isn't like Lexus and Mercedes, where you pay more and you get a better car. This is the opposite. You have a really crummy car and it costs more to run it, it doesn't work, and it is expensive because it is not working well. It is backward. It is interesting that way.

If you bring that forward, this shows a recent graph from the Commonwealth Fund that shows the same thing, overall quality score relative to the U.S. median and costs in total Medicare spending. Here is the average right here for cost and the average for quality, and here you have these States down here in the bad box. They are way out here in costs. They are very expensive States. They are all above average. Some of them here are way above average—25 percent above average, 15 percent above average, 20 percent above average. Look what their quality measure is. They stink. They deliver terrible quality health care. Over here you have a bunch of other States that are way above the quality median and at the same time they are way below the cost average. So the principle from that first graph back in 2000 still holds true, according to the Commonwealth Fund.

With that background, here is another way to describe it. These are the 10 worst States in terms of highest cost per capita, and these are the best 10 States. I know we have a country with 50 States. This is only 20. We leave out the middle 30. These are the worst 10 in terms of cost, and these are the 10 best in terms of cost.

Here is the idea. Why should we be reimbursing above average the States that have a per-capita cost above average, instead of the way we did it on the sequester, by taking a 2-percent cut on everybody across the board that nobody can do anything about—just a cold, wet blanket of funds denial? Why not look and say this is the most that a State would get paid—whatever the cost would be—if it were at the average. The rest, you just take it back per capita across the entire reimbursement for that State.

This is what would happen with these high cost States. The very next meeting of the State medical society, the very next time the State met with the Governor, the very next time the Medicaid program got together, they would be hollering, saying: What on Earth? I do a good job. I am going to get my reimbursement cut because of that?

No, we have to fix this. It would give them a massive incentive to stop behaving like this and start behaving like this. If we built in some lead time so they had the chance to actually get there, they might actually never have to cut. They might not ever have to face that cut because what they would have done in the time leading up to when the cut was scheduled to be imposed is begin to behave like the States that have lower costs than average.

We know this could be done because so many States are already doing it. Why would we ever again look at an across-the-board Medicare-provider cut when we have an enormous discrepancy between these high-cost, low-quality States and these low-cost, high-quality States—like this one all the way over here? Oh, my gosh, it is a bargain there; it is top quality care.

That is my point for the day. I hope that anybody listening who is looking at the proposed cuts in the budget and who is looking at the need to manage this exploding health care cost curve that America has had for the last 50 years—steepening health care cost curve—starts to think about ways to do not just dumb and bloody cuts, but smart cuts—smart cuts that give the States that are costing us much more money than their peers the inventive to actually start behaving like their peers and bring down the cost for everyone. That is what I would consider to be a serious win-win.

I look forward to continuing this discussion. We have a couple of years before we are going to face this again with any luck, but I think this is an idea that is worth considering.

Once again, if you give the States enough warning within the 10-year budget period so we can score it but with enough warning that they have got the chance to react—I encourage anybody to read Atul Gawande's last article about Texas. He wrote an article about the terrible cost differential between—I think it was El Paso and a town called McAllen, TX—huge. Then they brought in the ObamaCare affordable care organizations—accountable care organization models and down came the price in McAllen.

So it can be done. We have seen it being done.

With that, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 7:03 p.m., recessed subject to the call of the Chair and reassembled at 8:32 p.m. when called to order by the Presiding Officer (Mr. SASSE).

TRADE ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, for many months I have been speaking about what I call the Washington cartel. The Washington cartel consists of career politicians in both parties who get in bed with lobbyists and special interests in Washington and grow and grow and grow government. I believe the Washington cartel is the source of the volcanic frustration Americans face across this country, and it is difficult to find a better illustration of the Washington cartel than the charade we are engaged in this evening. This deal we are here to vote on is both shockingly bad on the merits and it is also a manifestation of the bipartisan corruption that suffuses Washington, DC.

What are the terms of this budget deal? Well, in short, what the House of Representatives has passed, and what the Senate is expected to pass shortly, is a bill that adds $85 billion in spending increases—$85 billion to our national debt, $85 billion to your children and my children that they are somehow expected to pay. I don't know about your kids, but my girls don't have $85 billion lying around in their rooms.

This bill is put together in a way only Washington could love. The spending increases, when do they occur? Surprise to nobody, $37 billion in 2016, $36 billion in 2017, and $12 billion in 2018. But we were told, fear not; there are some spending cuts to offset them. And wonderfully, miraculously, ostensibly there are supposed to be a few spending cuts in 2020, then 2021, 2022, 2023, and 2024. At the very end, 10 years from now—when my daughter Caroline will be getting ready to graduate high school, she is 7 now—we are told $33 billion will be cut in 2025.

If you believe that I have a bridge to sell you in Brooklyn and I have some beachfront property in Arizona. Nobody in this Chamber believes that. Nobody in the House of Representatives believes that. No member of the press believes that. Everyone understands this is a lie. It is an agreed-to lie by everyone. We will spend now for a promise that 10 years hence we will magically cut spending that will never ever, ever occur.

That is on the face of it, but beyond that it is worth thinking about just how much $85 billion is. It is more than the Senate negotiated with the House when HARRY REID was majority leader. When HARRY REID was majority leader the Ryan-Murray budget agreement—which was a flawed agreement and an agreement I voted against—increased spending by $63 billion over 2 years.

So what does it say that a supposedly Republican majority of the Senate negotiates a bigger spending bill than HARRY REID and the Democrats? When HARRY REID and the Democrats were in charge of this body they jacked up spending and our debt $63 billion. When the Republicans take charge, whoo baby, we can do it better—some $85 billion.

Not only that, this deal is not content with spending increases. It also takes the debt ceiling and essentially hands President Obama a blank credit card. It says to the President: You can add whatever debt you like for the remainder of your term with no constraint from this body. We are abdicating any and all congressional authority over the debt that is bankrupting our kids and grandkids.

Now the Presiding Officer and I both campaigned telling the citizens of Nebraska and the citizens of Texas that if we were elected we would fight with

every breath in our body to stop the spending and debt that is bankrupting our kids and grandkids. How, pray tell, does handing President Obama a blank credit card for the remainder of his tenure do anything to follow those commitments?

Let me note that for the remaining 15 months we are going to see a binge from this President that makes the preceding 6½ years pale. For 6½ years we have seen an assault on rule of law, an assault on our constitutional rights, a retreat from the world stage, all of which I think will pale compared to what is coming in the next 15 months. In the next 15 months abroad, I have said before, we are essentially in a Hobbesian state of nature, where the enemies of America have made the judgment that the Commander in Chief is not a credible threat, so they are limited only by the limits of their own strength. It is like ''Lord of the Flies.''

On the regulatory side, we are seeing a press on every front to go after economic freedom—to destroy small businesses, to destroy jobs, to destroy our constitutional liberties. When it comes to spending, I shudder to think what President Obama for the next 15 months will do with a blank credit card that the Republican majority in the House of Representatives and the Republican majority in the Senate are preparing to send him.

American Express has a whole series of credit cards. It has the green card, the introductory card. I remember when I was a freshman in college—I was 17 years old. I got an application for an American Express card. I was really excited. I got an AmEx when I was 17. It was a green card. Now, if you spend more and you spend more, eventually you can upgrade to a gold card, then you can upgrade to a platinum card, and then you can actually upgrade to a black card above that.

Well, I have to say, a multi-trillion-dollar Presidential card has to be an extraordinary card. I assume it is encrusted in diamonds and glows in the dark. That is what the Republican majorities have just given President Obama—a diamond encrusted, glow-in-the-dark AmEx card, and it has a special feature. The President gets to spend it now, and they do not even send him the bill. They send the bill to your kids and my kids. It is a pretty nifty card. You don't have to pay for it. You get to spend it, and it is somebody else's problem.

Not only is this bill spending us deeper and deeper into a hole, it is chockfull of gimmicks. These are gimmicks that everyone writing them knew were there. For example, it contains a spending gimmick that targets single-employer pension plans while ignoring the oncoming union multi-employer pension plan funding tsunami.

