing again. We can get people back to work. For the sake of our country, we need to do it and we need to do it now.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS DARREN M. LINDE

SPECIALIST TYLER J. ORGAARD

I rise today to honor the lives of two North Dakota soldiers who were killed in action on Monday, December 3, in southern Afghanistan while serving in support of Operation Enduring Freedom. SFC Darren M. Linde and SPC Tyler J. Orgaard were both members of the North Dakota National Guard assigned to the 818th Engineer Company.

Their unit had been tasked with an important but dangerous mission. They were conducting a route clearance operation when their vehicle struck an IED on Monday, fatally injuring both men and wounding SPC Ian Placek, who is currently undergoing medical treatment in Germany. We pray for his full recovery.

Today we honor the lives of Sergeant First Class Linde and Specialist Orgaard. Our thoughts and our prayers are with their families and their friends as well.

Sergeant First Class Linde of Devils Lake, ND, led a distinguished military career since enlisting in North Dakota National Guard in 1990. During the course of his career, he served with the North Dakota National Guard as well as the United States Army and the Montana National Guard. He earned several recognitions for his valor, including the Bronze Star Medal, Purple Heart, Army Commendation Medal, and Army Good Conduct Medal. Since 2009, he worked as a full-time instructor with the North Dakota National Guard's 164th Regional Train Institute, Camp Grafton Training Center in Devils Lake.

Sergeant First Class Linde was a devoted and selfless leader as well as a committed family man. He enjoyed spending time with his family and friends. He is survived by his wife Adrienne and four children.

Specialist Tyler Orgaard of Bismarck, ND, joined the North Dakota National Guard shortly before his 2001 graduation from Bismarck Century High School, where he was a member of the Century Patriots wrestling team and began competing in the Impact Fighting Championships. He was passionate about training in mixed martial arts. His family and friends knew him to be an extremely disciplined, hard-working man who served his country with great pride.

This was Specialist Orgaard's first overseas deployment. For his com-

mendable service, he has been awarded the Bronze Star Medal, Purple Heart, Army Good Conduct Medal, and the National Defense Service Medal.

Specialist Orgaard is survived by many loving friends and family including his parents, Josephine and Jesse Orgaard. For the service and sacrifice of these brave men, we offer our thanks. We pledge to honor their lives through our commitment to supporting our troops and veterans and by remembering their lives of service.

My wife Mikey and I also join our fellow North Dakotans and Americans in extending our deepest sympathy to the families of Sergeant First Class Linde and Specialist Orgaard. We recognize that these men have made the ultimate sacrifice in defense of our Nation. We will remain forever grateful for their selfless service and commitment to defending the principles of liberty and justice that continue to guide our country.

May God bless and continue to watch over their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

TRIBUTE TO SENATOR DEMINT

Mr. GRAHAM. Madam President, I wanted to be recognized for 10 minutes to talk about the decision by Senator DEMINT to leave the Senate next year. But I wish to say to my friend from North Dakota, all of us have in our prayers the loss of our soldiers there and all of the soldiers who have been in a tough, long, hard war.

I met with JIM DEMINT this morning. To say I was stunned is an understatement. JIM indicated to me that he will be retiring from the Senate next year and taking over the presidency of the Heritage Foundation, one of the great conservative think tanks here in Washington.

My reaction for the people of South Carolina is: You have lost a great, strong conservative voice, someone who has championed the conservative cause and represented our State with distinction, sincerity, and a great deal of passion. On a personal level, I have lost my colleague and friend. JIM and I have known each other for almost 20 years now. I think we have done a pretty darn good job for South Carolina, at times playing the good cop, the bad cop, but always trying to work together. What differences we have had have been sincere.

That is the word I would use about Senator DEMINT. He sincerely believes in his causes. He is a conservative voice that people in our party look to for leadership and guidance. What he has done over the last 4 to 6 years to build a conservative movement to get people involved in politics, such as MARCO RUBIO, whom JIM helped early on in his primary, I think is going to be a great legacy. From a State point of view, we have lost one of our great champions. JIM and Debbie have raised four wonderful children. They have great grandkids. I know JIM is looking

forward to staying involved and pushing the conservative outside the body. He was an effective voice in the Senate, whether you agreed with JIM or not. He really did strongly and passionately advocate for his positions and did it very effectively.

JIM made the Republican Party, quite frankly, look inward and do some self-evaluation. Conservatism is an asset, not a liability, as we try to govern this country in the 21st century. I look forward to staying in touch with JIM and to working with him at the Heritage Foundation to see what we can do to improve the fate of our country so we will not become Greece.

No one is more worried about this Nation's unsustainable debt situation than Senator DEMINT. I have seen him evolve over time as someone who could not sit quietly anymore, who had to take up the cause.

In the 2010 election cycle, he was one of the strongest voices we had that we had lost our way in Washington. I know JIM to be a very kind, sincere man. He is an individual who is a joy to be around.

But when it comes to what is going on in America, I think JIM understands that if we don't make some changes and make them quickly, we are going to lose our way of life. That is what has driven him above all else. He is trying to keep this country the land of the free and the home of the brave, where people's hard work is rewarded—not punished—where we have a chance to come from nowhere to be anything, including President of the United States. JIM is right to say our debt is unsustainable, that Washington does too much, and there is a better way.

I will look forward to working with JIM in the private sector. From a personal point of view, we have had a great ride together. It has been fun, it has been challenging, and I think we put South Carolina on the map in different ways at different times. To people back in South Carolina, I hope if they get to see JIM anytime soon, say thank you. Because whether they agree with Senator DEMINT, he was doing what he thought was best for South Carolina and the United States.

