

many years—we are not seeing that the way we used to with the earned-income tax credit. It rewards families that work, a family making \$30,000 a year. This is not a whole lot more than the minimum wage, \$3 or \$4 more, maybe, than the minimum wage but not a livable wage, and they get significant tax credits. This is sort of what Friedman called a negative income tax, and this works so well for encouraging work in this country.

We did that only for 5 years, while bringing the estate tax up to a \$5 million exemption, which I thought was far too generous because it is only paid by far fewer than 1 percent of the American people. That was made permanent while the earned-income tax credit was only made for 5 years.

The tax credit for college students, for families, was so important in this legislation too. Much of what we did was simply ask the wealthy to pay a little bit more, to bring tax rates, as the Presiding Officer knows, back to the levels of the 1990s.

I think it is important to put this in a little historical perspective. In the 1990s, tax rates were a little bit higher for upper income people. We saw in those 8 years in the 1990s, from 1993 to 2000—the Presiding Officer's first year in the Senate, 1993, my first year in the House—we saw incredible economic growth. Wages went up for the average American, average Ohioan, average Californian, average American. We saw 21 million private sector net jobs created, and President Clinton left office with the largest budget surplus in American history.

We know what happened the next 8 years, where we saw very little economic growth, only about 1 million—being generous—only about 1 million private sector net jobs created in those 8 years.

In what hit my State particularly hard, we saw a real decline in manufacturing. From 2000 to 2010, we lost, in this country, net, 5 million manufacturing jobs—manufacturing jobs. Maybe people who dress like this around here don't think much about that. I know the Presiding Officer does because her State is the No. 1 manufacturing State in the country.

It is especially important in my State. We lost hundreds of thousands of manufacturing jobs. While we lost 5 million manufacturing jobs nationally, tens of thousands—I believe 60,000 is the number—of manufacturing plants closed in those 10 years.

But the good news is that since the auto rescue, we have seen what is beginning to be significant manufacturing job growth, some 500,000 new manufacturing jobs since 2010. Almost every month—not quite every month but almost every month—an increase in manufacturing jobs. We know what a manufacturing job does in a community. For workers earning \$20 or \$25 an hour, that worker is spending money in that community. That worker is buying things, buying a home, buying a

car, putting people to work creating jobs at restaurants and creating jobs at the hardware store. Those workers are paying property taxes to hire teachers and paying the local city income tax to hire firefighters and police. So we know what manufacturing jobs do as we see that increase.

In fact, since the auto rescue, in my State, the unemployment rate went from 10.6 percent soon after the auto rescue sort of took effect, if you will, and now the unemployment rate is under 7 percent. It is not what it ought to be, but I think that is what last night's vote, ultimately, was a recognition of; that the people here with this 89-to-8 vote—89 votes yes, 8 votes no, with strong bipartisan support, which I hope we see this afternoon in the House—I think it was a recognition that we don't grow the economy by tax cuts for the rich and trickle-down economics. We tried that in the last decade. It didn't work. We understand, historical evidence shows—and I think we recognized it last night—by focusing on the middle class, tax cuts for the middle class, investments in schools, and investments in infrastructure and unemployment insurance for people who have lost their job, keeping Social Security and Medicare strong, investing in college credits, and rewarding work through the earned-income tax credit, we grow the economy from the middle class out. That succeeded in the 1990s. There were 20 million-plus new manufacturing jobs. Trickle down didn't do so well the 10 years after.

Now we are coming back and recognizing, with this overwhelming vote last night, both parties are recognizing we grow the economy from the middle class out.

I think that is why last night was a huge victory, surely, politically for the President. But what it was a victory for, truly, was a victory for the middle class and a victory for those who want to join, aspire to the middle class, and a victory for this country, for our economy, for our economic growth and for our future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

RULES CHANGES

Mr. ENZI. Madam President, we are busy patting ourselves on the back for avoiding the fiscal cliff. I don't know how much congratulations we ought to have for that.

Yesterday, I was buying some groceries, and the guy at the checkout stand had no idea who I was and shouldn't have. He said: What is going on, on Capitol Hill? What are those people doing? We ought to fire everybody in Congress. They can't get their work done. We have to get our work done. They don't have to get their work done.

He made a good point. I am telling you, it is down to the level of grocery store checkout people—and I suspect

different levels than that, different occupations than that. Americans, because they are kind of tuned in to the news media, which is kind of an information media or an entertainment media, built this fiscal cliff so it appeared to be Niagara Falls with money running over it. It is more of a gradual slope. But we have to stop the downward slope we are on. It is important we do that. And this is a body that can do that. Congress can do that.

