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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, February 1, 2013, at 11 a.m.

## Senate

THURSDAY, JANUARY 31, 2013

The Senate met at 9:32 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

### PRAYER

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

Let us pray.

Almighty God, whose attributes are both majestic and manifold, strengthen our Senators, enabling them to live this day to the fullest. Give them the humility to be more concerned about being on Your side than assuming that You are on their side. May they combine confrontation and compromise as they work together to find solutions for our national problems. Lord, help them to give precedence to principle over party, as they seek to honor You with their lives. Today, fill this legislative Chamber with Your presence, so that Your will will be done on Earth even as it is done in Heaven.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 31, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

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

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, the majority leader has suggested that I go ahead, and, therefore, I will.

### THE ECONOMY

Mr. MCCONNELL. Mr. President, yesterday, we learned our economy contracted for the first time in more than 3 years. This news comes, of course, after President Obama spent an entire election promising Americans that a return to robust economic growth was right around the corner and little more than 1 week after the President said in his inaugural address that "economic recovery has begun."

I am not so sure the people of Kentucky would agree with that assessment, given that the unemployment rate there is still above 8 percent. But this is not the first or the second time

this White House has oversold the recovery. It is not even the third or fourth time. A lot of us remember the "summer of recovery." A lot of us also remember when the Vice President promised the stimulus would "literally drop-kick" us out of the recession.

Look, if the White House spent nearly as much time trying to actually fix the economy as it did claiming it was fixed—and then finding excuses and scapegoats when its premature pronouncements turned out to be false—I suspect the economy would actually be doing better than it is today. But the President seems not to have learned that lesson because, just yesterday, he tried to pin the latest negative economic news on congressional Republicans once again.

The President can make any excuse he wants, but it is not going to help Americans find jobs.

One thing the President could have done instead of wasting so much time blaming others would have been to convene the Jobs Council he created amidst so much fanfare. He has not done that for more than 1 year. In fact, from what I understand, the Council is expected to actually disband today after having met only four times since 2011.

We have had 4 years of the Obama economy. It has not worked. This would be the time to try something new. But the President seems content to simply double down on more of the same. He wants to spend more, which would only worsen our trillion-dollar deficits. The very same President who

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



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warned against raising taxes in a down economy is proposing to raise taxes in a down economy. He is clearly getting a big assist on that front from the chairwoman of the Budget Committee, who says she is going to include tax hikes in the Senate Democrats' budget plan. That is a bad enough idea to begin with, but it is especially counter-productive considering yesterday's dismal growth numbers, because there are two things we know about tax increases for sure; first, they reduce jobs and hurt economic growth; second, they distract us from addressing the real problem, which is spending.

As I have explained repeatedly on the floor over the past 2 weeks, government spending is completely out of control—completely out of control—and it is projected to get much worse in years to come. Even if the President got the additional tax increases he is asking for, we still would not even come close—not even close—to solving the problem. We certainly will not get there by wasting time on poll-tested PR gimmicks that will hardly bring in any revenue. Every minute the administration spends talking about corporate jets is 1 less minute we have to discuss serious ways to confront the challenges we face. Clearly, it is the spending we have to deal with, and now is the perfect time to do so.

The key to robust recovery is freeing the private sector to grow and to create jobs. We can do that by making government more efficient, by reforming spending, and by eliminating programs that do not work—which happens to be the very same things we need to do to get our fiscal house in order.

Economic growth and debt reduction can actually go hand in hand but only if we pursue the right policies. As a first step, let's stop making things worse than they already are. Threatening families and businesses with even more job-killing tax hikes is clearly counterproductive and so is trying to borrow more money from China to fund more failed stimulus packages.

The President and his allies have had 4 years—4—to put their ideas into practice. Those policies have failed. It is time for a new approach. If Democrats are ready to finally get serious—to end the blame game and pursue real growth policies—then Republicans are here to show them the way forward to a stronger economy and to a more secure future.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SCHATZ). The majority leader is recognized.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will begin consideration of H.R. 325, the debt limit legislation. The time until 12:15

p.m. will be equally divided and controlled. At 12:15 p.m., there will be a rollcall vote in relation to a Portman amendment. Following that vote, the Senate will recess until 2:15 p.m. to allow for caucus meetings. At 2:15 p.m., there will be as many as five additional rollcall votes.