At the end of the day, that is as good as it gets. Because if someone is doing what they truly believe in and not worried about being the most popular or people getting mad at them, then one can do a good job in Washington. To the people back in South Carolina, everything JIM has tried to do has been motivated by changing the country, making South Carolina the best we could be at home.

So if you get a chance, run into JIM anytime soon or in the coming days, please say thank you because he did his job as he saw fit. He did what he thought was best, and he didn't worry about being the most popular or taking on people when he thought he was right.

I can tell you this. When it comes to me, he has always been a friend, somebody I could count on personally. We

enjoyed our time together. I was stunned this morning. JIM has an unlimited bright future in the private sector. I will say more next year when his time comes to an end.

But on behalf of all of us in South Carolina, I wish to say to JIM and Debbie, thank you very much for taking time away from your family, fighting the good fight, and pressing issues you passionately believe in. I wish to thank JIM and Debbie both for being my friends. You all both mean a great deal to me, and I am confident the best is yet to come for both of you.

On behalf of the people of South Carolina, great job, well done.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will associate my remarks with Senator GRAHAM and say how much I have appreciated working with JIM DEMINT. He is courageous, determined, and principled. He has a vision for America, and he has advocated for it every single day. He stood, sometimes alone, to advocate for those views. He is smart, he is intelligent, and he is good. It has been my pleasure to work with him and actually to support him.

I have consistently felt his values and views were beneficial to America, and we can all disagree sometimes about how to accomplish them, but we can't just go along all the time. Sometimes we have to rock the boat, and he was willing to do that. I so much have enjoyed working with him.

THE FISCAL CLIFF

I wished to share a few thoughts, as ranking Member on the Budget Committee, concerning the proposal that the President has made through Secretary Geithner toward fixing the fiscal cliff that has been talked about so much. I just want to say, sadly, that the facts disprove what they have alleged their plan would do.

We have looked at the numbers. There is no real mystery about this. There are gimmicks and manipulations in the way they have expressed what they intend to accomplish that I think are beyond the pale and the American people need to know it is not accurate.

This would not be possible if we had the plan on the floor so it could be voted on in the light of day. But we all know what the plan is, the scheme is, the strategy is. It is to meet in secret and then plop down on the floor of the Senate, at the last hour, some sort of coerced agreement that all Senators—like lemmings—are supposed to vote for.

We are supposed to expect that the American people will believe the agreement is what the President says it is, but that is not, in reality, what is occurring. Secretary Geithner met with Senate and House Members last week to present a proposal, and the President made a number of claims. He says the proposal Secretary Geithner made will fix our debt. He said his proposal will make our debt “stable and sustainable.”

Both of those claims are untrue. He also claimed his proposal contains \$2 in spending cuts for every \$1 in tax increases—not so.

Secretary Geithner has been around a while. He knows these numbers aren't accurate. It is disappointing to me to see him come in with so much bluster. In an interview yesterday he said: We are going to go off the cliff unless Republicans agree to what we demand, and we can't have a debt ceiling anymore. To have to debate that causes controversy. We don't want a debt ceiling anymore. Those were basically, as I heard him hubristically suggest, nonnegotiable positions. The plan called for \$1.6 trillion in new taxes, twice what the President asked for in the campaign. He asked for \$800 billion during the campaign. Now he wants \$1.6 trillion in new taxes.

So far, even with \$1.6 trillion in new taxes, there is more than \$1 trillion in spending increases. Far from fixing our debt, our debt will grow over the next 10 years by nearly \$9 trillion. That is almost \$1 trillion a year, on average. It goes up in the last number of years.

So we remain on an unsustainable course with our debt continuing to surge out of control. We are projected, based on our debt now, to have our interest payment on the money we borrowed exceed the defense budget in just 7 years. These are facts.

Spending under that plan would increase \$1 trillion above the levels agreed to in the Budget Control Act, as signed into law. We agreed to the Budget Control Act 16 months ago, in August 2011, and we raised the debt ceiling and agreed to reduce spending. We raised the debt ceiling \$2.1 trillion and agreed to reduce spending \$2.1 trillion. The President's plan would take out over \$1.1 trillion of those spending limitations that are in current law. I repeat, spending will increase more than \$1 trillion above the already projected growth in spending.

Our spending is growing. It is not decreasing. It is already projected to grow, but the President's proposal is to have it grow even faster than the law currently calls for.

I don't believe the numbers I have presented can be disputed. They can spend, and they can say things and mix up baselines and confuse the American people, but the plan he has outlined does just what I described. It is not much different from the budget the President submitted this last February. As a matter of fact, it is very similar to it. What did that budget do? It increased taxes by \$1.8 trillion, and it increased spending by about \$1.4 trillion.

So this is the kind of path we are being asked to take. I don't think the American people would agree to that.

There are other increases in spending other than the elimination of the \$1.2 trillion sequester cuts that were agreed to last year. For instance, more than \$170 billion has been in new spending, arises from more stimulus spending

and as an unpaid for increase in Medicare reimbursements, the doc fix, that is going to be due and will cost \$394 billion. That is almost \$400 billion that is not currently funded—and will have to be funded—that they have ignored, they have left it out of the budget, which makes it look \$400 billion better than it is.

