all goes. That is why we are in a situation in which we have what the distinguished Senator from Michigan has talked about—all of these disgraceful loopholes.

I echo his point of view. Now is an important time to do this because the alternative, which is more spending cuts, pushes us down the austerity path that has failed in Europe and that is projected by the Bipartisan Policy Center to cost us 1 million jobs. There is an alternative: to go after all of these tax loopholes which, as the chairman said—as Senator LEVIN said—we should be going after those anyway. They are just plain wrong on their own.

If we had a balanced budget, we should be going after them. It is simply not fair. These are relics of power and lobbying and special influence and special pleading in the Tax Code, and we need to be rid of them. Now is a very good time to be rid of them to avoid pitching the economy into recession.

I know my two pieces of legislation are not going to pass. We are not going to pass a bill that has the sequester 100 percent paid for by new revenues from closing tax loopholes. I wish we would, but I know we are not going to. My point in filing the legislation is to prove that it could be done. It could readily be done. It could be done with pieces of legislation that Senators in this body have supported over and over and over again. So it is not necessary to walk into the fiscal band saw of sequestration: to have our national defense take the hit it is going to take; to have regular American families take the hit they are going to take; to have the economy, with 1 million jobs lost, take the hit it is going to take, all for what? To protect the big oil companies so they can keep getting subsidies from the American people? Is that the choice we want to make? So that a billionaire who puts his name on a museum gets more charitable tax bang for his charitable buck than a regular family when they just give money to their church every week? Is that the stuff we want to protect at that cost?

That is the question we will have to answer. I am very grateful to the chairman, Senator LEVIN. He has been working on this for years. His Subcommittee on Investigations has been looking into this in detail. His legislation is a part of what I am proposing as one of the pay-fors. I look forward to continuing to work with him.

The American people have our back on this one. This is a starker contrast between where the American people want to go and how to protect them and our economy versus special interest politics in this town that has carved out all of these loopholes that allow corporations to effectively cheat on their taxes. Effectively. It is not technically cheating because they have gotten the law written so it allows that practice. But if a person is a regular American who doesn't have a lobbyist to get them that same sort of treatment, it looks an awful lot like cheating.

Let me close by saying if we go the other path—if we follow this austerity route we have seen to be so calamitous in Europe—here are some quotes:

If the full sequester takes place as scheduled, 1 million jobs may be lost.

That is the Bipartisan Policy Center.

Paraphrasing: Growth in real GDP would be about 1¼ percentage points different, depending on which path we choose.

We lose 1.25 percentage points GDP growth by hitting this sequester. That is from the Congressional Budget Office.

If we look at the American Enterprise Institute, hardly a leftwing group:

An abrupt spending sequester at a rate of about $110 billion per year—

Which is what we are looking at—

scheduled to begin March 1 could cause a U.S. recession.

Robert Frank, a very well regarded economics professor at Cornell, has said:

The cuts scheduled are not a way to run a rational government. Cuts of any kind at this time are not a good idea. It is recessionary. It would slow growth for sure and put people out of work.

Another organization not known for its leftwing views, the Wall Street Journal, says this austerity method ''threatens to create a vicious cycle, as mass layoffs to meet budget targets spark a deeper contraction, reducing tax revenue and increasing welfare costs as well as damping consumption.''

That is exactly what has happened in other places.

Look at what they say in England where they have done this. The conservative Daily Telegraph's Jeremy Warner describes what is going on over there. ''This is a truly desperate state of affairs. . . . We seem to have the worst of all possible worlds, with nil growth, some very obvious cuts in the quantity and quality of public services, but pretty much zero progress in getting on top of the country's debts.''

That is not the way we want to go. That is the wrong way to go. There is another way, and it is to look at that vast part of the Tax Code both for corporations and, primarily, for wealthy individuals that allows literally nearly half of what would be tax revenue to flow back through the loopholes. That is where we should be doing our work. That is where we should be looking. I applaud and appreciate Senator LEVIN for his long and expert leadership in this area.