Beyond that, this bill also addresses ObamaCare. But what does it do? It provides a targeted ObamaCare fix for big business—those with more than 200 employees. By repealing the law's automatic enrollment provision, which requires employers to automatically enroll new full-time employees in one of the company's health plans unless the employee opts out.

What does it say that the Congress of the United States exists to provide a special exemption for giant corporations but turns a blind eye, turns a deaf ear to the small businesses being driven out of business over and over and over again by ObamaCare? What does it say? If you are a giant corporation in America, if you have armies of lobbyists, then fear not, the Washington cartel is here for you—a special carve-out, no doubt just as soon as you hand over your campaign contribution.

For the small business we are facing a time unique in recorded history, where more small businesses are going out of business than are being created. For as long as they have kept records, that has never been true until recent years under the Obama economy. Why does that matter? That matters because over two-thirds of all new jobs come from small businesses. When you hammer small businesses, you end up getting the stagnation, the misery, the malaise we have right now. When you hammer small businesses, you have young people coming out of school who can't find jobs, who have student loans up to their eyeballs but can't find a job. When you hammer small businesses, you have people like my father, who in the 1950s was a teenage immigrant washing dishes, unable to find a job.

What does it say that Congress will pass a special exemption for giant corporations, but for the single moms, for the teenage immigrants, for the young African-American teenagers struggling to achieve a better life there is no answer to their plight? To some 6 million Americans who had their health insurance canceled and their doctors canceled because of ObamaCare, there is no answer to their plight. To the millions of Americans who have seen their health insurance premiums skyrocket so they can no longer afford them, there is no answer to their plight. But fear not, the cartel is here for the giant corporations.

Let us be abundantly clear. The cartel is not a partisan phenomenon. It is not just the Democrats—although it is most assuredly the Democrats—but there are far too many Republicans as well who are card-carrying cartel members who, when the K Street lobbyists summon action, snap to attention.

Look at what else this deal does. This deal additionally takes $150 billion the next 3 years from the Social Security trust fund and moves it to the disability insurance fund. I would advise all Members of this body the next time you are home and visiting with a senior, the next time the topic of Social Security comes up, if you vote for this deal tonight, be sure to say: Ma'am, just so you know, I voted to take $150 billion out of your Social Security. Because that is what they are doing.

That is what they are doing. They are saying to seniors: Well, there is a little bit of money here, and we are going to take it and move it over here. Why? Because actually fixing the disability program, reforming the program would be too difficult. Stepping forward to address the fraud in that program would be too difficult. Stepping forward to put in place work incentives to help people with disabilities find meaningful work, even if it is not everything they are capable of—a great many people with disabilities are capable of meaningful work—reforming that program to help people work to provide for their families makes a difference in people's lives, but that isn't easy. That is hard work. That is actually what we were elected to do. It is far easier just to raid the Social Security trust fund, far easier to pull $150 billion from our seniors and reallocate it and do nothing, zero, to fix the underlying problem.

The deal also sells 58 million barrels of oil from the Strategic Petroleum Reserve. It is always interesting to see the Federal Government selling off Federal assets. I have argued for a long time that we should be selling off Federal land, far too much of which in this country is owned by the Federal Government. I am not talking about national parks, which are a treasure that should be preserved; I am talking about the vast amounts of land that are held, utterly nonproductive, by the Federal Government.

So it is a good thing that this bill is selling some assets, but it is interesting, No. 1, that they estimate that will yield $5 billion because they estimate it will be selling at $86 a barrel. I have to say, representing the State of Texas, if you know how to sell oil today at $86 a barrel, you are truly a magician because it is selling at about half that right now. But when it comes to budget trickery, just make up a number and put it in there. As I said before, on this chart everyone knows it is a lie. Nobody believes it is true. It is a game. It is the Washington game.

I would note that in selling 58 million barrels of oil, they are not using that revenue to pay down our national debt. If they are actually selling assets, we would think it would go to something at home. If you sell an asset and have a massive credit card debt, the prudent thing to do would be to use the revenue from that asset to pay down that credit card debt. Oh, no. It is just more and more spending.

A group called the Conservative Action Project consists of the CEOs of over 100 organizations representing all of the major elements of the conservative movement, the economic, social, and national security conservatives. They sent a letter to this body. The letter reads as follows:

The latest budget deal negotiated by the White House and outgoing House Speaker John Boehner, the bipartisan Budget Act of 2015, proposes increasing spending by $85 billion over the next three fiscal years. What

the deal doesn't include are meaningful accountability measures that ensure responsible spending levels.

The deal would allow Treasury unfettered borrowing power until 2017 in exchange for theoretical budget cuts down the road. The included offsets are spending gimmicks, at best. According to budget analyses from the Congressional Budget Office and The Heritage Foundation, the deal would result in spending increase of $85 billion over the next three years, while significant spending cuts would not take place for another ten years—until 2025. Furthermore, we cannot reasonably expect that a future Congress will abide by these measures. Moreover, the busting of the caps presently is proof that the gimmicks which promise reform later are hollow.

This ''bipartisan deal'' indicates a dangerous trend that has become commonplace in Washington—rather than hard questions about spending, the Congress is choosing to eliminate the possibility of those conversations or votes for the next two years. Furthermore, the deal represents total surrender on important conserve principles, while capitulating to every demand of the White House.

It is this sort of irresponsible spending that has resulted in a national debt of over 18 trillion dollars. For the first time in nearly six years, Republicans have control of both Houses of Congress and a real chance to send responsible budget reforms to the President's desk. A responsible alternative would acknowledge the importance of appropriating funds for government operations while simultaneously addressing our statutory debt limit and staying within the budget caps.

Instead, lawmakers have forgone the chance at meaningful reforms and instead are digging us deeper into the mire of debt our nation has already accrued.

In potentially the most egregious portion of the deal, the Overseas Contingency Operation or ''OCO'' fund, which is dubious in and of itself, is typically designated for efforts to support troops on the ground in emergency situations, is turned over to a slush-fund for non-defense spending.

We oppose the Bipartisan Budget Act of 2015 not only because it fails to curtail spending, but it prevents future reform for an entire two years. Lawmakers should reject this deal, and attach earnest, meaningful reform to any hike of the debt limit.

It is signed by former Attorney General Edwin Meese, the Honorable Becky Norton Dunlop, and dozens of respected conservative leaders across this country, across the full spectrum of the conservative movement—across fiscal conservatives, social conservatives, national security conservatives, all united, the conservative movement.

Many of the people who worked very hard to elect us to this body, many of the people who worked very hard to give us a Republican majority in the Senate are now all speaking in unison saying: What in the heck are you doing? Some of them may be using stronger language than that.

This bill we are voting on was not cooked up overnight. This wasn't a slap-dash on a Post-it last night. This represents days or weeks or months of negotiations. This represents the cartel in all of its glory because this is the combined work product of JOHN BOEHNER and NANCY PELOSI and MITCH MCCONNELL and HARRY REID.

The entire time Republican leaders have been promising ''We are going to do something on the budget; we are going to rein in the President,'' they have been in the backroom negotiating to fund every single thing President Obama did. I am reminded that it wasn't too long ago that we saw El Chapo dug out of his prison cell. One of the first things you realized when El Chapo was dug out is that tunnel wasn't dug overnight; the drug cartels spent many weeks or months digging that tunnel. Well, our leadership, the leadership of the Washington cartel, has spent many weeks and months breaking El Chapo out on the American people, digging us deeper into debt. It is contrary to the promises our leaders have made.

In August of 2014, Majority Leader MITCH MCCONNELL was quoted as saying:

So in the House and Senate, we own the budget. So what does that mean? That means that we can pass the spending bill. And I assure you that in the spending bill, we will be pushing back against this bureaucracy by doing what's called placing riders in the bill. No money can be spent to do this or to do that. We're going to go after them on healthcare, on financial services, on the Environmental Protection Agency, across the board. . . . All across the federal government, we're going to go after them.

Let me ask, have we done any of that—any of that at all? Now wait, leadership might come back and say: Well, sure. We have appropriations bills. There are riders. But the Democrats are filibustering.