We have to count that money. Together, that is almost \$1.8 trillion in new spending. But the only cuts that the White House offers are \$600 billion in mandatory spending reductions, basically cutting the providers of Medicare, it appears to us. In other words, the doctors and the hospitals that already took a cut to fund ObamaCare will now be asked to take another \$600 billion in cuts. They tell the seniors: Don't worry. We are not cutting your Medicare. We are just going to cut providers.

But at some point, we have to understand these reductions to providers can damage their ability to provide care. A hospital has to stay open. Doctors have to make a living. A lot of them are considering retiring early because it is so difficult to operate under the Federal programs.

The bottom line is that the proposal that is out there calls for a huge tax increase, \$1.8 trillion they are now saying. And this money is being gobbled up with new spending.

I try to be precise and operate from a known spending baseline; specifically, the Budget Control Act baseline we agreed to 16 months ago. The President's plan clearly contemplates this.

The \$1.2 trillion in sequester cuts would be eliminated. That is more than half the cuts we agreed to last year. They would be eliminated.

There would be one reduction. The Medicare reimbursement cuts of \$600 billion would reduce spending. That would still mean that net spending has gone up \$600 billion. The doc fix, as I just mentioned, is another \$400 billion, so it adds \$1 trillion. There is about \$200 billion in stimulus spending that is over \$1 trillion, and we have an \$800 billion tax increase. If the President got that, which is what he originally asked for, then we would end up with more debt than if we didn't have the \$800 billion tax increase.

If he gets \$1.6 trillion in new taxes—which will not happen, in my opinion—but if he were to get that, it would reduce the debt two-thirds of that amount, plus maybe three-fourths would be used to fund new spending and only one-fourth to deal with our current challenges.

I would ask the American people, when they read what Congress was considering—and we have heard the President advocate more taxes—did they not assume that money would be used to reduce the deficit we have so we may put our country on a sound financial path? Or did they at least not assume it could be used to save Social Security, which is already drawing money from the General Treasury, so we have

enough money to pay recipients? Or did they not think that maybe the money was going to be used to strengthen Medicare and keep that program on track so it will not go into bankruptcy?

Is any of that accomplished by the President's proposal? No. He proposes no fix to Social Security, no fix to Medicare, and no real reduction in debt. In fact, if we end up with \$1.6 trillion in tax increases over 10 years, we can expect the deficit to go up about \$8.6 trillion instead of \$9 trillion. That would be the only impact on the debt because most of the new money would be used for new spending.

So I am worried about this. I don't think the leader of our Nation, the one person elected by people all over the country, should be laying out a program to the American people that does not honestly deal with the debt threat we face, and does not honestly explain to the American people how we are on an unsustainable course, as every expert has said, and does not honestly talk with the American people about why Medicare is in trouble, why Social Security is in trouble, and what we need to do to fix them. Our President will not even talk about that, and when somebody talks about it in a serious way, they get attacked by the White House. This new budget doesn't do anything about those issues.

So I think this is not good leadership. I know Senator MCCONNELL and Speaker BOEHNER have pleaded with the President to talk about these long-term, systemic problems.

Social Security, Medicare, Medicaid, and interest on the debt are together almost 60 percent of what we spend in this country, and they are growing at three times the rate of inflation. This is unsustainable. This is what Erskine Bowles, the man the President chose to head his debt commission, has warned us about. In fact, the House proposal indicated they would accept an \$800 billion tax increase as a good-faith attempt to reach out to the President, based on what Mr. Bowles had proposed. They basically call it the Erskine Bowles plan. That is what he suggested, how the tax rates wouldn't go up, but the deductions would be eliminated. You would have a simpler, more flat tax system. You would bring in \$800 billion more in revenue, and they would use this revenue to help reduce our deficit. That is the kind of plan that is serious. But the President has hammered the House plan. Secretary Geithner says it is unacceptable. But it is the Erskine Bowles plan. That is what it was, and it was a serious, good-faith attempt to reach out and deal with this crisis.

I don't believe we need tax increases—any—but if we do, we have to ask ourselves, Where are we going to apply them? What are we going to do with them that puts the country on a sound path for the future so our children are not having ever larger amounts of debt accruing every month, every year that goes by?

Again, if the President's plan was accepted and the \$1.6 trillion in new taxes were imposed, which I don't believe will happen, we would have virtually no reduction in the total debt accruing over 10 years. That does not change the debt course of America. It does not deal with the danger that exists. The spending path we are on is in the red zone. The tachometer spending needle is over in the red zone.

Mr. Bowles told us at our Budget Committee hearing 2 years ago that we are facing the most predictable debt crisis in our country's history. He said we have to get off this unsustainable path. So the House has basically taken his suggestions and worked with them.

I understand that earlier today there was a discussion about raising the debt ceiling. The Constitution clearly gives Congress the power to regulate the debt of America, and we have to pass legislation to raise the amount—the ceiling or the limit—on how much we can borrow. We are at \$16 trillion-plus now, and we are about to reach the debt limit again early next year. The President doesn't want to have to deal with that again because last time we came up against the debt ceiling—August a year ago—the President had to reduce spending. It is the only time we have actually done anything. We reduced spending by \$2.1 trillion out of what was projected to be \$47 trillion in total spending.