We conduct a war of words around here—of this protecting the “rich”—and it sticks. You know, I don't know of anybody who is trying to protect the rich. The problem comes with the definition of “rich,” and that is a hard one to explain. Any attempt that looks like that, and we go back to the sticky word of “rich,” whom nobody is trying to protect.

I used to be in business. I used to be one of those small businessmen, and I knew that at the end of the year, the business would show a profit. Now, unfortunately, we couldn't take the money out of the business if we were going to continue to grow the business, if we were going to bring on more people. It also meant we needed to have more product, and that meant we had to have more investment in the business. So the money we could have taken out that showed as “profit” actually went back into the business.

We kept saying: How can we have so little money when we make so much money?

Well, that is the position a lot of the small business men and women are in around this country. They are having to put all their money back into their businesses. And I understand when people say don't protect the rich—those making \$250,000 or \$400,000 or \$450,000, whatever the amount comes out to be—but the person working in that business, probably making \$30,000, \$40,000, \$50,000, or \$60,000, says: If all I am making is that amount and they are making \$250,000, we really ought to tax them. You know, it is a fairness issue. But when it gets down to the point of what they actually get to take out, what their take-home is, it is a lot different. They look really good on paper, they look rich on paper, but the money they get to take out is significantly less than that, and that is where the divide came in when trying to solve this problem. Now, could it have been solved? Yes, it could have been solved.

What we need to do around this institution is to start legislating and stop deal-making. We are a legislative body. You can't have 100 people involved in a deal, and consequently we don't. We have the group of 2, as in the case of this one, or a group of 4 or 6 or 9 or maybe as many as 12 getting together and putting together some kind of comprehensive package to put before this body, and those who aren't in the group are really kind of insulted by it. They do not make a big deal out of it because that has become the tradition, but that is not how it is supposed to work.

I have been there. I have gotten to legislate. It is one of the privileges of this country. The main person with whom I legislated was Senator Kennedy. Senator Kennedy was considered one of the most liberal people in the Senate, and I have always been considered one of the most conservative people in the Senate, but we were able to work together to get 38 bills out of committee and through this body, and the worst vote we ever got was 15 votes against. How did we do that? Well, we didn't try to solve the world's problems all in one bill. We took an issue at a time, and we found the common ground. We found what we could agree on, and that was usually about 80 percent of the whole issue. That is pretty good.

We worked on issues that had been around here 10 or 12 or 15 years without passing, having come to the floor numerous times, and mainly what we did was we would sit down with the stakeholders, who were intensely interested in the bill, who had been lobbying on that bill for years and years, and we would say to them: This is what we can get. This is what we have to leave out.

It wasn't compromise. Compromise is when you give up half of what you believe in, I give up half of what I believe in, and we wind up with something that neither of us believes in. But common ground happens. There is common ground on every one of these issues, and that is what we have to find—the common ground.

So we would meet with these stakeholders, and they would say: No, you are leaving out the most important part of this whole bill. This is what we really want.

If it was Senator Kennedy's constituency, he would have to make the comment, and if it was mine, I would have to make the comment: How long have you been working on this?

They would say: We have been working on this for 10 years.

I would say: How much of it have you gotten?

Then they would say: Well, nothing.

I would say: Here is what we can get for you.

And I would outline it again, and I would say: Isn't that better than nothing?

The light would come on, and they would say: Oh, that would be good progress.

Then they would quit pushing against us, and they would get together with us.

It is amazing sometimes that the advocates for a bill are really sometimes the ones who are stopping the bill from happening, and it is over the issues—that 10 percent on each side, which amounts to 20 percent—that we are not going to get resolved. There are some basic values on both sides, and they are important to both sides and they are both right, but they are not common ground.

But this is where we have to go. We have to get to common ground again,

and the way we do that is by legislating. We put out a bill that is 80 percent of the whole issue, not 100 percent of the whole issue because that is comprehensive. We need to put out the 80 percent both sides agree on and then allow amendments on it. That is something we haven't been doing around here for a long time.

First of all, a bill needs to go to committee. The committee is where the people intensely interested in that particular bill preside and work and exert their efforts. That is where they want to concentrate.

When a bill comes to committee, you can have maybe 200 or 300 amendments in committee, and the chairman and the ranking member—that is the name we give to the person with the most seniority in the minority—can sit down together and sort through these amendments. Out of the 200, there are probably 100 that nobody in their right mind would really offer. Out of the remaining ones, you will find there are people on both sides who have very similar ideas on how to solve that problem, so you get those people to sit down together and take a look at all the amendments that are similar to that one and see if they can't come up with a single amendment that will solve that part of the problem. And you know what. They do. Now, it might not be 100 percent of what they want. It is probably, again, only 80 percent of what they want. But it is something on which they can all agree.