Everyone understands why the Democrats are filibustering appropriations bills. When Republican leadership begins the negotiation by peremptorily surrendering, by saying, ''We are going to fund everything, 100 percent of what you want,'' what rational Democrat would ever agree to allow an appropriations bill to go forward?

I am reminded of a football game. In a football game, if the coach comes out at the beginning of the game when the coin is being flipped and forfeits, we know the results in 100 percent of those games. In 100 percent of those games, that team will lose. Sadly, that team is the American people because it is Republican leadership that goes out and forfeits at the coin toss over and over again.

That was in 2014.

In 2015, Senate Majority Leader MITCH MCCONNELL vowed ''some big fights over funding the bureaucracy,'' saying that his party would use spending bills now being written in the GOP-controlled Congress to extract policy concessions from President Barack Obama. Where are those policy concessions? Where are those fights? I don't recall seeing any fights. Actually, that is not fair. There are fights—fights against conservatives; fights against efforts to rein in the Obama administration; fights against efforts to stop the spending; fights against efforts to turn around our debt. On that, Republican leadership fights ferociously. But where are the promised fights against the Obama agenda, on anything? Name one concession.

Let's go back to the substance of this deal. One of the things this deal does is it utterly makes a mockery of the Budget Control Act. It abrogates the budget caps. It wasn't too long ago that Republican leadership was touting the Budget Control Act as one of the greatest successes of Republican leadership. Indeed, when asked ''Well, why does it matter to have Republicans in control?'' typically the answer would be ''Look at the Budget Control Act.''

Here is another quote from Majority Leader MITCH MCCONNELL:

Politicians regularly come to Washington promising fiscal responsibility, but too often they can't agree to cut spending when it counts, and that is why the Budget Control Act is such a big deal.

Mind you, a big deal that right now the Republican Congress is abrogating.

Since Congress passed the BCA with overwhelming bipartisan majorities in 2011, Washington has actually reduced the level of government spending for 2 years running. That is the first time this has happened since the Korean war.

Leader MCCONNELL continuing:

The BCA savings are such a big deal, in fact, that the President campaigned on it endlessly in 2012.

Yet the lone fiscal accomplishment supposedly of the Republican majority, this deal throws overboard. They didn't have much to point to, but they had this one: We have the budget caps. Guess what. We don't have those either.

Then there is the debt ceiling. In 2011, then-Minority Leader MITCH MCCONNELL talked about what the debt ceiling should be used for. This is a quote from an op-ed he wrote:

What Republicans want is simple: We want to cut spending now.

Does this do this? No.

We want to cap runaway spending in the future—

Does this do this? No—

and we want to save our entitlements and our country from bankruptcy by requiring the nation to balance its budget.

Again, this does not do this.

We want to finally get our economy growing again at a pace that will lead to significant job growth.

Well, surely there are some pro-growth measures in this. No.

That wasn't an isolated statement. Earlier in 2011, Leader MCCONNELL explained that ''no president—in the near future, maybe in the distant future—is going to be able to get the debt ceiling increased without a re-ignition of the same discussion of how do we cut spending and get America headed in the right direction.'' That was 4 years ago.

Why is it that the Republican leadership is giving President Obama trillions in more debt without any—let's go back to Leader MCCONNELL's words—''re-ignition of the same discussion of how do we cut spending and get

America headed in the right direction''? That was a clear promise made to the American people, and this deal makes that promise a mockery. It makes it an utter mockery. Instead, Republican leadership is taking the lead to remove the debt ceiling from Barack Obama. He will never have to worry about it again.

Why do these matter? Why do we have these fights? To understand why, we have to understand the dynamics of Congress today.

In Congress today, there are essentially three types of spending bills. No. 1, there are show votes. Show votes are a particular favorite of leadership. Show votes are anything, frankly, that men and women who are elected care about. They will tee up a show vote. We have had show votes on Planned Parenthood. We have had show votes on the Iran nuclear deal. We have had show votes on amnesty. Show votes are designed for all the Republicans to vote one way, all the Democrats to vote the other, and for us to lose. Show votes are a game of political posture.

Leadership is happy to give show votes. Frankly, leadership is irked that the men and women who elected us are not satisfied with show votes anymore. There was a time when politicians in Washington could look down at our constituents and say: They don't understand what is going on. If we give them a show vote, they will be satisfied with that.

Well, a funny thing happened on the way to the floor: The electorate has gotten much more sophisticated, much more educated, and much more informed. With the advent of the Internet, with the advent of social media, people can now tell a show vote. A vote that is designed to lose from day one, that is an exercise in political theater, in Kabuki theater, is not, in fact, honoring the commitments made to the men and women who elected us.

There is a second type of legislation which is simply a collective spending bill that pays off the Washington cartel, pays off the lobbyists, and that can often get bipartisan agreement. If you are giving money to giant corporations, it is amazing how many Democrats and Republicans can come together to say: Hey, these corporations write campaign checks; we are all for that. The pesky taxpayers don't know enough to fight against this. We can keep them in the dark, so let's keep robbing the single moms waiting tables to take her paycheck and give it to the giant corporation. That stinks. Do you want to know why America is mad? That is it right there, the legalized looting that occurs in this city every day.

Then there is a third type of vote. That is the must-pass legislation. I would note that this year in the Senate there are a number of Senate freshmen. Senate leadership has done what Senate leadership always does, which is wrap their arms around Senate freshmen and bring them into the bosom. One of the things I am hoping Senate freshmen observe firsthand—I have not been here much longer than Senate freshmen, but one of the things you quickly realize is the only fights that have any chance of actually changing law, the only fights that have any chance of actually changing policy are must-pass bills.

If you want to do more than a show vote, if you want to actually fix a problem, if you want to actually address a wrong, you either fight on the must-pass votes or you do nothing. Those are the choices. Leadership knows that must-pass votes are typically one of three things: They are continuing resolutions, they are Omnibus appropriations bills, or they are debt ceiling increases.

If you look historically at how Congress has reined in a recalcitrant President, it has been through continuing resolutions, Omnibus appropriations, or debt ceiling increases. If leadership foreswears using any of them, we will not use any must-pass legislation to do anything. Do you know what that means? That means Congress in the United States has become all but irrelevant. That is what leadership has done.

It is all captured in one innocuous little statement: no shutdowns. That is what leadership has promised. We are going to have no shutdowns. Listen, to most folks that sounds like a very reasonable proposition. In the private sector, you generally don't shut a business down. Saying we are not going to shut things down seems very commonsensical, but here is the problem. When you are dealing with zealots and when you are dealing with ideologues and you tell them if they do the following, I will surrender—if you tell them ''if you say the word 'zucchini,' I will give in,'' we all know what will happen. Immediately they will begin saying ''zucchini, zucchini, zucchini.''

That is Washington today. Republican leadership in both Chambers has told President Obama we will never ever allow a shutdown because, Lord knows, the last time we had a shutdown, it resulted in us winning nine Senate seats, taking control of the Senate, retiring HARRY REID as majority leader, winning the largest majority in the House, and, goodness gracious, we don't want that to happen again.

Once Republican leadership tells Obama we will never ever allow a shutdown, then suddenly the President has a little furry rabbit's foot in his pocket. On any issue, any fight, any topic that comes up whatsoever, all the President has to do is whisper quietly in the wind ''shutdown'' and Republican leadership runs to the hills. It is a wonderful negotiating tactic. Why is this happening? Because President Obama whispered ''shutdown,'' and leadership said, ''We surrender.''

If you are not willing to fight on any must-pass legislation, we will not win anything. Leadership responds, though, that it is not reasonable. You cannot win. You can never win a fight on must-pass legislation.

The problem with that is history is to the contrary. As John Adams famously said, ''Facts are stubborn things.'' Of the last 55 times Congress has raised the debt ceiling, it has attached meaningful conditions to that 28 times. It has historically proven the most effective leverage Congress has.

When leadership says—and by the way, when press outlets echo leadership in saying that it is hopeless, nothing can be done, do not fight on these issues, they never seem to address the reality of history that is directly to the contrary. Gramm-Rudman, one of the most significant spending restraints in modern times, came from the debt ceiling. If Congress wasn't willing to fight on the debt ceiling, you would have no Gramm-Rudman. Yet leadership might respond: OK. Fine. Historically that was true but not with Barack Obama, not with HARRY REID. This current incarnation of Democrats—they are too partisan, they are too extreme, they are too zealous, and it will never work with them. The only problem is that is not true either.