With that, I yield the floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—TO PROVIDE SUFFICIENT TIME FOR LEGISLATION TO BE READ

Mr. PAUL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That (a) it shall not be in order for the Senate to consider any bill, resolution, message, conference report, amendment, treaty, or any other measure or matter until 1 session day has passed since introduction for every 20 pages included in the measure or matter in the usual form plus 1 session day for any number of remaining pages less than 20 in the usual form.

(b)(1) Any Senator may raise a point of order that consideration of any bill, resolution, message, conference report, amendment, treaty, or any other measure or matter is not in order under subsection (a). No motion to table the point of order shall be in order.

(2) Any Senator may move to waive a point of order raised under paragraph (1) by an affirmative yea and nay vote of two-thirds of the Senators duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 3 hours equally divided between the Senator raising the point for order and the Senator moving to waive the point of order or their designees. A motion to waive the point of order shall not be amendable.

(3) This resolution is enacted pursuant to the power granted to each House of Congress to determine the Rules of its Proceedings in clause 2 of section 5 of Article I of the Constitution of the United States.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 13, 2013, at 10:00 a.m., to conduct its organizational meeting for the 113th Congress.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224–6352.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, February 13, 2013, at 10:00 a.m. in room 430 of the Dirksen Senate Office Building to mark up the Committee Funding Resolution for the 113th Congress; the Adoption of Committee Rules for the 113th Congress; the Adoption of Committee Rules for the 113th Congress; H.R. 307, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013; and the Prematurity Research Expansion and Education for Mothers who deliver Infants Early (PREEMIE) Act.

For further information regarding this meeting, please contact the Committee on (202) 224–5375.

PRIVILEGES

Mr. CORNYN. Mr. President, as a preliminary matter, I ask unanimous consent that Michael Lotus, a fellow on Senator GRASSLEY's staff, and Angela Sheldon, a fellow on the staff of Senator HATCH, be allowed privileges of the floor during debate and votes while the Senate considers S. 47.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 112–240, appoints the following as members of the Commission on Long-Term Care: Bruce D. Greenstein of Louisiana, Neil L. Pruitt of Georgia, and Mark J. Warshawsky of Maryland.

ORDERS FOR TUESDAY, FEBRUARY 12, 2013

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, February 12, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 47, the Violence Against Women Act, under the previous order; further, that the Senate recess following disposition of S. 47 until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mrs. HAGAN. There will be up to six rollcall votes beginning tomorrow at 11 a.m. in order to complete action on the Violence Against Women Act.

The State of the Union will be tomorrow evening. Senators will gather at 8:20 p.m. in the Chamber to proceed together as a body.

ORDER FOR ADJOURNMENT

Mrs. HAGAN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator CORNYN.

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

The Senator from Texas.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. CORNYN. Mr. President, I come to the floor to respond to some of the debate on the Violence Against Women Act reauthorization, which I believe misstates the law and the content of the underlying bill specifically as it relates to tribal court jurisdiction.

First of all, I start from the premise that tribal courts should be able to prosecute domestic violence cases that occur on tribal lands involving tribal members. The question is, Under what procedure—what practice—is it appropriate for them to attain jurisdiction over nontribal members who commit these acts of domestic violence whom they wish to prosecute in tribal courts? I am not here to question the integrity of the tribal court system for tribe members. The only question on the table is whether tribal courts, under the law that applies to these tribal courts, is required to protect the constitutional rights of nontribe members whom they seek to assert jurisdiction over.

In order to protect constitutional rights, the Constitution as interpreted by the Federal courts must be applied, and there must be an opportunity given to individuals who are prosecuted in these tribal courts who are not tribal members to appeal to a Federal court if, in fact, they are convicted.