So August a year ago, the country was on track to spend \$47 trillion over the next 10 years. Once the agreement was reached and \$2.1 trillion was saved, we were on a course to spend \$45 trillion instead of \$47 trillion. Now, America is not going to sink into the ocean if we reduce spending that much. It is still an increase—a very substantial increase. Debt would have accrued over the next decade. Instead of \$11 trillion, it would have been \$9 trillion. So we go from \$16 trillion, to \$25 trillion, to \$26 trillion in new debt to the country. That is all that limit did. I believed it did not go nearly far enough, and that was a concern of mine, but the agreement was at least a step. The President's plan eliminates the sequester and does not pay for it with cuts elsewhere. So it actually increases spending because it backs off the agreement we reached just last year.

Madam President, I believe the American people have a right to be unhappy with us. And it absolutely is not true that if we take the current law baseline, the President's proposal cuts spending \$2.50 for every \$1 of tax increase. In fact, there is no spending reduction, really. There are only spending increases. No net reductions properly accounted for occur in the plan Secretary Geithner laid out, and that is true with the President's budget too. The budget the President submitted last year is very similar to this current proposal. It increases spending, it doesn't reduce spending.

So we need to know that we are being asked to permanently raise tax rates in

America and permanently use that money on new spending programs, leaving Social Security, Medicare, Medicaid, and the Defense Department on the same dangerous course they are on today. I think we can do better.

I hope the American people will look at these numbers, maybe call the White House, call their Members of Congress, and say: Look, if you have to raise taxes—and I think most Americans don't think we need to—be sure you use this money wisely. Don't start new programs when we are going broke now. Don't start new programs when we don't have money to fund Social Security, don't have money to fund Medicare, don't have money to fund Medicaid. Don't start new spending programs when we don't have the money to take care of the ones we have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE DEBT CEILING

Mr. BEGICH. Mr. President, before I speak on the subject matter of a bill I have submitted for introduction, Protecting and Preserving Social Security Act, I wish to comment on two issues that came up for debate or discussion earlier today. One was on the debt ceiling.

It is somewhat frustrating because at one point I thought for sure we were going to vote on a debt ceiling issue that would bring certainty and some predictability to the markets and to the economy and not hold that issue hostage, as was done a couple of years ago by some. But some threatened today to hold the good faith and credit of this country hostage in these debates on the budget.

The minority leader came forward and proposed an idea which seemed like a pretty good one to me—it obviously was a pretty good idea to him because he brought it forward. I have only been here 4 years, but from my understanding of history, when a debt ceiling issue comes before us as a single item, it only requires 51-plus votes. For the first time I can recall since I have been here and prior to that time, that has changed midway through. They have now said: No, we didn't really mean that. We don't want to really deal with the debt. We told you we did, but we don't, so we are going to make you have a 60-vote threshold.

People back in Alaska are fed up with these kinds of games, this showmanship to try to one-up the other side. This debt issue was a chance to do something to create certainty and predictability in the markets for the next several months and ongoing, ensuring that the markets would not have to

worry about our credit rating, the good faith and credit of this country on the debts we owe, that they would be covered no matter what, which is a good thing. That helps us not only in our domestic markets but across the globe.

What we saw was just some more shenanigans or showmanship or an attempt to get some good headlines. I don't think there are any good headlines for the minority here because it basically showed they were not sincere about the issue of the debt. So now we are back at it again, and I am a little frustrated again.

I would request that the minority leader reconsider his position, that he would bring that piece of legislation forward. I am ready and I know many of my colleagues on this side are ready to vote for that. I think it would be incredible to show bipartisanship on making sure we have debt certainty in this country so people are not worrying about their government's payment on its debt.

Again, I didn't come here to speak on that, but I felt compelled to because I am somewhat frustrated about it.

THE FARM BILL

Also, I will mention one other thing. I know Senator HOEVEN—and I consider him a friend—is working hard on the farm bill. I support the farm bill. It is ready, but it is on the House side. We are patiently waiting for them to bring it forward. I hope they do. It has deficit reduction reforms, making sure real farmers are getting the benefits they need, the insurance they need, and ensuring that we are still doing incredible things with our farming communities all across the country, including Alaska. So I hope the House does something over there that will help reduce the deficit and help take care of our farmers.

SOCIAL SECURITY

Mr. President, today I came to the floor to discuss a subject the Presiding Officer cares greatly about; that is, protecting and preserving Social Security. I have a piece of legislation that I call the Protecting and Preserving Security Act, which I introduced Tuesday. The bill backs up our country's longstanding guarantee that Social Security will be there not just for today's generation but for our grandchildren and their grandchildren.

The bill has two major components. One changes the way the cost-of-living increases are calculated to make Social Security benefits more accurate and fair. The other component adds decades of solvency to the program by asking wealthier Americans to pay just a little more.

Today's COLA—the cost-of-living adjustment—does not take into account the increasing and rising medical costs faced by seniors or the disabled. This means their Social Security checks lose value over the years because costs go up more quickly than the benefits. But there is a solution, and again I credit the Presiding Officer because he talks about this a great deal in caucus and here on the floor.

The solution has been around for years. In the 1980s, the Bureau of Labor Statistics developed what is known as a CPI-E, the Consumer Price Index for Elderly Consumers. The index more accurately reflects the specific needs and purchases of seniors, unlike the current formula. My bill requires the Social Security Administration to use the CPI-E to calculate the Social Security benefits.

The second goal of the Protecting and Preserving Social Security Act is to make the system fair and more financially solvent. It does so by making sure everyone, even the wealthiest Americans, pays into the program all year long.

A lot of people don't know what the current law does. Under the current law, contributions to Social Security will be capped once a person's income hits \$113,700 throughout the year. That is it. No matter how much more they earn, they stop contributing to Social Security for the rest of the year. So let me make sure that is clear.