Indeed, what we are talking about right now—the Budget Control Act—came from the debt ceiling. The newly elected majority in the House of Representatives used the debt ceiling to extract the Budget Control Act from President Obama, which until just recently leadership hailed as their greatest fiscal success in modern times.

If the tool that yielded their greatest fiscal success was the debt ceiling, why would leadership say we will never use it again? It is like the San Francisco 49ers of great saying that we are never going to again allow Joe Montana to throw to Jerry Rice. That worked too well—never again.

If you discover a tool that works, who in their right mind would say we will take off the field forever the tool that has proven most successful in reining in the President? I don't know if anyone in their right mind would, but that is in fact what congressional Republican leadership has done. This debt ceiling is kicked down the road until the end of the Obama Presidency.

I would note that when Speaker BOEHNER announced his resignation on that day, I predicted this outcome. On that day, within minutes of Speaker BOEHNER announcing his resignation, I stated publicly that what this means is that he has cut a deal with NANCY PELOSI to raise the debt ceiling and to fund the entirety of Obama's agenda for the next 2 years.

It was interesting. When I said that, there were those in the media who criticized me: Oh, you don't know that. Why are you so cynical? Why would you say such a thing?

I would say such a thing because I understand how the Washington cartel operates, how it is not two parties, but it is in fact one party—the party of Washington. I mentioned that this deal

took months to negotiate. We are seeing the fruits of it right here. This is exactly what I predicted the day JOHN BOEHNER resigned. Why? Because that then freed the Speaker to pass this through the House of Representatives. How many Democrats do you think voted for this? I will tell you. It was every single one of them. One hundred percent of House Democrats who voted, voted for this, and 79 Republicans voted for it—a handful, a small minority of Republicans. So how did this pass the House? With all the Democrats, House leadership, and a handful of Republicans. How is it likely to pass this body? Every Democrat will vote for it. Republican leadership will vote for it, and they will get some of the Republicans. That pattern—a lameduck Speaker of the House cutting a deal with a lameduck President to add $85 billion to our national debt and to give away any and all leverage for the Obama administration—that is what this deal means.

It is worth understanding. This deal means Republican majorities in Congress will extract nothing of significance from President Obama. This deal means that Republican leadership has fully surrendered.

It is interesting. They call it clearing the decks. That is a uniquely Washington term. You recall back in December the trillion-dollar CRomnibus bill. The very first thing we did after winning majority in both Houses was also called clearing the decks. Boy, these decks need a lot of clearing. I have to say, these chairs get rearranged like they are on the deck of the Titanic, and no one addresses the fact that the ship of the United States is headed toward the iceberg.

With $18 trillion in debt that the party of Washington, the Washington cartel, has created—and it is complicit and growing—the only people losing are our kids and their kids and the future of this country and the future of the free world. That is all that is being lost. But, hey, there are cocktail parties in Washington this week. Lobbyists are hosting them. They are writing checks.

If we actually stood up to that, that would be difficult. There is a reason so many politicians talk about standing up to Washington. Yet so few actually do it because it is far easier to take the path of least resistance. It is far easier to go along to get along. It is far easier simply to agree, to be agreeable, to get along. Why can't you get along with the politicians who are bankrupting your children and my children? Do you know what? I don't make it a habit to acquiesce to people who are doing enormous damage to this country. That is what we are seeing.

What could have been done instead? Imagine a hypothetical. Imagine we had Republican leadership that wanted to fight on something, on anything. For Pete's sake, at this point, I think most voters would say: Give me something that matters and fight on that, whatever it is. They are so frustrated. How can it be that we won majorities in both Houses and there is nothing, nothing that matters to the people that we are willing to fight on?

Do I think the continuing resolution or the debt ceiling could have magically transformed this country? Do I think we could have done fundamental, wholesale reforms? Probably not. That would have taken truly inspired leadership. That may be asking too much. If we couldn't have solved every problem, is the alternative really that we could have solved nothing? Is the alternative really that we had to give Obama everything and do nothing to fix the problems?

Let me suggest seven things this deal could have included. How about the Default Prevention Act? It is legislation PAT TOOMEY introduced. He also calls it the Full Faith and Credit Act. Every time we have a debt ceiling fight, the Democrats scaremonger. They say: If you don't raise the debt ceiling, America will default on its debt.

Let's be clear. That is a blatant lie. They know it is a lie. I will note that when Barack Obama was Senator Obama, he voted against George W. Bush raising the debt ceiling. He said it was unpatriotic to raise the debt ceiling. That is when the debt was about half of what it is now.

Everyone who votes here later tonight, you should remember that Senator Obama said that if you are voting to raise this debt ceiling, what you are doing is unpatriotic. Those are the words of a young Barack Obama, but there is reason it is a lie. Every month's Federal revenue is about $200 billion. Interest on the debt runs between $30 billion and $40 billion a month, which means in any given month there are ample revenues to service the debt. No responsible President would ever allow a default on the debt. Indeed, what a responsible President should do is stand up at the very outset and say: Let me be clear. Under no circumstances will the United States ever, ever default on its debt. That is what a responsible President would do. Sadly, that means that is not what President Obama has done. Instead, what he does consistently when we approach a debt ceiling is to threaten to default on the debt if we don't give him a blank credit card.

What does the Default Prevention Act do? It says that in the event the debt ceiling is not raised, we will always, always, always service our debt. We will never ever, ever, ever default on the debt. I recognize that there are some skilled demagogues in Washington, but how exactly does the Democratic Party demagogue Republicans for risking a default on the debt in order to pass legislation preventing defaults on the debt? That is some slick talking. But you know what. The Republican leadership didn't want to do that, because if we did that, then when we face the next debt ceiling, conservatives would expect us to say: OK, let's use this leverage to fight for something, and they don't want to fight for something.

The Democratic scaremongering is useful because they are working to meet the same priorities. If you pass the Default Prevention Act, then suddenly some spines might stiffen and people might be prepared to fight, and that is a nightmare to leadership—that we would actually fight. So, no, no, no, no, we will not attach the Default Prevention Act.

How about another one—shutdowns? Senator PORTMAN has legislation preventing government shutdowns. There is one promise that Republican leadership has made that is carved in stone, and that is that we will never, ever, ever, ever allow a shutdown. So if there was anything on Earth to attach to this deal, it would be that. Senator PORTMAN's legislation says: In the event a continuing resolution isn't passed, in the event that appropriations expire, funding will continue, but it will gradually ratchet down slowly over time. If we pass that bill, there will never ever, ever again be a government shutdown.

Gosh, if I listened to the rhetoric of leadership, I would think they would want to pass that bill. Why isn't it in this? The answer is simple: Because if it were in this, Members of this body would actually expect us to stand up and fight for something. Instead, leadership wants to be able to tell the freshmen—the new Members of the Senate—that a shutdown is terrible. It is the worst thing in the world. So we can't fight for anything; so you must acquiesce in everything that Obama wants. If we actually passed legislation prohibiting shutdowns, that scaremongering would be taken off the table. Democrats don't want that because Democrats support shutdowns.

If we look at the last shutdown over ObamaCare—revisionist history aside, because the media loves doing revisionist history—Republicans voted over and over and over to fund the government, and it was HARRY REID and Barack Obama who shut down the government. Reporters scoff at that when they hear it without ever acknowledging that HARRY REID very publicly said: Gosh, we think shutdowns help Democrats politically. Why is it a difficult proposition? If the leader of the Democratic Party says that we think a shutdown is politically beneficial, why is it difficult to understand that they are the ones forcing a shutdown? The last thing Democrats want is to take shutdowns off the table.

The dirty little secret—the mendacity in this body—is that the Republican leadership doesn't want that either. They don't want us standing and resisting anything because it is not two parties; it is one party.