#### GOVERNMENT SPENDING

Mr. REID. Mr. President, just a brief comment on the statement of my friend, the Republican leader.

He continues bad-mouthing the recovery. We are in a recovery. The moral of the fourth quarter is a repudiation of the Republican playbook. Growth went down in the fourth quarter because of reduced government spending and a reticence of the private sector, as Congress fought over the fiscal cliff. That fight came as a result of the Republicans being so unreasonable. When we were finally able to work something out that was a compromise, it was good for the economy. The economy was rejecting the austerity and brinkmanship.

So let's hope the Republicans will understand that we have to move forward, that the Republican playbook of continually complaining about spending is something—we know we have to do something with spending. We understand that. But there is more to making our economy recover than just continually harping on what is going on with spending.

Everyone recognizes we have to do something with spending, but we also have to do something to have a fair program. Is it fair that to this point all spending cuts have come from non-defense spending? The answer is no. Is it fair that the Republicans continue to want to go after Social Security, Medicare, even food stamps that hits the poorest of the poor?

Let's start talking about fairness. Even Presidential nominee Romney said he had all these tax loopholes that he believed should be closed. We agree with Mitt Romney, and we would hope the Republicans would agree with their nominee for President. That is where we should be looking—to have a fair approach to what we do with sequestration and balancing the budget.

#### THE DEBT LIMIT

Mr. President, later today the Senate will vote on the House-passed legislation to suspend the debt ceiling until this summer and remove the specter of default hanging over the Nation's economy. I expect this legislation will pass on a strong bipartisan vote, sending the message loudly and clearly that while we are willing to negotiate, we will not engage in another irresponsible debate over whether the U.S. Government should pay its bills.

I would remind my Republican colleagues that most of them voted to incur the debts now coming due. Suspending the debt limit will not authorize a penny of new spending, but it will ensure we pay the bills we have already incurred.

What are some of those bills we have incurred?

We have had two wars going on that have been unpaid for with real money. We borrowed the money. Every Republican voted for these wars. So we should pay our bills.

I was reassured by the House Republicans' decision last week to back off their reckless threat to hold the debt ceiling hostage. Suspending the debt limit will not authorize a penny of new spending, but it will ensure we pay the bills we have already incurred.

The legislation before the Senate sets an important precedent that the full faith and credit of the United States will no longer be used as a pawn to extract painful cuts to Medicare, Social Security, or other initiatives that benefit the middle class. A clean debt ceiling increase that allows the United States to meet its existing obligations should be the standard.

Congress will continue to work to reduce the deficit but will do it without the threat of default. We have already made \$2½ trillion in historic, bipartisan deficit reduction—\$2½ trillion. Democrats believe we should do more. It is critical that we use a balanced approach that couples smart spending cuts with revenue from the wealthiest Americans and from closing the wasteful tax loopholes I have just talked about.

Obviously, Democrats would prefer a longer suspension of the debt ceiling, which would provide additional economic security and stability as we continue to find ways to decrease the deficit. Raising the possibility that the United States could default on its obligations every few months is not an ideal way to run government. But a short-term solution is better than another imminent manufactured crisis.

Every Republican admits that default would rock our financial system to its core. However, injecting uncertainty into the system every few months also has a chilling effect on the economy. This insecurity does not just affect big investment banks or wealthy investors, it costs jobs. All around the country, ordinary Americans with 401(k)s and college savings accounts are affected. I am glad Republicans set aside their plan to gamble with default. It was bad politics and even worse policy.

Middle-class Americans remember the last time the Republicans put us through a protracted fight over the debt ceiling in an effort to force deep cuts to Social Security, Medicare, and other programs important to the middle class. Middle-class Americans remember how the tea party-driven Republicans forced the Nation to the brink of default in 2011, sending the stock market into a tailspin and prompting a historic downgrade of America's credit rating. Middle-class Americans remember how the economy suffered and our bottom line suffered

with it. Middle-class Americans remember the consequences of the Republicans' willingness to threaten a national default. I am relieved that this time Congress was able to reach a compromise and avert a fight so middle-class families can get the certainty they badly need.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### ENSURING THE COMPLETE AND TIMELY PAYMENT OF THE OBLIGATIONS OF THE UNITED STATES GOVERNMENT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 325, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 325) to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and that the time in quorum call be equally divided.

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

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, thanks in part to filmmaker Steven Spielberg, there is renewed interest today in America's 16th President, Abraham Lincoln.