An example I like to use is us here in Congress. We make \$174,000. About the middle or end of September, when we hit \$113,000 of income, after that point we no longer contribute to Social Security. So that means anyone making over \$113,000, after that fact they no longer contribute to Social Security. To me, this is an unfair system. So my bill gradually lifts that cap. It also says the more one puts into the program, the more they will eventually get out of it.

We are working with the Social Security Actuary to get a final number, but it is fair to say that by lifting the income cap on contributions, this bill will extend the solvency of the Social Security trust fund for generations. We estimate at least a minimum of two generations.

A few weeks ago, back home in Anchorage I joined a group of seniors. I presented this piece of legislation to them at the Anchorage Senior Center. As she loves to describe herself, a young woman from Alaska stood up—an 81-year-old Korean war Navy veteran—Beverly was there because the majority of her modest income comes from Social Security, and she wanted to know how this proposal would strengthen that lifeline for her and thousands of Alaskans.

In fact, one in nine Alaskans receives Social Security. With my State's population of those 65 and older expanding rapidly, Social Security will continue to play a key role in supplementing a decent living. If Social Security were not there for the elderly Alaskans, one-fifth of them would live below poverty. It is vital for our State, it is vital for all our States, and for this whole country.

I have no illusions this bill is going to pass in the final weeks of the 112th Congress, but I wanted to get it into the mix. I wanted to make sure people get the bigger point.

I would say to my Presiding Officer, who says this well, and my friend from

Oregon, who is on the Senate floor also, as we talk about the deficit that has taken center stage right now, we want to highlight one very clear thing: Social Security has not contributed, is not part of, and never will contribute to the deficit. So those who like to meddle and try to combine it with this deficit talk are just playing games with our seniors and disabled in this country.

It is a separate issue. It is not impacting the Federal deficit. And I know some like to meld it in because then they like to talk about cuts and—their favorite line—privatize, which really means seniors and the disabled get a lot less in the future. They will not get the guarantee that they paid into.

Also, I want to give credit to Congressman TED DEUTCH, who has a similar measure on the House side. Both plans may be difficult to pass, but we are going to continue to push forward, and we will not be alone. A coalition of over 300 national and State organizations have already endorsed our bill. Together they represent 50 million Americans. They are onboard because this bill modernizes Social Security without cutting benefits.

Let me repeat that because I know some will say there must be some benefit reduction there. It will enhance Social Security. It will ensure it continues without cutting benefits because the program plays a vital role in the economy and security of America's working families.

Most of us, including myself, started contributing to Social Security as teenagers. To those who send me e-mails—I just read one recently—we do pay Social Security as Members of Congress. I know people don't think we do, but we do. I saw one on our newspaper blog—I should inform my press people, I responded to that without their knowledge. I wanted to make sure that individual knew we pay. I have been paying since I was a teenager, and I still pay today.

It is important that when people get to retirement or some tragedy strikes, Social Security is there to help make ends meet. I am proud of the leaders of the past who have fought and had the foresight and wisdom to create Social Security.

Nowadays, some in Washington like to call Social Security an entitlement. If by that it means it is a government handout, they are flat wrong. Americans paid for and earned their Social Security. The benefits are modest. No one is getting rich off Social Security, but it does provide an important foundation. The values that underlie Social Security are American values. It rewards hard work. The longer one works, the more they earn under Social Security, the higher their benefits.

The program reflects the best of America: hard work, personal responsibility, human dignity, and caring for our parents, our children, our spouses, our neighbors, and ourselves. It also assures that those who work long and

hard at low and moderate wages receive a larger return on their contribution. It is financially prudent and conservative.

Regardless, many people worry that Social Security is going to be broke. But here are the facts based on the annual report of the Social Security Board of Trustees. To remind everybody, we get that annual report, a section of it. We see it every year. It projects the program's financial status over the next 75 years.

The latest trustees report issued in April said Social Security ran a surplus—a surplus—of \$69 billion last year. The report also says the program can continue to pay all benefits, on time and in full, through the year 2033. After that its shortfall is modest, but it is a manageable shortfall. And, as I said a minute ago, it should not trigger talk of benefit cuts, raising the retirement age, or privatization.

Instead, the modest revenue increases in my bill will go into effect gradually and make Social Security solvent for decades longer, all without adding to the deficit. We can do this. We can protect and preserve the promise of Social Security for generations to come.

I ask my colleagues to join me in cosponsoring this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

THE BIG ISSUES

Mr. MERKLEY. Mr. President, just following up on the comments of my colleague from Alaska, he has laid out some very important thoughts regarding the farm bill, regarding the debt ceiling, and regarding Social Security. I applaud him for coming to the floor and sharing his thoughts with our colleagues and with the American public.

These are big issues that we are wrestling with in the Senate. The farm bill is something that was passed on a bipartisan nature through the Senate. It is over in the House. It will have to come back through here. We had a proposal from the Republican leader put forward this morning that we were ready to vote on and that he objected to himself at the last second.

The debt ceiling is an important issue because it involves paying the bills on the decisions that have already been made and implemented by the U.S. Government. It is not about spending more; it is about paying the bills on the spending that has already taken place. And it should be debated and discussed and addressed because failure to have the responsibility that every family should have—to pay their bills once incurred—poses significant issues for our Nation. We saw that with the credit rating downturn. We certainly have seen that with the impact on the confidence that there was in the American system.

