

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.

Mr. REID. Mr. President, I hope we can too, but this is really quite remarkable. I am told that Members from this body went and talked to the Republican caucus yesterday saying: Send us your plan B, and the Democrats will take care of it and send you back something you will like better.

We can all see what has happened in the press. I like JOHN BOEHNER, but gee whiz, I mean, this is a pretty big political battering he is taking. What he should do is allow a vote in the House of Representatives on a bipartisan bill. It will pass. Democrats will vote for it. Some Republicans will vote for it. That is what we are supposed to do. But he is trying to pass everything with that majority he has that cannot agree on anything among themselves. Bring in the Democrats. That is what the country was set up for. Our Founding Fathers set it up that way. But he wants some other method where everything is done by the slim majority they have.

This is absolutely incredible. We believe the Speaker should be concerned. I am confident he is, but maybe he is more concerned, as some have said, about his election to be returned as Speaker. He should be more concerned about what is going to happen to the country. If he showed leadership and walked out there and said: This is the right thing for the country, we are all going to vote on this, Democrats will vote for it and enough Republicans will vote for it to pass something that will take us away from that fiscal cliff. But this brinkmanship and this silliness that is going on over there you would not do in an eighth grade government election.

Mr. MCCONNELL. Mr. President, I add that the time for finger-pointing is gradually running out. The American people know we have a President, they know we have a Senate, and they know we have a House. They are anxiously awaiting whether we are going to solve this problem before the end of the year.

Mr. REID. Would the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 4310, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construc-

tion, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the RECORD of December 18, 2012.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be up to 1 hour of debate equally divided and controlled between the two leaders or their designees prior to a vote on adoption of the conference report.

The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring to the Senate, along with Senator MCCAIN, the conference report on H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. This conference report, which was signed by all 26 Senate conferees, all the members of the Senate Armed Services Committee, contains many provisions that are of critical importance to our troops. This will be the 51st consecutive year in which a national defense authorization act will be enacted into law.

I thank my dear friend Senator MCCAIN, our ranking minority member, for all that he did to bring us to this conclusion and for the years of great leadership on our committee. I have been lucky to have Senator MCCAIN as a partner. I know both of us are grateful to the chairman and the ranking member of the House Armed Services Committee, BUCK MCKEON and ADAM SMITH, for their hard work on reconciling the many differences between the House and Senate bill and for helping to produce a solid bill to support the men and women of our Armed Forces.

The conference report contains many important provisions that will improve the quality of life for our men and women in uniform. It will provide needed support and assistance to our troops who are deployed. It will make the investments we need to meet the challenges of the 21st century.

First and foremost, the bill authorizes a 1.7-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request.

The conference report contains strong additional sanctions on Iran. The Iran sanctions provisions will designate certain persons in Iran's energy, port, shipping, and shipbuilding sectors as entities of proliferation concern, subjecting many more transactions with such entities to sanctions. It will impose sanctions on persons selling or supplying or diverting to Iran a defined list of materials relevant to the aforementioned sectors, to certain Iranian specially designated nationals and blocked persons, or to be used in connection with certain Iranian military programs.

It is going to impose sanctions on any insurance or reinsurance provider or underwriter that knowingly provides underwriting service, insurance, or reinsurance for activities for which sanctions have been imposed to any person in the energy, shipping, or shipbuilding sector in Iran.

It will designate the Islamic Republic of Iran Broadcasting and its president as human rights abusers for their broadcasting of forced confessions and show trials, blocking their assets and preventing other entities from doing business with them and banning any travel to the United States.

The administration requested three modifications. In particular, one was additional time to implement the provision following enactment; the second was additional time between waiver renewals; and third was a modification of the exceptions clause from nondesignated Iranian "financial institutions" in the Senate-passed version to a broader term that would have incorporated nondesignated Iranian "persons." That conference report provides two of the three modifications—the additional time requested. It does not make a change in terms of the exceptions clause.

The conference report contains a few provisions addressing detainee issues. These provisions extend existing limitations on the transfer or release of Gitmo detainees for another year. We did not adopt the permanent limitations in the House bill. We also provided new flexibility for dealing with detainees who cooperate with U.S. intelligence and law enforcement authorities pursuant to pretrial agreements.

The report establishes new congressional notification requirements for military detainees held on naval vessels and for third-country nationals who are released from military detention in Afghanistan, but the report does not place any conditions or limitations on such transfers.

The conference report does not include the Senate language regarding military detention inside the United States. The House conferees would simply not accept this provision. Instead, we included a provision that says and states the following:

Nothing in the Authorization for Use of Military Force, (Public Law 107-40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or such rights in the absence of such laws.

The provision in the fiscal year 2012 act, which is referred to in the language I just read—it is already law—that section in the 2012 act is section 1021. That section said the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of