



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, FRIDAY, DECEMBER 21, 2012

No. 166

## Senate

The Senate met at 1 p.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

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

Let us pray.

Eternal God, You only are immortal, so today we offer our thanksgiving. Thank You for life and for opportunities to make our Nation stronger. Thank You for the peace You give, even in the midst of storms. Use our Senators today, filling them with strength and purpose. May they labor to encourage the right and correct the wrong. When they meet with reversal and failure, may they not become weary but continue to work to fulfill Your will.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE 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. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

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

### SCHEDULE

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, following leader remarks, the Senate will begin consideration of the conference report to accompany H.R. 4310, the National Defense Authorization Act. The filing deadline for second-degree amendments to the emergency supplemental bill is 1:30 p.m. today.

At approximately 2 p.m., there will be a rollcall vote on adoption of the national defense conference report. We will work on an agreement for amendments in order to complete action on the supplemental as well as an agreement on FISA.

### RECOGNITION OF THE MAJORITY LEADER

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

### THE FISCAL CLIFF

Mr. REID. Mr. President, last night the House of Representatives proved what we have known for quite a while: Speaker BOEHNER's plan to raise taxes on 25 million middle-class taxpayers while handing out \$50,000 bonuses to millionaires and billionaires was dead on arrival. We said that yesterday. We knew the so-called Plan B was no plan at all. It couldn't pass the Senate. It turns out it couldn't pass the House either. It is too bad Speaker BOEHNER wasted 1 week on this futile political stunt, and that is all we can call it.

But at least now House Republicans have gotten the message loudly and clearly that any comprehensive solution to the looming fiscal cliff will need to be a bipartisan solution. No

comprehensive agreement can pass either Chamber without both Democratic and Republican votes, which means any solution will have to ask the most fortunate among us to pay a little more to reduce the deficit and ensure partisanship doesn't take the Nation to the brink of default.

Nothing that has passed the House of Representatives fits that test—nothing. A few days ago President Obama and Speaker BOEHNER appeared poised to strike a grand bargain, but we have heard that before. Instead of making hard choices of compromise, as President Obama has been willing to do, the Speaker retreated to his corner and resorted to political stunts, but that stunt fell flat.

It is time for the Speaker and all Republicans to return to the negotiating table. We have never left. It is time for Republicans to work with us to find the middle ground. That is the only hope of averting the devastating impacts of the fiscal cliff. The fiscal cliff needs to be avoided.

In the meantime, the Speaker should bring the middle-class tax cut passed by the Senate 5 months ago to the floor of the House for a vote. We know it will pass. All he has to do is let Democrats vote with some Republicans and it will pass. The clock is ticking until the Nation goes over the fiscal cliff and taxes go up for every family in America. But there is still time for the Speaker to hit the brakes and avoid that cliff. We don't need the "Thelma and Louise" projection over that cliff.

The Senate-passed bill would protect 98 percent of families and 97 percent of small businesses from crippling tax hikes while President Obama and the Speaker work toward a compromise agreement. That agreement should be comprehensive. If Republicans truly want to ensure American families' taxes don't go up on January 1, they should simply pass the Senate bill. The only reason Speaker BOEHNER hasn't brought our bill to the floor sooner is

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



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he knows it will pass. He worked for a day or two seeing if he could bring that up so it wouldn't pass. That didn't work either.

Americans are not fooled by the Speaker's phony procedural excuses for failing to bring this solution to a vote. They are tired of excuses. They expect action.

Let me be very plain. There is nothing preventing the Speaker from taking up our bill and giving middle-class families certainty. I say to my friend, the Speaker: This isn't a game. It isn't about scoring political points or putting wins on the board. There will be very serious consequences for millions of families if Congress fails to compromise, and there will be very serious consequences for our country if Congress fails to compromise.

It is time for the Speaker to return to the negotiating table ready to compromise, and it is time for the House—especially House Republicans—to remember what is at stake.

I repeat, the \$250,000 program would pass overwhelmingly in the House. It is up to the Speaker to let that vote occur.

The ACTING PRESIDENT pro tempore. The Republican leader.

#### THE DAY AFTER

Mr. MCCONNELL. Mr. President, most people, of course, are focused on what happened last night over in the House. I would like to focus on the press conference that congressional Democrats held just a few hours earlier.

Here were the leaders of the Democratic Party in the Senate—other than the President, these are the folks with the greatest responsibility for protecting the American people from a massive tax hike coming in January—and what did they do? They stood in front of the cameras and laughed. They laughed. They giggled at a bunch of bad jokes and told the American people they didn't plan to do anything this week—nothing, absolutely nothing.