Here is the really magnificent part that helps a bill get through committee: They can all say: It was my idea. They can all go to the media and put out the release that says they solved this particular problem, and that helps a lot around here.

So committee work is extremely important, but when a bill comes out of committee, it is not perfect. When Senator Kennedy and I were working the bills, we not only recognized they weren't perfect, but we were able to talk to those Members whose problems we weren't able to solve by the time the amendment process came up in committee, and we promised to work with them until the bill got to the floor and not to take the bill to the floor until we had a solution to that problem or the right for them to offer an amendment. That helped a lot to get the bill out of committee.

Once a bill comes out of committee in a bipartisan way—meaning people from both sides of the aisle, Republicans and Democrats and Independents, support the bill—then there is a chance of bringing it to the floor and actually getting some time to debate. And the debate part is important. That is kind of where we bring America along. There is coverage during the committee process, but that is a little harder to follow. The debate here on the floor is where we bring America along on whatever ideas we have, and so the debate here is very important.

Over time, there has been this process where the leaders have invented

some things that actually concentrate the power in the hands of the leaders rather than the body as a whole, and that is the filibuster process, and that filibuster process can be manufactured.

I have to tell a couple of stories. One bill I worked on around here had a solution for health care. I called it small business health plans. The idea behind the bill was that small businesses could get together through their association or any way they wanted to, across State lines, even nationwide, to form a buying group big enough to take on the biggest of the insurance companies. Think about that—the power to take on the biggest of the insurance companies. Yes, there was some opposition to that—call it the insurance companies. But many of them worked with us and began to understand how they could participate in the process and then went along with it.

One of the biggest insurance companies in the Nation had some ads out of Massachusetts opposing the bill, and eventually that helped to keep the bill from ever happening. But the biggest thing that kept the bill from happening—Mr. President, I ask unanimous consent to speak for another 10 minutes or the right to allow the Senator from California to speak and then have it come back to me.

Mrs. BOXER. I am wondering if the Senator can finish in 5 minutes, and then I would speak, and then he can have more time.

Mr. ENZI. Yes, just a couple more minutes.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Wyoming.

Mr. ENZI. So on this small business health plan, when it came to the floor, I had the unfortunate experience of having Senator Frist setting a filibuster and filling the tree. "Filling the tree" means nobody can make another amendment to the bill. But here is the catch: After this came out of committee, we got the people together who had a problem with the bill, and we had one amendment that would have solved those problems. With the tree filled, that one amendment couldn't come up. That one amendment couldn't happen.

So what happened? We talked about the bill and how it lacked this particular part. I kept explaining how we had an amendment that would take care of that. Everybody in the Chamber knew that amendment was not going to happen, and consequently, on a process vote, it was killed with just over 40 votes. That is what happened with the filibuster. Had that amendment been possible, we would have had one of the things in place for health care—just one, but it would have solved a lot of things for a lot of businesses, and that is where a lot of people work in this country, and that is where jobs are.

So that is how we can do this job of legislating.

My second story would be—and this one is much shorter—about the year Senator HARKIN and I brought an FDA

bill to the floor. When it got to the floor, we explained to the leader that there were going to be 14 amendments—8 of them would be brought up and would fail, and the other 6 would be withdrawn. A week later we finally got to start on the amendments for that bill. There was worry that there would be some extraneous ones thrown in. We already had agreement, I guess you could say, from the most conservative and most liberal from each of our sides that they would not bring up the peripheral amendments, and they didn't. So a week later, when we finally got to start to vote—and we could have done that the same day, although we finished up in a day and a half—we had eight amendments that got defeated and six amendments that were withdrawn. So we wound up exactly where we knew we were going to be, and the bill passed here 96 to 1.

That is how the committee process can work, and that is how not having a filibuster can work, and that is what we need to get back to. We need to be legislating, not deal-making. And I will talk later about some of the deal-making, and we have seen that with the cliff process.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to say to Senator ENZI that I agree with so much of what he said. Our being here on New Year's Eve, some of us without our families, is nothing to be proud of, and having been able to do our work through the committee system, I think he made a very good point.

ENZI and Kennedy were quite a team; BAUCUS and GRASSLEY had their successes; LEVIN and MCCAIN recently had their success on the Defense bill, with lots of amendments; BOXER and INHOFE on the Transportation bill. I can tell you, you couldn't find two people more different, and yet Senator INHOFE and I were able to do that work and get that done and protect 2 to 3 million jobs. And also STABENOW and ROBERTS in the Agriculture Committee.