What else could we have done? How about growth? Remember MITCH MCCONNELL's comments about economic growth? Why doesn't this bill have a provision lifting the ban on

crude oil exports? That would produce economic growth across this country. It is a no-brainer economically. Is this in there? No. Did we try? No. Maybe it was brought up behind closed doors, and the Democrats laughed and said no and we surrendered. I don't know. It doesn't matter because leadership is not willing to fight for it. If you are not willing to fight for it, it won't happen.

What else could we have done? We could have repealed the waters of the United States rule, one of the most crushing rules that is hammering farmers and ranchers and poses an immense threat to jobs across this country. By the way, there is even some bipartisan opposition to it in this body. But fear not, next week we have a show vote on the waters of the United States bill scheduled. Leadership is very happy. We will have a show vote. We will get to vote, and it will fail.

Every farmer and rancher that is facing hundreds of thousands of dollars in costs because of this rule should rest assured that our show vote will allow us to pretend to be with them. Why not attach to this a provision rescinding the waters of the United States? Because that would actually prompt a fight.

How about another option on the spending side? How about putting in a work requirement for welfare? In the mid-1990s, welfare reform was one of the most successful policy reforms in modern times. It moved millions people off of welfare and into work, out of poverty and into the middle class. It lifted their spirits, their hopes, their dreams. It provided the dignity of work. It provided children with homes that were more stable, had more future and more opportunity. We could have added that to this. Is that here? No. Why? Because President Obama would fight it. It is contrary to his big government agenda to expect anyone receiving welfare to work or look for work.

By the way, let me say as an aside, that you are not helping anyone when you make them dependent on government. You are not doing them a favor when you sap them of the dignity and self-respect of going to work. Arthur Brooks has a wonderful new book out. One of the things that he talks about is the happiness that comes from going to work and working hard, the dignity that comes from looking your kids in the eyes and having a job.

The Democrats are not helping the people they trap with dependency; they are hurting them profoundly. I have said many times that when my dad was a teenage immigrant in the 1950s, washing dishes and making 50 cents an hour, and he couldn't speak English, thank God some well-meaning liberal didn't come put his arm around him and say: Let me take care of you. Let me make you dependent on government. Let me give you a check. Let me sap your dignity and self-respect. It would have been the most destructive thing you could have done to my father.

We could have fought that fight. But did we do that? No.

What about adding a provision of Internet tax freedom—permanently? The Internet will be tax free in perpetuity. I tried to bring that up numerous times. The Democrats can be expected to routinely block it. Why? Because they want to threaten taxing the Internet. That is some money. Ain't nothing politicians in Washington like more than a chance to get their grubby little hands on our dollars and our freedom.

How precisely did we lose this fight if in the course of this we simply attached permanent Internet tax freedom to this fight? Are Republicans really that lousy at political battle that we fear the President would shut down the government, blame us, and we would collapse in ignominy because we fought for Internet tax freedom? Holy cow—if we are that bad at this, why are we doing this?

I have one other option. How about auditing the Federal Reserve? That is something else that has bipartisan support, something else that would address the effects of debasing the currency. One of the effects of debasing the currency is seniors, people who saved their whole lives are seeing their savings devalue. They are people who are struggling and living paycheck to paycheck. Single moms are finding it harder and harder to make ends meet. Those are seven things we could have added to this.

By the way, I would note that when leadership says, ''Gosh, you are being unrealistic to expect us to fight,'' I didn't say any one of those is a must-have. I gave a choice of seven. Is it really the case that we could have fought for nothing? Is that really the case? That is what leadership tells us. No, nothing pro-growth, nothing limiting spending, nothing addressing any of the promises we make—that is the position of leadership.

I ask my Republican colleagues to name one thing President Obama is unhappy with regarding this deal. There is an old line that if it is a good negotiation, both sides are unhappy, both sides will have given something. Name one thing that President Obama is unhappy with. What did we get in return? Name one thing. The answers to both questions are exactly the same—nothing.

The fact is, President Obama has already told us what he thinks of this deal. Just this week he stated: ''I'm pretty happy about the budget deal because it reflects our values.'' Whose values are those? He is right. This budget deal reflects the Obama values. Who negotiated this budget deal? That would be Republican leadership. What does it say that Republican leadership's budget deal gives President Obama everything he wants because it reflects Obama's values? This is why the American people are so frustrated. We keep winning elections and nothing changes.

In 2009, we were told that if only you had a Republican majority in the House of Representatives, then things would be different. We rose up, and millions of us in 2010 won a majority. And very little changed. Then we were told the problem was the Senate—HARRY REID and the Senate. If only we had a Republican majority in the Senate, then things would be different. In 2014, millions of Americans rose up again, and we won another historic tidal wave victory. We won nine Senate seats and retired HARRY REID as the majority leader. The Presiding Officer and I have been here 10 months. Is there one single accomplishment we can point to that the Republican majority has given to the men and women who elected us? Mind you, there are things we have accomplished. It just wasn't anything we promised the men and women back home.

One of the things I discovered as a freshman is how often leadership would effectively pat you on the head and say: Now, son, that is what you tell the folks back home. We don't actually do it. You don't expect us to actually do those things.

A few weeks back, I was meeting with a number of House Republicans. I suggested to them to go back to their districts and convene a townhall and set up a whiteboard and just ask their constituents: What should be the top priorities of Republican majorities in both Houses of Congress? Make a list. If you make a list of 20 things from your constituents—the Presiding Officer is from Nebraska and I am from Texas—I guarantee you that of those 20 things at least 18 of them will be nowhere on the leadership's priority list. They are simply not what majorities are endeavoring to do.

The second thing I suggested to the House Republicans was to go down to K Street and assemble the biggest lobbyists in Washington. Take out that same whiteboard and ask them: What are your top priorities? Write a list of 20 things, and 18 of them will be leadership's priorities. That is the divide.

People ask me: Is it that leadership is unwilling to fight? Is it that they are not very good? Do they not know how to fight? Sadly, it is worse than that. They know how to fight. They are actually quite capable of it. They are willing to fight. It is whom they are fighting for. Washington is working, but it is just not working for the American people. It is working for the giant corporations, it is working for the lobbyists, and it is working for the rich and powerful. Six of the 10 wealthiest counties in America are in and around Washington, DC. That is whom the Washington cartel works for. That is the basic divide.

Indeed, as we look back over the last 10 months, one is left with the conclusion—and a rather shocking conclusion—that Majority Leader MCCONNELL has proven to be the most effective

Democratic leader in modern times. Now, that is, in the parlance of Washington, a surprising statement.

Let's take a moment to review the statistics. Between January and September 30 of this year, there have been a total of 269 rollcall votes. In the same time period in the prior Congress under HARRY REID, there were 211 rollcall votes. Let's look at the differences, and in particular, I want to focus on the total number of times a majority of Democrats voted aye, a majority of Republicans voted no, and the measure passed.

Now, if someone is an effective Democratic leader, you would expect them to be able pass legislation when a majority of Democrats support it and a majority of Republicans oppose it. Indeed, if you are a partisan Democrat, that would be almost the definition of an effective Democratic leader. Nineteen times in the last 9 months, this so-called Republican majority has passed legislation and has had a vote succeed where a majority of Democrats supported it and a majority of Republicans opposed it.

One example we can look to is DHS funding—funding for the Department of Homeland Security when President Obama issued his lawless and unconstitutional Executive amnesty.

Republicans across the country campaigned, promising to stop it. The Presiding Officer and I campaigned together in his home State of Nebraska. I spent 2 months in the year 2014 campaigning with Republican Senate candidates all over this country. I think for those 2 months before that election I slept in my own bed about 5 days. Over and over again, Republican Senate candidates said: If you give us a majority in the Senate, we will stop this unconstitutional amnesty.

I have to tell my colleagues I shared with Republican leadership, How about we honor that commitment. The response from leadership was, I didn't say that. I can tell my colleagues Senate candidates across this country did because I was standing next to them when they said it.

What happened? When we voted, all 45 Democrats voted aye; 100 percent of them. That is impressive for a leader to get 100 percent unanimity among his party. Notice I said ''his party.'' There is a reason I said that. Right now, sadly, the majority leader MITCH MCCONNELL is the most effective Democratic leader we have seen in modern times. One hundred percent of the Democrats were united. How about Republicans? Well, 31 voted no and 23 voted yes. So under this majority leader, the Democrats had their way and a majority of Republicans lost.