First of all, the distinguished Senator from Washington, Ms. CANTWELL, has said there is a right of removal to Federal court in the underlying bill, and that is incorrect. There is no right of removal to Federal court in the underlying bill. However, in the amendment which I had contemplated offering—which the distinguished bill manager, the chairman of the Judiciary Committee, said is not acceptable to him—would include a right of removal to Federal court under some circumstances. So I want to correct the record: There is no right of removal in the underlying bill to the Federal court that might otherwise correct an unconstitutional provision.

Under the tribal court jurisdiction they operate under the Indian Civil Rights Act, which is, by definition, a statute and not the Constitution. So the rights provided to tribe members and nontribe members under the Indian Civil Rights Act are not constitutional rights. They don't incorporate the Bill of Rights of the U.S. Constitution which would be applicable to any American citizen tried in any State or Federal court. Since Indian or tribal courts claim to be sovereign and don't incorporate those constitutional rights, then American citizens who are not tribal members who would be tried in those tribal courts under the underlying bill would be unconstitutionally deprived of the protections of the Bill of Rights which they have by virtue of the U.S. Constitution.

Secondly, the distinguished Senator from Connecticut, Mr. BLUMENTHAL, argues that habeas corpus protections are sufficient to vindicate the constitutional rights of nontribal members, but that is not the case. Habeas corpus is a remedy which cannot be accessed until direct appeals are exhausted by definition. Since that is the case, under the underlying bill, the maximum length of sentence an individual can be given under the Leahy bill is 1 year. So what would happen is an American citizen, nontribe member, would be tried in a tribal court and would wrongfully be deprived of their constitutional rights under the Bill of Rights. Yet they could not vindicate those rights until such time as they exhausted all direct appeals, and then habeas corpus would be potentially available to them.

The only problem with that is it is very unlikely that would happen before they would have already served their sentence under the underlying bill, which is a maximum of 1 year; thus, the habeas corpus remedy is illusory and is not real.

I hope that helps clarify some of the misunderstandings under the bill and my concerns about it. We start from the premise that domestic violence on tribal lands is a serious problem. With the current situation, these crimes are not deemed sufficiently serious for U.S. attorneys to typically prosecute these cases. They are serious cases. They deserve to be prosecuted but only consistently with the U.S. Constitution. If the tribal courts wish to assert jurisdiction over nontribe members, the only way they should be allowed to do so is if they incorporate the protections of the Bill of Rights. That is something I have proposed to the distinguished chairman of the Judiciary Committee, which he has rejected.

We also have to have a means for an appeal to a Federal court if a nontribe member is convicted in a tribal court. That is not in the underlying bill. It strikes me as somewhat bizarre to have a remedy which is in the form of my amendment which would confer on tribal courts the requirement that they incorporate the provisions of the Bill of Rights when a nontribe member is being tried in a tribal court and that a right to an appeal to a Federal court also be included. That would remove the constitutional objection to the assertion of tribal court jurisdiction over nontribe members, but this has been rejected for some reason that escapes me.

Our only remedy is to go to the House of Representatives once this bill passes the Senate—and it will. Ironically, this is a bill that historically has passed with unanimous agreement—Democrats, Republicans alike. It has not been a political bill. Apparently, in a desire to make it a political statement and to somehow suggest that some people don't believe we ought to prosecute violence against women in tribal courts, an erroneous argument has been made by two Senators, whom I mentioned here, which I hope my statement has corrected. We don't need to go there. There is a commonsense solution, but unfortunately it has been rejected by the chairman of the Judiciary Committee. Our only recourse is to take the Senate bill and reconcile it with a bill that will be passed by the House of Representatives, which I hope will fix this provision and have it resolved in conference in a way that protects victims of domestic violence on tribal lands when perpetrated by nontribe members and when those nontribe members are tried in tribal courts.

I know that sounds a little convoluted, but it is an important constitutional right we are talking about, and I am amazed that such a simple solution, which is right at hand, is being rejected in favor of trying to make some kind of political statement that some Members don't care as much as