So my friend is absolutely right; we can do this in the right way and not have to be here in the middle of the night. I don't think that is anything to be proud of. However, I do believe what we did early this morning was right and very important. I think Senators DURBIN and BROWN laid it out as to why that vote was so critically important: It protected our families, it gave certainty to our businesses, and it keeps this economy moving forward. All this is true if the House passes this bill.

As Senator ENZI said so eloquently and in such a straightforward fashion, this is a deal. Each of us could write our own deal, and each of us would be so much happier with a deal that we personally could write. But that is not the way it is. We are not a parliamentary system where one party controls everything.

In a parliamentary system that we see in Europe, one party controls ev-

everything. They have a program. The other party opposition has a program. There may be other parties as well but two major parties. One of them gets elected, they put together a coalition, they have discipline, they have a program. They don't have to sit down with people they don't see eye to eye with. They just have to get together and pass the program. If the people don't like it, there is a vote of confidence and out they go and in comes the opposition. They have a channel. That is not the American system. Our system is much more difficult in so many ways. So many of us are so passionate on so many issues and believe so strongly, and yet we know we have to compromise, as Senator ENZI has said.

When I sat down with Senator INHOFE on the Transportation bill—and I will be doing it now with Senator VITTER on the WRDA bill—the water resources bill—I laid out the five things I cared most about, he laid out the five things he cared most about, and, to be honest, there were only a couple things that matched. So we started with those things, and then we met each other in the middle with the rest. Then the Senate had a chance to work its will.

When the bill got over to the House, it was stuck. It was trapped. We all went over there, all of us together on a bipartisan team, to speak to Speaker BOEHNER and Chairman MICA and say: OK, let's get it done. And we did. So it can get done.

THE FISCAL CLIFF

But we are where we are, where we are. This morning we had a choice, and, frankly, I was proud to see the overwhelming vote we had. It was amazing, 89 to 8. I don't know what motivated every colleague; I only know what motivated me to believe this was an important "aye" vote for me to cast.

I will never forget this recession that we are just coming out of now, the worst recession since the Great Depression. As Treasury Secretary Hank Paulson—who put his head in his hands and was overwhelmed with what he actually called the potential collapse of capitalism. That is what we faced.

We have short memories here because our lives are so filled with fast-moving events every day. Some of them are wonderful, some of them are awful, some of them lift up our hearts, some of them break our hearts. So we don't remember the things that happened a couple years ago.

When President Obama took over after a very lifeless economy, as my friend Senator BROWN said, where only 1 million jobs were being created—maybe not even that many—in the private sector over an 8-year period, and suddenly there was a collapse brought on by the greed of Wall Street and manipulation of securities dealing with housing—a crash, a nightmare, and we were losing 800,000 a month. Then the auto industry was on its knees.

Believe me, in the past I haven't been the biggest fan of the auto industry for California because I believed they

weren't producing the cleanest cars they could, the most fuel economy cars they could. I believed they were missing out on an opportunity. But let me tell you, when I was faced with the issue of whether to let them go bankrupt or stand and give them a chance, I chose that chance. And I am proud that I did it, and I am proud of this Congress for doing it. I am proud of this President for leading the way. That was a critical vote. And this vote this morning, I believe, was a critical vote if we really wanted to keep this economy moving forward.

A lot of people say: How did President Obama ever win with that unemployment rate so high? All the historians were saying it was never going to happen because it has never happened. Well, I will tell you why I believe it happened. I believe people understood what we went through, what we suffered through, what he inherited, not to mention two wars on a credit card that he had to end. So I think people understood this. We don't give the people enough credit. They got it. They understood it. And I hope they realize this President has led us to this point, with the Vice President, with Senator MCCONNELL, with Senator REID, to move this economy forward.

Let me tell you very quickly why it is so important to my home State. A lot of my colleagues roll their eyes when I tell them we have 38 million people in California. My friend from Wyoming, how many people in Wyoming? There are 562,785, and we have 38 million people. All right?

I want to tell you what it means that we voted the way we did. It means 400,000 people this morning will lose their unemployment insurance unless the House acts. If the House acts as we did, they will not lose it.

What does this mean to people, 400,000 of them? As my friend, the Presiding Officer—who is so good on economics—knows, there is a multiplier effect. For every dollar we give in unemployment benefits, we get a bang for the buck \$1.42 in the community because the people on unemployment spend it because they are out of work.

They are about to lose this help. We need to help them, and in this package we did—2 million nationwide, 600,000 jobs at stake from the multiplier effect, and in my State 400,000 people. Almost as many people as reside in the State of Wyoming were about to lose their unemployment insurance. Imagine—almost that.

I ask for an additional 5 minutes.