So it should be debated. These big issues need to be debated and decided. But this Senate often fails to ever get onto a bill to start with because there

is something called a motion to proceed in which we have to raise the question: Should we address this topic? And time and time again, we have seen the minority, acting in a partisan fashion, say: No, we don't want to debate. They have used what is referred to as the silent filibuster to object and say: No, we don't want to debate that issue before the American public. We don't want to debate it with our colleagues. We don't want to wrestle with this complex topic.

Should we get onto a bill, we then see amendments treated in the same fashion, subjected to a 60-vote majority. In fact, that was the premise that the minority leader, the Republican leader, put forward in a change of heart just a few minutes ago, saying he had a proposal, that he reached agreement. But at the last second he decided it should be subject to a supermajority vote.

That is exactly what we have seen day in and day out, in increasing fashion, which has prevented this body from not only addressing the big issues across our country but even the regular issues of standard appropriations bills. We have 13 such bills that should come to this floor each year to be debated, to be decided, and to be amended, and we don't get to them. Why don't we get to them? Because the entire year is consumed by the silent filibuster strategy of the minority.

Let me give a picture of what I am talking about. This is a chart that shows the number of filibusters launched as an average per year over the preceding decades.

Now, I first came to this room when I was 19 as an intern for Senator Hatfield, and I sat up in the staff gallery and covered the Tax Reform Act of 1976. I watched this body raise amendment after amendment, debate it, decide it on a simple majority basis, and proceed to enact tax reform.

Well, in the 1900s through 1970s there was an average of one silent filibuster per year. Just one. Under the rules, this type of objection consumes a week because once the objection is made to unanimous consent to hold a majority vote, then a motion must be filed—a motion by the majority that wants to proceed. So they get 16 signatures, and that takes a little bit of time. Then once that motion has been filed—and that is called a cloture motion to close debate—then it takes 2 days to get to a vote.

The vote has to happen a day after an intervening day. So 2 days are gone. Then, if 60 Members say, yes, they want to close debate, then we have to have 30 hours of debate time before we can actually get to a final vote. So a whole week is taken up by that process.

In the 1970s, the average grew to 16 per year. That is 16 weeks wasted per year. In the 1980s, it grew to 21 per year average. Now we are getting to well over one-third of the number of weeks in the course of the Senate year. Then we go to the 1990s. We are up to 36 such

silent filibusters taking up 36 weeks. We get to the decade 2000 through 2009, and an average of 48—or almost 1 per week—starting to squeeze out any ability to address the big issues facing America.

Then, since I came in 2009, we have had an average of over 60 per year, more than 1 per week. The result of this last 2 years was the most dysfunctional legislature in decades; big issues facing America, this floor, and this forum of deliberation paralyzed by the continuous use of the silent filibuster on every issue. Essentially what this silent filibuster has done is convert this to a supermajority body. Not only that, converted it to a body that spends its entire year just trying to get to the vote as to whether we can have a final vote. That is the level of dysfunction we have reached.

No wonder that public opinion of the Senate has plummeted. No wonder the frustration across this Nation has built that in silence, out of public sight, the minority has strategically thwarted the ability of this body to debate issues.

Over the course of time we see a period where this body has been run by Republicans and run by Democrats, so every minority has used this in an increasing fashion over time. This is not simply a Republican-Democratic issue or Democratic-Republican issue. This is an issue of a systematic change of culture where it was understood that the Senate was a simple majority as envisioned under the Constitution. Both Adams and Madison spoke eloquently to what a supermajority could do to destroy this body. Now their words resonate from the past because we are seeing it happen right before us today.

In this situation, doesn't it make sense for us to adjust the rules and reclaim the ability to be a body that deliberates and decides? That is what many of us are proposing be debated in January. When we start the new 2-year period we should have a major debate on the floor of the Senate about how to make this body fulfill its responsibilities to the American people. Our responsibility is not to come here and throw sand in the gears of deliberation. Our responsibility is to come here, study the issues, debate them on this floor, reach thoughtful positions, advocate for those positions, and propose that those solutions that have the strongest support go forward. That does not happen if the entire year is wasted with the silent filibuster strategy we have today.

So what can we do to address this situation? Quite a bit. Let's start with the very place that a bill begins, which is the motion to proceed. This is a motion to say let's come and debate the farm bill. Let's come and debate the Defense authorization bill. Let's come and debate a spending bill for Health and Human Services. When that motion was made in the past, it was rarely filibustered. This is a chart that

goes back to 1971. From 1971, here, through 1982, that entire decade, we had 18 cases where the motion to proceed was filibustered—18 over a decade, plus.

In fact, during the previous 40 years there had only been a dozen times the motion to proceed was filibustered. Why is that? Because there is no inherent logic in saying in order to facilitate debate I am going to block debate, because that is what it is when you have this silent filibuster putting up this 60-vote hurdle to get onto a bill to begin with. So it makes sense for a simple majority to be able to decide let's go to a bill, let's debate it.

What we see over time here is a huge change. By 2007–2008, we had 57 silent filibusters, out of public sight, to prevent bills from being debated on this floor; the next year, 31 objections, 2009–2010, that 2-year period. The next 2-year period we are in now, we are already up to 42 times.

Clearly we need to return to the culture where the filibuster about an issue so close to your heart or so important to your values or so vital to your State that you would object and say I am going to stand in the way; as a matter of principle I am going to stand in the way of a bill that does damage to my core principles or to the vital interests of my State—that might happen a couple of times in a career.