A century and a half ago, during one of the most critical times in American history, Lincoln faced a nation divided by ideology and war. Only through fierce determination and moral courage was Lincoln able to preserve the Union.

Today, we again are in an ideological divide. Too often, Congress fails to agree on key social and economic issues.

Politics is winning out over progress. Like the America of the 1860s, the unwillingness to compromise has crippled our ability to move forward as a nation.

As we discuss America's fiscal responsibility today, I would like to share the words of Lincoln. One of my favorite quotes is this: "You cannot escape the responsibility of tomorrow by evading it today."

As a nation we have a responsibility to fulfill existing commitments to pay our bills, and it is a responsibility we

cannot evade. As we know, the Federal Government officially hit its current authorizing spending limit—also known as the debt ceiling—on December 31, 2012.

Over the past month, the Treasury Secretary has been using extraordinary measures to continue funding the government and sending out Social Security checks and veterans' benefits. Treasury's action only bought limited time. The debt limit deadline was moved from December 31 to mid-February or early March. Needless to say, a feeling of uncertainty has spread across the country. However, on January 23, the House of Representatives approved a plan to ensure America can meet our obligations through May 18.

The bill, H.R. 325, which we have before us today, also provides an incentive for action on the Federal budget. The legislation includes a provision that would withhold the pay of lawmakers in the House or the Senate if their Chamber fails to pass the budget blueprint by April 15.

Since 1917, Congress has always taken appropriate action to avoid defaulting on America's bills. We must continue to fulfill our responsibility. We must not fail now. There is too much at stake.

Failure to pass this bill will set off an unpredictable financial calamity that would plunge not only the United States but much of the world back into recession and more. Every single American would feel the economic impact. There would be radical cuts in military salaries, veterans' programs, Social Security benefits, and education. Tax refunds may not be issued, and our country's credit rating would almost certainly be downgraded significantly.

I understand the concern over America's deficits and debt. I share those concerns, and I strongly believe we must develop a long-term plan to cut the debt and get America's fiscal house in order.

Let me remind you, over the past 2 years we have made real progress at cutting deficits and debt. We have done so working together across the aisle.

In 2011, we passed \$1.4 trillion in spending cuts. Earlier this month, Congress passed legislation that reduced the deficit by another \$600 billion. Together, with interest savings, these two actions will cut the deficit by about \$2.5 trillion over the next 10 years.

Add to this the savings from winding down the wars in Iraq and Afghanistan and the savings to America's Federal budget reach almost \$3.5 trillion over 10 years—all together \$3.5 trillion over 10 years—which we already are doing as a consequence of winding down the wars in Iraq and Afghanistan. That is real progress.

In the coming weeks we will have to confront the deficit issue again when sequestration of spending programs starts on March 1. March 27, the day the continuing resolution for appropriations expires, brings tough choices. That is why we are here, to make the tough decisions, to do the hard work.

The threat of defaulting on our fiscal obligations is extremely dangerous. It puts America on unstable ground. We all are aware how our political brinkmanship of 2011 led to the first ever downgrade of our country's credit rating. It sent shock waves in stock markets across the globe and nearly crashed the American economy.

We have the opportunity today to avoid that calamity. We have the opportunity today to avoid another destructive budget battle. H.R. 325 ensures America can meet our obligations through May 18 and provides the Congress with a necessary calm between fiscal storms.

The House of Representatives adopted the bill by a bipartisan vote, 285 to 144, and it is supported by the administration. The bill before us is necessary to remove the threat of default that would throw the U.S. economy into chaos. It gives us time to work together on a sensible, balanced solution to our Nation's fiscal challenges without undermining the Nation's economy. It deserves our support.

I congratulate Speaker BOEHNER on his leadership with regard to this issue and the House for its bipartisan approach to a tough but necessary vote. Let's pass this legislation today and move on to the debate over what further deficit reduction options we need to help keep America's economy moving forward.

In the words of Lincoln: "The occasion is piled high with difficulty, and we must rise with the occasion."

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, right now the Federal deficit stands at roughly \$16.4 trillion. I don't know how anyone can hear that number and not be appalled, nor do I believe there will be, over 10 years, \$2.5 trillion in deficit reduction. In fact, I don't see any deficit reduction except, perhaps, bringing our soldiers back, but that is not particularly deficit reduction since it looks as though we are going to have difficulty maintaining the military with the strength it has had in the past.