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

Mrs. BOXER. So when we talk about our vote this morning, it is not a wonky discussion. It is real people. Five million Californians are about to get trapped into the AMT problem, the alternative minimum tax, which was set up for a very fair reason. I wasn't here at that time, but I remember reading about millionaires getting away with paying no taxes because we

had no alternative minimum. They took advantage of the Tax Code, got their deductions, and paid nothing. We put it in place, but it is imperfect. We had to fix it to make sure it doesn't catch the middle class—5 million of my people.

So this is like a partridge in a pear tree in a way: 400,000 people would have lost their unemployment compensation; 5 million would be caught in the alternative minimum tax, which would have been an extra in taxes right there; and 15 million would have seen their tax rates go up on average of \$2,200.

This bill we voted for this morning had real consequences, and I know a lot of people are worried about the future and what is coming down in 30 days, 60 days, and 90 days—and I worry too. But I have been around here long enough to know it isn't going to get better if we put this off until then and we have twice as many issues on our plates to deal with.

So I believe what we did this morning—and my voice is going because it was a very difficult and emotional day for all of us, some being away from their families for the first time. I know my friend from Rhode Island and I talked about it. It wasn't easy, but we know what we are doing here is critical. We are not proud of the fact that it took us this long to get it done.

I agree with my friend from Wyoming. It is nothing to be proud of, but it is important what we did. We have certainty for businesses that depend upon consumerism. We have an economy that is driven by consumer activity, about 70 percent of it. Now the business community knows—if the House acts. I have to keep reminding myself it is not done. If the House acts, we will give certainty to our families, to our businesses, to our low-income people who depend upon refundable tax credits, to our energy community that relies on energy tax breaks to keep on moving and keep on producing.

So I don't want to see economic growth derailed. It was too hard and painful to sit through this very difficult economic recovery inch by inch, every day hoping we would push forward despite the odds. We had the economic crisis in New York that weighed on us as well.

Well, what we did this morning was important. So I want to close by saying this to my friends in the House, all of them—Democrats, Republican, liberals, and conservatives—this is not the perfect deal. We all know it. Each of us can find a piece of it that we really, really don't like. But on the whole it will give certainty to this economy.

In many cases, many of the provisions are permanent, such as the AMT. It gives certainty, and certainty is critical. We will not go back. We will not take billions and billions of dollars out of this economy. We can't do that now.

I would say to my conservative friends over there: Now it is the first of the year. You are actually cutting

taxes now because as of today they went up. So you could take credit for cutting taxes.

I just hope and pray that the House will do the right thing; that Democrats and Republicans will come together as Americans and put the country first. I believe they will do this. I pray they will do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I want to join the Senator from California in the hope that the House will pass the bill that was sent over from the Senate last night. It was a tremendous amount of effort that was put into it by a number of people over a number of days and weeks, and I think it is the best answer that we could come up with at this point in time.

I particularly want to thank Leader MCCONNELL and Vice President BIDEN for working numerous hours; starting, again, yesterday morning at 6:45 and winding up with something late last night, more than 12 hours later, over the last two issues, as I understand it. And, yes, I am glad that AMT was fixed. I would remind everybody that AMT is the last effort we had to tax the rich, and it backfired to where it now taxes everybody or almost everybody. So it desperately needed a fix. Now we are talking about taxing the rich again, and I hope we can come up with some collective ways that will be certain for the people who are rich and that it will last over time instead of just for a few short years.

In my area of the world, the biggest thing in that bill was the estate tax. People who own land in Wyoming that they bought maybe at \$40 an acre now have land that is worth \$2,000 an acre or more, and they haven't figured out how to pay the taxes on these few acres they were able to scrape together over a period of time if the amount of the exemption went down to \$1 million, and that is where we were headed. At \$1 million, they would have to sell off part of the ranch or part of the farm in order to pay the taxes when somebody died. All the time that land is making a profit people are paying taxes on it. Then when they die, they would have to pay taxes on something they would like to keep and continue in operation.

So the estate tax piece of that was a very important part for a lot of America, and not just the ones where people are land rich and dollar poor.

Of course, I keep wondering what would have happened if a month ago a basic bill would have been put on the floor—perhaps the President's proposal—and both sides had been able to do amendments to it, even multiple amendments on the same topic, like the Department of Defense bill. We did 119 amendments in a day and a half or 2 days. What if that had happened on this bill? Would we have been able to come up with a package that would, I suspect, be very similar to what we passed last night but done it with ev-

erybody participating, everybody understanding, the American public thinking that Congress is actually getting something done? That would be a huge relief. I think we could have done that with an open amendment process, limiting it probably to relevant amendments.