That is not what we have now. What we have now is routine obstruction on every single act, which mires us in lost time and prevents us from addressing issues facing America.

Let's return to that situation when the motion to proceed was not filibustered. Let's make it like the motion to proceed to a nomination, in which we basically say no, you cannot filibuster that. You have a responsibility to advise and consent, to get nominations to the floor. If the majority says we will come here and debate it, we will come here and debate it. That is a simple change that takes care of a lot of the growth in the obstruction that wastes the Senate's time and prevents it from acting.

A second proposal is to get rid of the silent filibuster on starting a conference committee. Let me lay out the scenario for you. The House has passed a bill. The Senate has passed the same bill in a slightly different version. The two bodies say let's meet and talk about this. Let's work out a common position we can send back. That is a conference committee. Why would anyone object to starting the conference committee to negotiate between two bills, slightly different, that have been passed by the two bodies?

One could say, is that their only opportunity to make a statement about things that might happen in the conference committee? The answer is no. Because if the conference committee comes to a proposal, then they send it back to the two bodies and at that point it is debatable and it could be filibustered. That opportunity is there.

So we have three motions necessary to establish a conference committee, and because all three can be filibustered, this silent filibuster—not standing and taking any public position, this silent objection—we have virtually given up the use of the conference committee. I don't think you can find a State legislature in this Nation that has so tied its hands that it cannot even hold a conversation between a State House of Representatives and a State Senate. They cannot even hold a conversation. That is how dysfunctional we have become here.

That was never part of the argument for let's have extended debate and let's be a cooling saucer, a thoughtful body. No, that is just a rule: Let's waste the entire time of the Senate and preclude the possibilities of even having a conversation, a negotiation with the House. We should eliminate the silent filibuster on motions to get to a conference committee.

Let's talk about another area. One of my colleagues from Minnesota, AL FRANKEN, has proposed that instead of having 60 votes to end debate, we should have 41 to extend debate. Why does that matter? First, in terms of the framing of the issue, it really is the minority saying we want more debate. By this I don't mean minority party, I mean 41 from either party coming together and saying we want more debate. In that case the vote should be 41 votes required to extend debate.

That has a practical impact. It means that somebody who is absent from this Chamber does not count automatically on the side of extending debate. It is 41 of those who are here, 41 of the 100 who are saying yes, we must go forward with more debate. That is a very reasonable proposal. It changes the framing to understand that it is the minority—not the Republican minority but the minority of 51 from both sides of the aisle comes together and says: Yes, we want more debate. They make an affirmative vote of 41. That makes sense.

Then let's talk about the talking filibuster. I have been referring throughout this discussion that we are facing silent filibusters. Indeed, when I considered running for the Senate I came here and talked to the majority leader about it, and after discussing the possibility of running I said: Mr. Majority Leader, while I am here there is just one thing I must say because citizens in Oregon are so frustrated about this, and he kindly said yes, go ahead, tell me what it is.

I said, it is this: If a minority is arguing for more debate, then make them debate. Make them stand on the floor and make their case, because all we see is a quorum call back home. All we see is the Senate wasting its time.

The majority leader put his head in his hands like this and he said: Let me explain the way the rules are written. He explained to me what I have been explaining to all of you, that it is not required under the rules to take the

floor when you object to a simple majority. When you vote for more debate, you are not required to debate. This is a surprise. This is the opposite of what ordinary citizens, myself included, believed across America. Why was that? Where did our belief come from?

I can tell you it came from this: When this body believed in its constitutional role to make decisions and to make decisions by a majority vote as envisioned by our Founding Fathers, it considered an objection to a simple majority vote to be a huge deal, a deal in which if you were going to make that objection you would have the courage of your convictions to come to this floor even if the rules didn't require it, you would come to this floor and you would make your case before your colleagues and try to persuade them of your point of view, and you would make your case before the American public.

It is folks back home who would have a chance to weigh in on whether you were a hero for carrying the torch on an important issue or you were a bum because your arguments didn't hold water and you were objecting, keeping the U.S. Senate from addressing an important national problem.

That era where the social contract was that you would have the courage to stand before your colleagues—that era is gone. Since the rules do not require you to stand, it has become the practice to use the silent filibuster to kill bills in the dark of night with no case being made before your colleagues, no case being made before the American people.

It is also true that Hollywood has helped cement the notion that a filibuster involves standing before this body with the courage of your convictions. Here we have a scene from the movie "Mr. Smith Goes To Washington." He was trying to stop a land grab where a boys camp should be. He knew what was being done was wrong and he said he is going to take the floor and he is going to stand before his colleagues and the American people and he is going to do so as long as he could stay standing because it was an important principle that was being violated with an inappropriate land grab back home.

The American public is hungry for this kind of courage, that if you believe a simple majority is not in the interests of America because of the gravity of an issue, you will stand on this floor and make your case. That is what the talking filibuster proposes. It says that at the time you have a vote on any debate, if a majority of this body says yes, we should end debate and go forward, but a supermajority of 60 is not yet there—so the vote is between 51 and 59—that says there is still a substantial minority of 41 or more who want to have more debate, then they have to debate. It is as simple as that. They cannot basically go off on vacation while there is a quorum call. Instead, at least one person has to stand on this floor and make the argument.

Wouldn't it be an incredible difference if instead of these silent, hidden filibusters paralyzing this body, Senators who chose for additional debate had to make a stand before the American public? They had to make their case and the public could weigh in on whether they were heroes or they were bums? In that case, maybe we would get those 60 votes.