Surely that is an outlier. Yes, the President was behaving lawlessly. Yes, he was behaving unconstitutionally. Yes, indeed, he was behaving, in his own terms, like an emperor. Let me note calling a President an emperor, that is fairly overheated rhetoric, but it is not my rhetoric, it is President Obama's.

President Obama was asked by activists, could he decree amnesty unilaterally, and he said: I don't have the constitutional authority to do so. I am not an emperor. Those are Barack Obama's words: I am not an emperor. Just months later, magically, that same power he said he didn't have under the Constitution—just months before a Presidential election—it materialized. Suddenly, the man who said ''I am not an emperor'' apparently became an emperor, in his own assessment. Yet what did the Republican majority in the Senate do? It joined with 100 percent of the Democrats to overrule a majority of the Republicans in funding President Obama's lawless amnesty, acting as an emperor.

The Presiding Officer and I both sat through a Republican lunch a couple of weeks ago where our colleagues were quite puzzled why approval of the Republican majority is at such low levels. They couldn't understand why right now Republicans in Congress have a 10-percent lower approval rating than we had in the middle of the shutdown. They were utterly befuddled by this. I am going to suggest a very easy reason. When our leader acts like an effective Democratic leader, the people who elected us, their heads explode. Surely one might say this is an isolated example.

Well, let's look at the next example, yet another example, the Bennet climate change amendment. This climate change amendment said climate change is real, it is manmade, it is a national security threat, and we need to act to stop it. Listen, let me say something on global warming. I am the son of two mathematicians and scientists. I believe we should be driven by the scientific evidence. Sadly, the far left is not interested in science or evidence, they are interested in politics and political power. So when it comes to global warming, they do not want to confront the inconvenient truth, as Al Gore might put it, that the satellite data demonstrates there has been no significant warming whatsoever for 18 years. They get very angry when we point that out.

We had an amendment on that. How many Democrats voted for it? Oh, look, again, 46, 100 percent, every single Democrat. How many Republicans voted against it? Forty-seven and just seven Republicans voted for it. Yet it passed.

That is an impressive victory for a Democratic leader. We just have 46 Democrats. For a Democratic leader to get a win with just 46 Democrats, that is impressive. That is what the current majority leader did. He produced a win, ran over the wishes of 47 Republicans.

Let's use another example: a motion to waive the budget rules on H.R. 2. This was the so-called doc fix. The doc fix has been a perennial challenge in Congress. It is part of Medicare that assumed unreasonable cuts in doctor reimbursement rates. For a time, it served a purpose. It actually allowed Washington politicians to shake down the doctors election after election after election to write checks. So for a time the Washington cartel liked the doc fix, but it came time to get rid of it, and getting rid of it was a good thing. Here is the problem. When we got rid of it, we didn't pay for it. We just put it on a credit card. We didn't do the hard work of figuring out how to pay for it, we just accepted more debt. Well, but at least it is not that much more debt. Well, unfortunately, it is. This so-called doc fix will spend more than $200 billion and add more than $140 billion to our deficits over the first 10 years and more than $500 billion to our Nation's deficits over 20 years—$500 billion. Look, even in the world of Washington, $500 billion is real money, but surely it is unreasonable to expect anyone to figure out how to pay for a doc fix.

It is interesting that since 2004 Congress has passed periodic doc fixes, and since 2004 doc fixes have been fully offset 94 percent of the time—and 98 percent of the time if we count some of the budget gimmicks. If we count the gimmicks, it is 98 percent of the time. Just this time, $500 billion, no, we are not going to offset that. We are just going to put it on the credit part. After all, Obama has a platinum-encrusted, glow-in-the-dark AmEx. We will put it on your kids and my kids.

What does that irresponsible profligate spending do? Well, how many Democrats voted for it? There is a surprise, every single one of them: 46 Democrats. The Republicans: 29 Republicans vote no, 25 vote yes. Now, for a Democratic leader, what a great victory. A Democratic leader, with just 46 Democrats, added $500 billion in spending without paying for it. Holy cow. I don't recall HARRY REID ever being able to campaign saying: Give me a Democratic majority and I will add $500 billion in spending without paying for it. This is an accomplishment the prior Democratic leader, HARRY REID, was not able to achieve. Yet the current majority leader got this win for the Democrats.

Let's look at the next example: Confirmation of the Attorney General, Loretta Lynch. I serve on the Judiciary Committee. I participated in multiple hearings where Ms. Lynch over and over again refused to acknowledge any limits on President Obama's authority whatsoever. When Ms. Lynch was asked how she would differ from Eric Holder, who has been the most lawless and partisan Attorney General this Nation has ever seen, she said: No way whatsoever. When pressed repeatedly if she could articulate even a single limit on the authority of this President, who has since implicitly declared himself an emperor, she refused to articulate even a single limit. When asked if she would appoint an independent prosecutor to investigate the IRS for wrongfully targeting citizens because of their free speech, because of their political views—mind you, something

that when Richard Nixon tried to do it, the career professionals at the IRS refused. Richard Nixon was rightly denounced in bipartisan terms for attempting to use the IRS to target his political enemies. When the Obama administration not only attempted but succeeded in doing so, no one has been held to account. Instead, the Holder Justice Department, appointed and charged with the investigation a major Democratic donor who has given over $6,000 to President Obama and the Democrats. There is a Yiddish word for that, ''chutzpah.'' When you appoint a major Obama donor to be in charge of the investigation as to whether the Obama administration is targeting the political opponents of the President, miraculous, miraculous, the results we just saw: a whitewash, everyone was exonerated.

Mistakes were made, we were told. It was rather classic. They used the same passive tense, passive voice as in the Watergate scandal: Mistakes were made. Yes, mistakes were made. Well, Ms. Lynch told us, no, she would not appoint a special prosecutor.

Now, a number of Members of this body, a number of Republicans voted to confirm Eric Holder. That may or may not have been a mistake. I was not here at that time. I did not have the opportunity to examine his record prior to his being appointed Attorney General. I can understand those who voted yes. Prior to becoming Attorney General, Eric Holder had built a reputation, by and large, as a law-and-order prosecutor, and so we can understand Senators who would believe that his tenure as U.S. attorney, his tenure as Deputy Attorney General might suggest he would not be partisan in laws. With Ms. Lynch it was qualitatively different. With Ms. Lynch she told us she would do the very same thing.

I suspect that quite a few people on this side of the aisle have given speeches about the IRS target. No one should be surprised the Department of Justice has now exonerated everyone, because, you know what, we confirmed the Attorney General who basically told us she would do that. I would note, by the way, the majority leader had complete and unilateral authority. If we hadn't taken up this nomination, she would not have been confirmed. Indeed, when President Obama put in place his illegal Executive amnesty, I publicly called on the soon-to-be majority leader. If the President violates the checks and balances of the Constitution, if the President usurps the authority of Congress, if the President ignores our immigration laws, then the majority leader should have responded and said the Senate will not confirm any Obama nominees, executive or judicial, other than vital national security positions, unless and until the President rescinds his illegal amnesty.

Now, that would have been strong medicine, to be sure. That is a serious pushback. It happens to be an authority directly given to the Congress by the Constitution as a check and balance. How do we get an imperial Presidency? We get an imperial Presidency when the other branches of the government lie down and hand over their authority. Nothing prevented the majority leader from doing so, other than that violates the norms of the Washington cartel, and so instead it was the majority leader who brought this up for a vote. And what happened? Sadly, there is no drama or suspense anymore in looking to what happened. With the Democrats, all 46 Democrats voted to confirm Loretta Lynch—all 46—and 34 Republicans voted no. Yet she is confirmed, and the lawlessness continues at the Department of Justice.

I have to say for a Democratic leader, it is not clear to me HARRY REID could have gotten this done. HARRY REID, in charge of this floor, with just 46 Democrats, it is not clear to me at all he could have gotten this done, but I have to say, Leader MCCONNELL has proven to be a very effective Democratic leader. With just 46 Democrats, the outcome is exactly what HARRY REID and the Democrats would want.

Is this not a curious state of affairs? Why is a Republican majority leader fighting to accomplish the priorities of the Democratic minority?