There are a lot of different things people would like to bring up because they don't know any other way they are going to get votes, but I keep reminding my colleagues that when you bring up one of those irrelevant amendments, it might make it into the bill, but it will be pulled out in conference committee. You still did not win anything. I guess you could make a big press release about how you got that into the bill to begin with, but it is not in the bill.

I want to talk today about the questions I hear from Americans who say: Why can't politicians in Washington get along? Why is there this gridlock?

Those are questions folks outside the beltway have been asking, but, like many questions, the answer is involved. For many, including President Obama and Senate Majority Leader REID, it is easy and strategic to oversimplify the answer. They have identified GOP Senators as the culprits and the filibuster as the instrument. But as one of those GOP Senators, let me give you my side of the story.

What I think people are missing and what some of the majority wants you to miss is why a filibuster happens. You do not hear this from the majority leader, but for the last few years many filibusters in the Senate have been designed and instigated by him; they have not been through the committee process.

Here is how it works. He has a bill that is popular with his party and whose title really sounds great. He knows many of those on our side, the minority, would actually agree with many parts of the bill, but we would want votes on the items that could potentially be politically embarrassing. In order to avoid these votes, he skips the committee of jurisdiction and brings the bill directly to the Senate floor. Then he uses an arcane Senate parliamentary procedure—he files for cloture and fills the amendment tree. That means he prevents amendments on the Senate floor, and often because he believes they might be embarrassing for Members on his side.

Our majority leader is no slouch; he picks bills with great titles that on the surface anyone could support—anyone. Remember, most of these have not been to committee. Who could possibly be against students or veterans or seniors or women? The problem for the minority is that within these great-sounding bills is usually something that deep down, philosophically in our bones, many just cannot accept. An example would be tying a woman's health care to a mandatory public funding of abortions or adding gun control to an otherwise acceptable crime bill. These

are poison pills that the majority knows the minority won't swallow. Best of all politically for the majority, the minority gets blamed for filibustering and the majority leadership looks like the hero fighting hard for the cause. That is how a filibuster can be initiated by the majority leader to make the minority look like obstructionists.

If the majority party brings up a bill containing a poison pill, even though the bill has a great title, they should not expect the other party to swallow the poison pill without using every delay tactic possible. In fact, they don't expect the minority to go along, and they use it to their full political advantage.

Those of us on this side in the minority have been seeing bill after bill that did not even go through committee, with great titles, containing poison pills, come to the floor directly. We were not assured even of a vote to try to take the pill out even though the majority had sufficient votes to ensure the poison pill would stay in. That is the meaning of majority—enough votes to always win. If you can always win, why stop the vote? So stopping the right to vote should and has resulted in a filibuster.

The big, dirty, not-so-secret secret is that a filibuster can be controlled by the majority leader. If the leader agrees to allow an open amendment process, permission to proceed would be a formality, and work could start immediately. That is what happened with the Department of Defense authorization we just finished. It was a fresh breeze through what the majority has turned into a stale Senate. We worked through more than 100 amendments in short order. But if no agreement to an open amendment process is agreed to before starting the bill, the minority has to believe their amendments will be blocked.

The majority can vote down any proposal it does not like and with a motion to table can do it quickly. Let me say that again. With a motion to table, they can do it quickly, they can actually limit debate. That is why the minority has been filibustering on motions to proceed and also why the majority leader wants to end that process. Delaying action on motions to proceed is our best chance to ensure an open amendment process. We can slow the bill down to try to get that agreement. The majority still does not have to agree, and if they have 60 votes, they can move ahead. If they do not have 60 votes, it has to be at least a little bit bipartisan—just a little bit.

The real point gets lost in all this; that is, to be effective, Congress has 535 people looking at every proposal—lots of viewpoints, lots of experience. If all the decisions are going to be made by the majority leader, how does every American's elected leader get to represent his or her constituents? The people back home who put their faith in their Senators expect to be rep-

resented by their Senators, not a party or a majority leader who does not know them as their own Senators do.

The majority leader has used the filibuster count to effectively falsely claim obstruction by Republicans. Remember, you can manufacture a filibuster. Now he wants to weaken the filibuster further. That may happen the day after tomorrow. That is damaging America's faith in Congress. That is damaging what the Senator from California said was one of the basic principles of this body. There are already filibuster rules. If used, they would make those objecting spend time on the floor explaining themselves, actually talking. That already exists, and in a very limited way, each Senator has the right to 1 hour of debate during a filibuster—1 hour. They can have other people cede their hours to them, but it is still a very limited amount. At any point, if there is not somebody on the floor to take more of that hour, the Presiding Officer can end that part of the filibuster. So there are already ways to shorten the delay involved, but they are not being used.