Democrats in the House vowed they wouldn't vote for this bill, the majority leader vowed he would ignore it if it made it out of the House and landed in the Senate, and the President vowed he would veto it if it made it out of the Senate.

So Democrats spent literally all day yesterday defeating a bill that would make current tax rates permanent for more than 99 percent of Americans, and they laughed about it. Ten days to go until the fiscal cliff, and they laughed about it.

I don't know if anybody has looked at a calendar lately, but we are about out of time here, folks. This isn't funny. People's livelihoods are at stake. The U.S. economy is at stake. Millions upon millions of families are counting on us to do something.

Look, it is the President's job—it is his job to find a solution that can pass the Congress. He is the only one who

can do it. This isn't JOHN BOEHNER's problem to solve. He has done his part. He has bent over backward.

Mr. President: How about rallying your party around a solution. How about getting Democrats to support something.

I have said it many times before: We simply cannot solve the problems we face unless and until the President of the United States either finds the will or develops the ability—the ability—to lead. This is a moment that calls for Presidential leadership. That is the way out of this. It is that simple.

Does anybody wonder why we keep going from crisis to crisis around here? Does anybody notice a pattern? This doesn't have to be a crisis. This was an opportunity, but once again the President ignored it. He went out and held rallies and gave partisan speeches even after he had already been reelected.

As I said yesterday, I think it is obvious at this point the President wants to go off the cliff. But I know most of the American people don't want that. Today, I am going to make an offer. With 10 days to go, we have an obligation to act on something—something that can pass the House and the Senate. If the President won't propose it, if Senate Democrats won't propose it, I will.

Earlier this year, the House passed a bill that extends current rates on everyone for 1 year, with instructions for expedited comprehensive tax reform by next year. We could bring up this House-passed bill.

If the majority leader has a plan that can get 60 votes in the Senate, break through the disarray in his own caucus and build bipartisan support, offer that as an amendment and then let's vote. Let's vote on amendments from all sides, and then let's go to conference with the House of Representatives. They have already passed a bill—one I support—to prevent a tax hike on all Americans and reform the Tax Code. Why don't we take it up here? Let's get this done.

It is called legislating. That is what we used to do in Congress. Democrats may be popping champagne corks today about bringing down Plan B, but all their efforts to do so yesterday will not protect a single taxpayer from a massive tax hike in just a few weeks. The American people are waiting. Surely, we can do better than this. Let's do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, if this weren't such a serious situation we face ourselves, it would be laughable.

Can anyone imagine saying we should defeat a bill we have already defeated? We voted on the proposal at the same time we voted to pass that protecting middle-class Americans. That passed the Senate—one to give the richest of the rich a continuation of the tax breaks they get. As I indicated, the proposal they had for about an-

other \$50,000 for each of them was defeated here. It was defeated in the Senate.

So my friend—and he is my friend—the Republican leader is struggling to find a way to blame Democrats, and it is a struggle, trying to blame us for the failure of the House to pass the Speaker's bill. The House is led by the Republicans. Their narrowed margin will be better for the country after the first of the year, but right now he controls the House by a wide margin.

I have served in the House. The Speaker is all powerful in the House. To blame us for the travesty that took place over there is pretty incredible. As I tried to say in my remarks, couldn't we at least protect the middle class?

My friend complains the President hasn't done enough. He put forward a proposal that has received criticism from Democrats because he was too generous with Speaker BOEHNER. But the President believes, as he said several times, both sides might have to make hard choices.

The President released a balanced \$2.4 trillion program. That is pretty good. It would alleviate the fiscal cliff, it would allow the SGR to continue so doctors get paid and patients have a doctor to go to. It extended unemployment benefits for people who are desperate.

It is true that there is a crisis here, but it is because the House Republicans refuse to pass the Senate-passed tax bill. It is because the Republicans in the House are fighting among themselves.

The Republican leader seeks to pass the House-passed bill, but we have already turned that bill down. The real answer lies in the Speaker, who controls the House of Representatives, talking to the President and working things out.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. All I was suggesting to my friend the majority leader is that you have the tax bill that originated in the House. It came over to the Senate. If our friends in the majority don't like that version of it, they could call it up, amend it, and see if there is a majority in the Senate for something.

It seems to me that the time for finger-pointing is about over. The American people are not particularly interested in what originated here or there or who is doing what; they are interested in getting a result. I was trying to be helpful in suggesting that you have a tax bill that came over from the House. You have a majority here. You could take it up, offer amendments, and see if there is something that could achieve a majority of the Senate rather than just complaining because the House did not pass something yesterday. That is not going to solve the problem. Somehow, some way, we need to find a way forward, and I hope we can in the coming week.

The ACTING PRESIDENT pro tempore. The majority leader.