Think about it, \$16.4 trillion. It is incredible. The Federal Government is currently operating with just \$25 million of so-called headroom underneath a statutory debt limit which, to be more precise, is \$16.394 trillion. We are told that we reached the debt ceiling at the beginning of the year, and in order for the government to pay for obligations without further borrowing, Treasury has been using so-called "extraordinary measures," such as changing the finances of certain Federal savings plans.

Sadly, the use of such measures has become the norm under this administration and under this Senate majority, where budget and debt decisions are continually made through last-minute, closed-door deals. I don't think the American people can stomach another cliff scenario. I don't think they

want to turn on the news and see another clock counting down to the latest in a string of perfectly avoidable crises.

There is a better way to legislate. I am not talking about some novel or unheard of approach. I am talking about doing things through the regular order. Anyone watching the Senate operate over the last few years probably doesn't know what I am talking about. There is a process that has been established to facilitate compromise and move even controversial pieces of legislation over the finish line.

Under this process bills are assigned to committees where they are debated and discussed in hearings and markups. Committees are able to consider and process proposals before legislation is brought to the Senate floor. While this system isn't perfect, moving a bill through the committee greatly improves its prospect for passage in a divided Senate.

This isn't meant to be a civic lesson. I know my colleagues understand how the committee process works. As we debate yet another major piece of legislation that hasn't gone through a committee, I don't think a reminder is out of order. We need to return the Senate to regular order, which includes processing budgets through the Senate Budget Committee and processing the debt limit through the Senate Finance Committee.

We are told if we pass this legislation, the administration will be able to borrow to be able to pay off incoming obligations until May 19. Then, presumably, we will be back to the use of "extraordinary measures," which as I understand it will get the government through the end of July before we are once again talking about a possible default.

That is not the way to run a government. Prospects of more debt limit impasses and threats of future defaults serve only to elevate uncertainty among the American people about whether the Federal Government will honor its financial obligations. Unfortunately, this administration has continued to play on this uncertainty for political purposes. Rather than working with Congress to resolve our fiscal mess, the President throws out suggestions that Social Security recipients would not receive their benefits or that our troops would not get paid. Indeed, it seems that the President is more interested in engaging in political fights and manufacturing straw men than he is in eliminating threats to the fiscal security of our Nation's seniors and our troops.

At the same time, we wait for the first Senate budget in 4 years. I was heartened when I heard the news that the Democratic leadership plans to move forward with a budget this year. However, I am disappointed by indications that no effort will be made in the budget to rein in our unsustainable entitlement programs. I hope that is not true because, to borrow a phrase from

the President, "We can't wait." Entitlement reform can't wait.

Even the trustees of Social Security and Medicare have stated that the entitlements are unsustainable, and they urge quick action. Those trustees include senior officials in the Obama administration who could hardly be viewed as deficit hawks.

These are the problems our Nation faces. Our fiscal and economic well-being literally hang in the balance of these debates. If the Senate is going to be up to the challenge of fixing these problems, we are going to have to start doing things differently. We shouldn't wait until the Nation's finances reach yet another cliff sometime this summer before we start talking again and addressing our unsustainable fiscal situation. That is not what the American people want to see, and that is not the direction in which we should be going.

I believe my colleague from Montana feels the same way; that we can start the talks now in committees and do the things we should in committee and report bills to the floor. Even if we can't support them, at least they will be done the right way. A return to regular order would provide a potential solution, but it wouldn't require that we begin work immediately; that we don't just wait until the last minute and have these decisions made in the office of the majority leader.

Even if we were to pass the stop-gap debt limit suspension measure before us, there is precious little time for us to act. I have suggested and will continue to suggest that the Senate Finance Committee begin to engage now on a longer term debt limit solution. The bill before us would only eliminate the prospect of Federal default until sometime in the summer. That means if we go through regular order, we have only a few months at best to debate, have hearings, process proposals, and make decisions.

I am not under any illusions this process will be easy. If we want to avoid another cliff scenario in late July, this is the best way to go forward. It is the best path forward.

We don't need any more last-minute deals to avoid going over cliffs. We certainly don't need any more countdowns or threats of default and downgrades to our Nation's credit rating. Of course, we don't need to wait in the hopes that President Obama will finally break his string of failures to arrive at a so-called grand bargain. We have the tools at our disposal to address these problems, but, as I said, we need to start now, immediately.