Using current rules would be much better than breaking the rules for the first time in order to change the rules. We have never done that. It has been threatened once before. It did not happen. I hope it does not happen during the time I am in the Senate. Breaking the rules to change the rules is not the way of the Senate for the history of the Senate.

I know there are amendments on which the majority does not want to have a recorded vote. That would put his Members on record. But that is the price for being in the majority. I think our side would like to be in the majority and have to take those kinds of votes. They are putting us on record without the poison bill being obvious in the vote. All we are voting on is a bill title. That is the way the people of America looked at it, and it worked very well in the last election.

Going all out to avoid votes is silencing the voices of millions of Americans and tearing down the institution of the Senate and eliminating transparency. The media usually demands transparency. This hides transparency.

The proposal to weaken the filibuster would only hasten the Senate's decline. It is like adding lemon to a recipe that is already too sour. We do not need a new recipe. We do not need to change the rule as the majority is proposing. We need to use the great system that has been in place for hundreds of years. Even now, we get glimpses of it working.

If the majority leader and those advocating for the weakening of the filibuster were in the minority, they would speak out against it. In fact, they did. In 2005, when he was in the minority, the GOP started talking about challenging the filibuster, and Senator REID warned of grave consequences. I want to quote Senator REID.

The time has come for those Senators of the majority to decide where they stand, whether they will abide by the rules of the Senate or break the rules for the first time in 217 years. . . . Will they support the checks and balances established by the Founding Fathers?

That is a quote from the majority leader. He asked if the majority would "silence the minority in the Senate and remove the last check we have in Washington against this abuse of power." That is a quote from leader HARRY REID. I hope he will follow his own advice and that that will not be a part of the problem right after we swear in the new Members this next week.

I hope the institution of the Senate will continue to be a Senate. I hope we will have more of a committee process where people can work out the things there are difficulties with and bring a more consolidated, more comprehensive, less compromising area between which neither of them believe that will get to the floor and then have an open amendment process on the floor, and I guarantee things will happen faster than they have been in the Senate. Holding up things a week or 2 weeks while we go through the whole filibuster process is a waste of our time. Amendments are not a waste of our time. I hope we get back to that system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I have the greatest respect for the Senator from Wyoming and considerable affection. Indeed, he is my ranking member on the HELP Committee, and he has been kind enough to offer his perspective on this question of the rules change. I will reciprocate by offering my perspective.

We were in the caucus the other day. Our leader reported that during the time Lyndon Johnson was the majority leader, which was a very active and disputatious time in the Senate, he faced one filibuster, and Leader REID reported that he had faced 391, I think was the number he used. So clearly the use of the filibuster as measured by the number of cloture motions is completely out of control.

The Senator from Wyoming correctly points out that filling the tree is a challenge to the minority, but I believe, if I recall correctly—I was planning to speak on something else, and I don't have the numbers exactly accurate at hand—I believe the number of times the tree has been filled is something like 70. So there is a huge disparity between the number of times the majority leader has filled the tree and the number of times he has been forced to file cloture.

The reason is that very often there is not agreement on amendments. While on a major bill, an open amendment process is good, I believe, and we have seen examples of that recently on this floor—Senator McCain and his work on the Armed Services bill, along with

Senator LEVIN, is an example—there are also times when filibuster by amendment takes place and it becomes abusive.

I can remember sitting in the chair where the distinguished Senator from Ohio is now sitting and watching Senator Kennedy on the floor. He had a bill that would raise the minimum wage. We often get big, fat bills on the floor. This was a bill that I think was literally one page. It was the smallest, shortest bill because it was just changing a number, basically.

Hundreds of amendments—literally hundreds of amendments had been filed against it. When the majority leader is faced with that—many of them were completely nongermane and not relevant—when the majority leader is faced with a circumstance where hundreds of amendments are filed on a small bill like that, it is easy to see why you have to move forward by trying to limit the time because the whole rest of the session could have been devoted to that bill if you can't get control. If you can't get an agreement—and very often, agreement is withheld as to a fixed number of amendments—then you have no choice but to take your best shot with the bill by filling the tree.

Even if I am right that the number is 70, I contend that the number of what the minority might consider a malicious filling of the tree might be a number considerably smaller than 70. Many of them might be made necessary by the actions of the minority by offering hundreds of amendments and by refusing to enter into agreements to offer a reasonable number.

I think it is a problem, but I think on balance I stand by the view I have expressed before that there is an unprecedented level of obstruction in this body, and I say that with some humility because the distinguished Senator from Wyoming has been here a bit longer. I have been here only for 6 years. But that is what people who have been here for many, many years confirm—that there has been really nothing like it.

EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the period for morning business for debate only be extended until 5 p.m., with Senators to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask to speak for 15 minutes but probably not that long.

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

FISCAL CLIFF

Mr. WHITEHOUSE. Mr. President, I will speak off the topic of the day. Obviously, we are focused on the fiscal

cliff. The measure is now over in the House, and the distinguished Senator from Wyoming and the senior Senator from California expressed their hope—and I would say confidence—that the House will act. Given the dysfunction of the House and its Republican leadership, I am perhaps a little bit more cautious than they are about this.

I remember that we did a very good bipartisan highway bill here. It passed with an enormous vote of 70-some, if I remember correctly, and went over to the House. They could not even pass a highway bill. They had no bill at all. They got so snarled up that finally they passed a bill that did nothing but to appoint conferees to argue about our bill. They could not bring a bill of their own into conference.

We worked very hard on a farm bill here. It was a bipartisan farm bill. Senator STABENOW was particularly energetic in that, as was her colleague from Kansas. Again, that was a bipartisan bill, which required a lot of hard work and had many compromises. We are in a terrible drought—which is something I will talk about more in a moment—and they cannot pass the farm bill over there.

The Speaker tried to respond to having withdrawn from his negotiations with the President on the fiscal cliff by coming up with a new so-called Plan B alternative. He could not even get that through his caucus. There is an unprecedented degree of extremism and dysfunction in the House Republican caucus, and I hope that does not disrupt the progress we have made on the fiscal cliff. We will have to wait and see. Today will tell.

CLIMATE CHANGE

Mr. WHITEHOUSE. What I am here to talk about is not the topic of the day because the fiscal cliff is the topic of the day. What I am here to address is never the topic of the day. It is the unmentionable issue; that is, climate change. It is so apparent now that changes in our climate and in our environment are occurring from pole to pole and from the height of our atmosphere to the depths of our oceans. The overwhelming majority of scientific research, indeed statistically the now virtually unanimous scientific view, indicates that all these observed changes in the Earth's atmosphere are the direct result of human activity—specifically the emission of carbon dioxide from our burning of fossil fuels.

If we continue with these destructive levels of carbon pollution, carbon change will not just alter our environment, it will alter our economy. Very often discussions in Washington steer away from things that have to do with environment and the health and enjoyment of human beings of the natural world and instead it comes down to money, as it so often does in this town.

Let's talk about climate change in the context of money. Markets and businesses across this country have de-

veloped to fit the prevailing environmental conditions in their different regions of the United States. These markets and these businesses are going to face real challenges when our climate changes those prevailing conditions. Whether it is higher sea levels, stronger storms, warmer winters or dryer summers, no State and no economy will be unaffected by climate change.

We are already seeing real-life examples of economic consequences of a rapidly changing environment. The Economic Research Service of the U.S. Department of Agriculture reported that 80 percent of American agricultural land is experiencing drought, making this the most expensive drought since the 1950s—more than half a century ago. Last month, Deutsche Bank Securities estimated that the drought will reduce 2012 economic growth in the United States by one-half to 1 percent.

Shipping on the Mississippi River has been reduced and may stop in areas where drought has left water levels too low for safe passage. The American Waterways Operators and the Waterways Council estimate that \$7 billion worth of commodities are supposed to ship on the Mississippi in December and January alone. An interruption of that would have a considerable economic effect. The U.S. Army Corps of Engineers has begun a \$10 million project to clear rocks from the waterway to prevent that shutdown. The other option is to release water from the Missouri River, but that would just draw down water supplies in upriver States that are already suffering from drought themselves, such as Montana, Nebraska, and North Dakota.

Water is also essential for power generation. According to the U.S. Geological Survey, powerplants account for nearly half the daily water withdrawn in the United States. Drought and heat go hand in hand to push powerplants toward shutdown. A 2008 drought put several powerplants in the Southeast within days or weeks of shutting down. Texas, California, and the Midwest now face a similar challenge with drought stressing their power production.

In the Northeast, it is not low water but warm water that caused the shutdown of Unit 2 at the Millstone powerplant in Connecticut. The temperature of the water in Long Island Sound, from which the plant draws its cooling supply, climbed to over 75 degrees Fahrenheit this summer—too warm for cooling the Newark reactor. Of course, the cost to our economy of disruptions in our power supply is particularly high during warm weather, when energy use is at its height to run air-conditioners.

Scientists tell us the droughts and heat waves will get worse and water temperature will continue to increase. Agriculture, shipping, and power industries will be operated under new baseline environmental conditions.

Warmer oceans, ocean acidification, and extreme weather events create an