We will look at one other example, the Export-Import Bank. Now, President Obama, when he was Senator Obama, described this as a classic example of corporate welfare. Over $100 billion in taxpayer-funded loan guarantees going to a handful of giant corporations, predominantly. Yet as we talked about before, if there is one thing the Washington cartel is good at, it is corporate welfare. The Export-Import Bank, how many Democrats? Here is a shot: Only 42 Democrats, not 100 percent. We had one, I believe it was BERNIE SANDERS. I will commend Senator SANDERS for standing up against this corporate welfare. On that, he and I are on exactly the same page. Yet 42 Democrats, just 22 Republicans in favor of this corporate welfare; 28 Republicans voted no. Yet what happens? It passes. Now, it is not at all clear that HARRY REID, as Democratic leader with just 42 Democrats—it is not at all clear he could have gotten this done, but Leader MCCONNELL, once again, is a very effective Democratic leader.

And I would note one of Speaker BOEHNER's parting farewells was to tee up the Export-Import Bank in the House of Representatives. It expired this summer. We talked before about how the Budget Control Act was one of the few victories Republican majorities could point to. Actually, the expiration of the Ex-Im Bank is another one. An example of over $100 billion of taxpayer loan guarantees to a handful of giant corporations, and it expired.

What does it say that in the period of 2 weeks Republican majorities in both Houses are working to undo not one but both of the only two meaningful victories the Republican majorities have produced? And, mind you, for the same reason—because the cartel demands it, because the giant corporations want it, and because they want checks.

What does that say? What does that say, indeed. Well, if you want to know what it says, we can look to the previous Democratic leader, HARRY REID, who tweeted out:

> I commend Senate majority leader for setting up a vote to reauthorize the Export-Import Bank. This bill is critically important for U.S. businesses.

Set aside how rich it is for the Democrats to be claiming to be fighting for U.S. businesses. Any time they say that, what they mean is cronies, because when Washington, particularly under the Obama administration, fights for U.S. businesses, it is giant corporations and not the little guys. Over and over and over again it is those who employ armies of lobbyists and lawyers and accountants who get favors from Washington, because when Washington is handing out favors, it empowers politicians. Ayn Rand wrote in ''Atlas Shrugged'' about how productive members of society, business owners, would be forced to go to parasitical politicians—although some suggest that is a redundant phrase—to go to parasitical politicians on bended knee begging for special dispensation. When you are standing for business, it means giant corporations that pay little to no taxes because they have tax loopholes carved in. It never means the mom and pop, it never means the little guy, it never means the Sabina Lovings of the world.

Who is Sabina Loving? Sabina Loving is a woman who testified before the Senate in a hearing I chaired a couple of weeks ago. Sabina Loving is an African-American woman, a single mom who started a small tax preparation company on the South Side of Chicago. The Obama IRS put in place new rules regulating tax preparation authority, rules for which they had no legal authority. In fact, they used a statute called the Dead Horse Act as their justification for regulating tax returns.

The Obama IRS regulation exempted lawyers, it exempted high-priced accountants, it exempted the rich and powerful, the giant accounting firms, but Ms. Loving, who started this business on the South Side of Chicago, was facing thousands of costs—costs she felt that would drive her out of business. Ms. Loving sued the IRS and Ms. Loving won. If you want a historic and incredible story of a single mom standing up against Big Government and the lawless regulations of the Obama IRS—well, you know what. Sabina Loving has no lobbyists in Washington. The Washington cartel doesn't listen to the Sabina Lovings. It listens to the rich and powerful corporations that write checks to both parties because it is one party, the party of Washington. That is the sad reality of where we are.

You want to know why the American people are frustrated. You want to know why they are ticked off. You

want to know why they cannot understand. It is not that we keep losing elections. That would be frustrating, but you could understand. We have to do a better job. We have to motivate people. We have to convince people. We have to get a message that resonates. We keep winning and the people we elect don't do what they said they would do.

By the way, to leave the Ex-Im Bank unauthorized all Congress had to do was do nothing. If there is one thing the U.S. Congress is good at doing, it is doing nothing.

Yet the phrase that gets repeated so often—Washington is broken—is actually not true. Washington is working. It is just not working for the American people. It is working for the cartel, it is working for the lobbyists, the giant corporations, and those with power and influence in the Obama administration. This deal is a classic example of the Washington cartel.

I would note, by the way, today we have a new Speaker of the House, PAUL RYAN. I congratulate PAUL RYAN on his speakership. I hope we see bold, principled leadership from the new Speaker. One of the things Speaker RYAN articulated was the Ryan rule, that under Speaker RYAN they would not bring to the floor of the House any bill that didn't have majority support among the Republican conference.

I ask the Presiding Officer: Why doesn't Majority Leader MITCH MCCONNELL articulate a similar rule for the U.S. Senate? If the Ryan rule is good enough for the U.S. House, why is the Ryan rule not good enough for the U.S. Senate?

In every one of the examples I just gave were a majority of Democrats—in fact typically unanimous Democrats—beat a majority of Republicans. Every one of those would never have come to the floor if the Senate followed the Ryan rule. How about that for a meaningful reform; that if the majority leader disputes the characterization that he is the most effective Democratic leader modern times has seen, how about the majority leader promulgate a similar rule to the Ryan rule, that we will not bring to the Senate floor something that does not have majority support from Republicans. That would be a sensible reform. Sadly, I think the odds of it happening are not significant.

Here is the reality that the American people understand and it frustrates them. The cartel is all one happy home. The lameduck Speaker on his way out will no doubt land in a plush easy chair in the Washington cartel, will soon be making millions of dollars living off the cartel. The lameduck President when he moves on, like Bill Clinton before him, will make hundreds of millions of dollars. The cartel operates as one. In the Senate we have one leadership team. It is the McConnell-Reid leadership team, and in the House we have had the Boehner-Pelosi leadership team. They operate in complete harmony in Washington. That frustration is what is driving the growing and growing rage of the American people every day.

The truth is Republican leadership does not spend time thinking, How do we beat President Obama? How do we beat HARRY REID? How do we beat NANCY PELOSI? How do we change any of these disastrous policies that are hurting millions of Americans? Instead, leadership spends all their time thinking, How do we beat the conservatives in the House? How do we crush this freedom caucus—these crazy radicals who actually believe we do what we said we would do. What a shocking, revolutionary, radical statement for Washington, DC, that elected officials actually do what we told our constituents we would do.

Republican leadership with recent deals on Planned Parenthood—Republican leadership led the fight to fund Planned Parenthood. Indeed, their press team went to the press and said: Isn't it great, we boxed out conservatives. We played the procedural game so there was nothing conservatives could do to stop $500 million in taxpayer funding for Planned Parenthood. What does it say when I said Majority Leader MCCONNELL is the most effective Democratic leader we have seen in modern times? You know what. HARRY REID didn't spend that much time thinking about how to beat Republicans. Leader MCCONNELL spends more time focused on how to defeat conservatives than HARRY REID ever did. That is the problem. It is our own leadership that cooks up deals.

Why do you think we are voting at 1 o'clock in the morning? Is that an accident? It is by design, 1 o'clock in the morning. Pay no attention to the man behind the curtain. Pay no attention to another $85 billion in debt. Pay no attention to the fact that it is the Republican majority giving a blank credit card to Barack Obama. Votes at 1 in the morning, Republican leadership hopes no one notices, so right after we vote on it we can run out, get on planes, and fly home to our constituents, and say: We have to stop the debt.

I shudder to think for anyone standing too close to a politician who says we have to stop the debt after voting for this, the lightning strike that may hit them—the mendacity of this city.

Leadership always counsels prudence and reasonableness. How is it prudent to continue bankrupting this Nation? How is it prudent to have gone from $10 trillion to over $18 trillion in debt? How is it prudent to stay with languishing economic growth. From 2008 to today, the economy has grown on average 1.2 percent a year. That is prudent? How is it prudent to watch as your children and my children's future is washed away? How is that reasonable? How is that pragmatic?

Why are we not instead trying to fix these problems and not even just fix them all, not even solve everything with a perfect magical bow—because leadership plays this game: ''You can't let the perfect be the enemy of the good.'' Where is the good?