As the ranking member of the Senate Finance Committee, I am committed to working with my colleagues on the committee—those on both sides of the aisle—to reach a long-term solution on the debt limit. I believe this process can put us on a path to tax and entitlement reform, which is the key to righting our Nation's fiscal course and putting us on a better economic footing.

The measure before us is not a long-term solution to the debt ceiling or our

fiscal predicament, nor is it intended to be. I am convinced that if we want a long-term solution, and if we want to avoid facing yet another cliff, we need to restore regular order in the Senate. I think anything short of that is not going to work.

We have good people on both sides of the floor, people who love this country, people who really can work together if they will. We have committees set up to take care of these problems, but they are being bypassed. We must find ways of working through the committees.

We have a number of people on both sides who need to deal with the uncertainties, the problems and the difficulties in these fiscal matters. I have confidence in our chairman and in his leadership, and I know this is not his fault. I think he would prefer regular order, as would I. It puts a lot more burden on us as committee members, but that is where it ought to be. We ought to be able to face these problems.

We have excellent people on both sides on the Finance Committee. I would like to see the Finance Committee do its work and have the confidence that we should and get this done in a proper manner, in the right way, before we go off the fiscal cliff again or before we need to be faced with the fiscal cliff.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENTS NOS. 6 AND 7, EN BLOC

Mr. PORTMAN. Mr. President, I have two amendments at the desk and I ask for their immediate consideration, en bloc.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes amendments en bloc numbered 6 and 7.

Mr. PORTMAN. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows: (Purpose: To require that any debt limit increase be balanced by equal spending cuts over the next decade)

At the end of the bill, insert the following: SEC. \_\_\_\_ . DOLLAR FOR DOLLAR REQUIREMENT.

(a) DEBT LIMIT CONTROL.— (1) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by inserting after section 3101A the following: "§ 3101B. Debt limit control

"(a) DECLARATION OF A DEBT LIMIT WARNING.—

"(1) IN GENERAL.—In the event of a near breach of the public debt limit established by section 3101, the Secretary of the Treasury shall issue a debt limit warning to the

Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that shall include a determination as to when extraordinary measures may be necessary in order to prolong the funding of the United States Government.

“(2) DEFINITIONS.—In this subsection:

“(A) EXTRAORDINARY MEASURES.—The term ‘extraordinary measures’ means measures that may be taken by the Secretary of the Treasury in the event of a breach of the debt limit by the United States to prolong the function of United States Government in the absence of a debt limit increase.

“(B) NEAR BREACH.—The term ‘near breach’ means the point at which the Secretary of the Treasury determines that the United States Government will reach the statutorily prescribed debt limit within 60 calendar days notwithstanding the implementation of extraordinary measures.

“(b) PRESIDENTIAL SUBMISSION OF DEBT LIMIT LEGISLATION.—

“(1) SAVINGS RECOMMENDATIONS FROM THE PRESIDENT.—Any formal Presidential request to increase the debt limit under this section shall include the amount of the proposed debt limit increase and be accompanied by proposed legislation to reduce spending over the sum of the current and following 10 years by an amount equal to or greater than the amount of the requested debt limit increase. Net interest savings may not be counted towards spending reductions required by this paragraph.

“(2) CALCULATION.—The spending savings under paragraph (1) shall be calculated against a budget baseline consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. This baseline shall exclude the extrapolation of any spending that had been enacted under an emergency designation.”

(2) SUBCHAPTER ANALYSIS.—The table of sections for chapter 31 of title 31, United States Code, is amended by inserting after the item for section 3101A the following:

“3101B. Debt limit control.”

(b) CONGRESSIONAL REQUIREMENT TO RESTRAIN SPENDING WHILE RAISING THE DEBT LIMIT.—

(1) IN GENERAL.—Title III of the Congress and Budget Act of 1974 is amended by inserting at the end the following:

“SEC. 316. DEBT LIMIT INCREASE POINT OF ORDER.

“(a) IN GENERAL.—

“(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate or the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report that increases the statutory debt limit unless the bill contains net spending reductions of an equal or greater amount over the sum of the current and next 10 fiscal years. Net interest savings may not be counted towards spending reductions required by this paragraph.