Let me give an example. We had a case in which we had an act called the DISCLOSE Act on the floor of the Senate. The DISCLOSE Act simply said that for all campaign donations, the source must be disclosed. It was based on a premise that had been argued by many on both sides of the aisle over many years, and it was this: that disclosure is the sunlight that disinfects the political process. If voters know that ad being put up on the air is being done by a certain industry—even though they claim to be the Blue Skies Industry, maybe they are the Polluted Water Industry—the citizens should know. If that ad that claims to be from Americans for Healthy Lives is actually being put on by an industry that is poisoning people, citizens should have the right to know. This is the DISCLOSE Act. Not only under current practice is secrecy allowed, but foreign donations are allowed. Foreign companies are allowed to put unlimited secretive funds into the U.S. system. Who would defend that on the floor of the Senate? The answer is no one. We didn't have those who wanted more debate willing to debate it. No, they wanted to obstruct it in silence because they knew the American people would not approve of the fact that they were arguing for secrecy on unlimited sums of secret funds in American campaigns.

That was before this last election cycle when in election after election we saw super PACs funneling vast fortunes into the primaries for the Presidency, into Senate races, and into House races. They were funneling the money in, and no one knew where it came from. Now, some of the contributors to those super PACs did disclose that they contributed to the super PACs. They bragged about it. But when the money went from the super PAC to the State, their name was not attached to it. Nobody knew what funds went to which State. It was basically an attack by vast pools of dark money.

If we had the talking filibuster and folks had to rise on this floor and defend this secrecy and these foreign donations, then we would have gotten the 60th vote to close debate and we would have a better system to date.

How about pay equity for women? How about pay equity? I think we would have had the public weigh in if they could have seen it was being torpedoed by the silent, hidden filibuster. Now there are folks—and I have heard them over the past few weeks—who say: Oh, this strategy of asking people to talk is a way to suppress the views of the minority. Isn't that ab-

surd? Doesn't it just make you smile that a requirement to make a case before colleagues can be framed as a situation where our views are being suppressed? No, quite the contrary. We are issuing them an invitation—this affects people on both sides of the aisle—to come forward and make their case publicly. Don't kill these bills with this hidden maneuver in the dark of night. If they have the courage of their convictions, they should come and make their case. If they don't, then let the process proceed. That is the talking filibuster.

I would like to applaud others who have put ideas forward that are similar. Senator LAUTENBERG of New Jersey had a bill that said—where I am talking about after the cloture vote, he said: Well, let's require people to talk during the 30 hours before the cloture vote in order to see if nobody wants to take the floor. Let's shorten that 30 hours. That is worthy of debate.

We have a responsibility for this body to debate in a transparent, accountable fashion and to make decisions so our public can see it. That is what the talking filibuster does.

I encourage my colleagues to come to the floor and share their thoughts. If they are against making their case before the American people, then have the courage to come to the floor and say: I don't like this idea because I don't want to have to make my case in front of my colleagues.

I invite my colleagues to come to the floor and say to the American public: I am going to vote against the talking filibuster because I don't want the public to see that I am killing bills in the dark of night.

Have the courage to come and debate the issue now and in the future because the American people are looking at us with extraordinary levels of frustration. They know there are big issues facing our Nation.

Right now we are talking about the fiscal cliff. Well, the fiscal cliff has many components. It may be broken into many different bills that come before this body. We need to get rid of the motion to proceed so we can get those bills to the floor to debate them. We need to make sure that if a group says: Let's block this bill from a final vote, they express their views accountably before the public. It is the least that should happen.

The Senate is headed out for the weekend. We will be back next week, and I ask for the American public to weigh in and to think about the fact that this hidden process is hurting our ability to address the big issues facing America. I ask my colleagues to wrestle with that.

It is my hope that folks will hold those conversations with the public back home. I have done so in every county of my State through my town-hall meetings. I hold one in every county every year. I have raised this issue of whether or not, when folks vote for debate, they should be required to de-

bate, they should be required to make their case and not to kill bills in the dark of night. Whether it is a progressive county or a conservative county, people believe in transparency and accountability, and they want to see their Senators making their case on this floor. Let's make it so.

INTERNET PUBLICATION OF CERTAIN FINANCIAL DISCLOSURE FORMS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6634, which was received from the House and is at the desk.

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

The assistant bill clerk read as follows:

A bill (H.R. 6634) to change the effective date of the Internet publication of certain financial disclosure forms.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6634) was ordered to a third reading, was read the third time, and passed.

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

THE FISCAL CLIFF

Mr. BARRASSO. Mr. President, I rise to talk about the fiscal cliff the country will face on January 4. We are beyond the point of the election, and there is 4 weeks until the date of the fiscal cliff. As Republicans have been pointing out on this floor, Congress must act soon to take on the numerous expiring tax provisions and the sequester. I believe President Obama must provide leadership in those efforts. I have seen very little so far.

Last week I came to the floor to speak about the fiscal cliff and some of the concerns I continue to have and hear about as I travel to Wyoming just about every weekend. I just got back from there a few days ago, and people are very concerned about the direction of the country and what may happen to all Americans on January 1.

Last week on the floor, I spoke about the President's proposal to raise taxes on people making more than \$200,000 a year. In terms of spending next year, that tax increase would pay for just 6.8 days of what Washington will spend. So the whole proposal the President continues to make is basically enough to fund the government for not 52 weeks but 1 week alone. The tax increases President Obama is now trying to push