Leadership's position is we can't do anything. Leadership's position is that with Republican majorities in both Houses, we should spend more—$85 billion—than we did with a Democratic majority, $63 billion. Leadership will harumph us about expectations. You shouldn't set unreasonable expectations. Gosh, it seems to me it was leadership who said if we had a Republican majority in the Senate then we would fight.

On what are we willing to fight? We may have some more show votes. By the way, we just had a show vote on sanctuary cities and Kate's Law. Why wasn't Kate's Law attached to this bill? Why wasn't sanctuary cities attached to this bill? Because that was something we actually campaigned on and we promised our constituents and the Democrats wouldn't like that.

Remember my question: What in this is Barack Obama unhappy about? Nothing. Because leadership's position is we can do nothing. If we can do nothing then it makes one wonder what was all the fuss about winning the majority?

I don't believe we can win every fight. I don't believe we can magically transform everything—at least not without winning the Presidency—but surely the alternative is not we can do nothing. Is there not a reasonable middle ground that we can accomplish something?

I would note the last time we had Republican majorities in Congress and a Democratic President was Newt Gingrich as Speaker of the House and Bill Clinton as President. We accomplished a great deal. We accomplished welfare reform. We balanced the budget. What have these Republican majorities done? Made the problem worse.

As a result, with apologies to the late great journalist Michael Kelly, I want to sum up my views as simply saying I believe.

I believe. I believe what Republican leadership tells us. I believe that every time the mainstream media echoes, leadership listens. Of course it is right that we cannot set expectations too high. We cannot promise too much. We cannot be expected to deliver on any of our promises.

I believed Republican leadership when they said if only we had a Republican majority in the House, then we would stand and fight. After winning the House in 2010, I believed the leadership, that if only we had a Republican majority in the Senate also, then we would stand and fight.

Today I believe Republican leadership that if only we had 60 votes in the Senate, then we would stand and fight. And if we were to get 60 votes, I will believe Republican leadership when they tell us, that if only we had 67 votes in the Senate, then we will finally stand up and fight.

I believe that there is no way Congress could do anything whatsoever to

stop ObamaCare or even to try to provide meaningful relief to millions who are hurt by that failed law every day.

I believe that Congress has no power to do anything about the President's unconstitutional Executive amnesty or sanctuary cities or anything else that might secure our borders.

I believe that Republican majorities in both Houses of Congress can do nothing meaningful on spending or the debt or tax reform or regulatory reform, that we can do nothing to rein in the EPA or CFPB, no matter how many millions of jobs they kill.

I believe that Congress must acquiesce to the Obama administration's declaring the Internet to be a regulated public utility and the administration's attempt to give away control of the Internet to an international cartel of stakeholders, including Russia and China.

I believe that Congress can do nothing—absolutely nothing—to stop this catastrophic Iranian nuclear deal. Yes, it will send over $100 billion to the Ayatollah Khamenei, who chants ''Death to America'' in front of mobs burning American and Israeli flags, and even though it threatens the security of Israel and potentially the lives of millions of Americans.

I believe that Congress has the constitutional power of the purse, but I believe Congress can still do nothing whatsoever to protect the American citizens.

I believe that Congress can do nothing to protect religious liberty or free speech, that Congress must quietly accept an IRS that targets citizens for exercising their constitutional rights and a President who ignores Federal law and Federal judges who disregard the text of the Constitution.

I believed Republican leadership when they promised the American people that if only we had congressional majorities, we would fight ObamaCare and amnesty and lawlessness. And today, I believe Republican leadership when they say: Of course we cannot and will not do any of that. It was unreasonable for anyone to have believed those promises in the first place.

I believe that anytime President Obama threatens a shutdown, Republican leadership is exactly right to surrender and fund all of Obama's Big Government priorities, to fund ObamaCare and amnesty and Planned Parenthood and the Iranian nuclear deal. Otherwise, Obama might shut down the government and it would be our fault. So we must do whatever he demands no matter what.

I believe that it is unreasonable—radical even—to expect Congress to do any of the things we promised the voters on the campaign trail.

I believe that when a Republican Speaker joins with NANCY PELOSI and the Democrats to fund all of Obama's priorities, that it is the Republican Freedom Caucus who are the crazy ones saying we should stand for something.

I believe that when the Republican Senate majority leader publicly promises there is no secret deal to reauthorize the Export-Import Bank and then 1 month later contorts procedural rules to force through the deal that he had claimed did not exist, that it is not his public lie that matters but, rather, it is the junior Senator who has violated decorum by pointing it out, out loud.

I believe that the only thing we can expect Republican majorities to do is expand government, reauthorize corporate welfare, and grow the debt. That is called governing—always said one octave lower in Washington. Governing is measured by how many bills you pass, and one cannot govern without agreeing with Democrats across the board. If we pass a lot of bills, even if they do nothing to address the debt or bring back jobs or economic growth and even if they actually expand Washington power and make the problem worse, then I believe we should celebrate.

I believe that Democrats can never be forced to compromise on anything, that it is always unreasonable to ever try to win a political battle with them, and so it must always be the Republicans who agree to the Democrat's Big Government priorities. I believe the only way Republicans can win is to continue making these same mistakes over and over and over again.

Of course, I do sometimes wonder why it matters if we have Republican majorities in Congress. After all, leadership has told me that they cannot accomplish anything different from the Democrats, that it is an unreasonable demand to expect them to fight Obama on anything. Since it is only the crazy ''kamikaze caucus'' who thinks we can fight Obama on any issue, anything whatsoever, I believe that leadership is right to fight on nothing, to pass the very same bills filled with pork and corporate welfare, the Export-Import Bank, ObamaCare funding, and amnesty, and confirm the very same Attorney General the Democrats would have confirmed.

I do wonder sometimes, as Hillary Clinton would have put it, what difference does it make? But then I put aside such foolish thoughts. Instead, I believe.

MORNING BUSINESS

Mr. CRUZ. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, Republicans continue to object to requests for unanimous consent on basic things we should be able to do in a bipartisan manner here in the Senate. In addition to my request about gender discrimination, Republicans have previously objected to unanimous consent requests to allow votes on noncontroversial judicial nominees with bipartisan support to fill vacancies in our Federal judiciary. These requests are not remotely controversial; yet the Republicans continue to obstruct for obstruction's sake.

Since the Republicans took over in January, their leadership has allowed only nine judges to be confirmed. A few district court judges have been confirmed in the last few weeks, but this recent increase in activity is in sharp contrast to their inaction all year. When Senate Democrats were in the majority during the last 2 years of the Bush Presidency, we had already confirmed 34 judges by this point—nearly four times more judges than Republicans have confirmed this year.

Republicans have tried to justify their poor record by accusing Senate Democrats of scheduling votes for 11 judges during the lameduck session last December. They suggest that those 11 confirmations under last year's Democratic majority should somehow be counted towards this year's confirmation numbers. First, it is well-established Senate precedent to approve all pending consensus nominees before the end of a year. And second, even if we did ignore reality and count these 11 judges towards the Republicans majority's record, that would only bring their count up to 20 confirmations this year. That is still far behind the 34 nominees that Democrats confirmed in the last 2 years of the Bush administration.

The glacial pace in which Republicans are currently confirming uncontroversial judicial nominees is a failure to carry out the Senate's constitutional duty of providing advice and consent. We should be responding to the needs of our Federal judiciary so that, when hard-working Americans seek justice, they do not encounter the lengthy delays that they currently face today. Because of Republican obstruction, judicial vacancies have increased by more than 50 percent since they took over the majority this January and caseloads are piling up in courts throughout the country.

We can and should take action right now to alleviate this problem by holding confirmation votes on the 16 judicial nominees pending on the floor. A number of these pending nominees have the support of their Republican Senators; yet they continue to languish on the calendar without a vote.

If Republican obstruction continues and if home State Senators cannot persuade the majority leader to schedule a vote for their nominees soon, then it is unlikely that even highly qualified nominees with Republican support will be confirmed by the end of the year. These are nominees that members of the majority leader's own party want confirmed, including several from Tennessee and Pennsylvania. Last week,