“(2) COMPONENTS OF NET SPENDING REDUCTION.—

“(A) CALCULATION.—The savings resulting from the proposed spending reductions under paragraph (1) shall be calculated by the Congressional Budget Office against a budget baseline consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. This baseline shall exclude the extrapolation of any spending that had been enacted under an emergency designation.

“(B) AVAILABILITY.—The Senate and the House of Representatives may not vote on any bill, joint resolution, amendment, motion, or conference report that increases the public debt limit unless the cost estimate of that measure prepared by the Congressional Budget Office has been publicly available on

the website of the Congressional Budget Office for at least 24 hours.

“(C) PROHIBIT TIMING SHIFTS.—Any provision that shifts outlays or revenues from within the 10-year window to outside the window shall not count towards the budget savings target for purposes of this subsection.

“(b) SENATE SUPERMAJORITY WAIVER AND APPEAL.—

“(1) WAIVER.—In the Senate, subsection (a)(1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a)(1).”

(2) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after section 315 the following new item:

“Sec. 316. Debt limit increase point of order.”

(Purpose: To amend title 31, United States Code, to provide for automatic continuing resolutions)

At the end of the bill, insert the following:

SEC. \_\_\_\_\_ . END GOVERNMENT SHUTDOWNS ACT.

(a) SHORT TITLE.—This section may be cited as the “End Government Shutdowns Act”.

(b) AUTOMATIC CONTINUING APPROPRIATIONS.—

(1) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

“SEC. 1311. CONTINUING APPROPRIATIONS.

“(a)(1) If any appropriation measure for a fiscal year is not enacted before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated such sums as may be necessary to continue any program, project, or activity for which funds were provided in the preceding fiscal year—

“(A) in the corresponding appropriation Act for such preceding fiscal year; or

“(B) if the corresponding appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

“(2) Appropriations and funds made available, and authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

“(A) 100 percent of the rate of operations provided for in the regular appropriation Act providing for such program, project, or activity for the preceding fiscal year;

“(B) in the absence of such an Act, 100 percent of the rate of operations provided for such program, project, or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year; or

“(C) 100 percent of the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act;

for the period of 120 days. After the first 120 day period during which this subsection is in effect for that fiscal year, the applicable rate of operations shall be reduced by 1 percentage point. For each subsequent 90 day period during which this subsection is in effect for that fiscal year, the applicable rate of operations shall be reduced by 1 percentage

point. The 90-day period reductions shall continue beyond the last day of that fiscal year until the new appropriation has been enacted.

“(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be.

“(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

“(c) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such program, project, or activity for such period becomes law.

“(d) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

“(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period; or

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period.”

(2) CLERICAL AMENDMENT.—The table of sections of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

“1311. Continuing appropriations.”

Mr. PORTMAN. Mr. President, I rise today to offer first a commonsense amendment to begin to address our Nation’s unprecedented national debt. It is hurting jobs in our economy today and is placing an immoral burden on our kids and our grandkids. This is called the Dollar For Dollar Deficit Reduction Act. It ensures every time we raise the debt limit we cut spending by the same amount over a 10-year period.

We all know the growth of the national debt is not sustainable. In the past 4 years our national debt has risen by \$6 trillion and is projected to add another \$9 trillion over the next decade. These numbers are huge, too big to comprehend. So let’s put it this way: If we don’t do something, we are really in trouble. Between the end of 2008 and 2022—so 9 years from now—the average household share of the national debt will have risen from \$90,000 a household to \$160,000 a household. That is how big the debt will get. Today, it is about \$130,000 per household.

We know we need to do something. Democrats and Republicans alike talk about it a lot. The debt limit is an opportunity to have this debate. Future

decades will bring even more debt, with the Congressional Budget Office—a nonpartisan group here in Congress—now projecting the debt will top 200 percent of our economy in 25 years. Again, this is unprecedented. It is about 100 percent of our economy right now.

And, by the way, the projection that the debt will be 200 percent of our economy in 25 years is a rosy scenario that assumes we will have peace, prosperity, and relatively low interest rates. I think we can all agree that saddling our children and grandchildren with this enormous debt is not just bad economics, it is immoral.

In reining in the debt, the Congressional Budget Office makes clear that spending is driving future deficits. When we look at the future deficits, it is spending that is creating a major problem. Again, according to the Congressional Budget Office, revenues will surpass their historic average, which is about 18 percent of our economy, as soon as the economy begins to recover. Spending, which has been historically 20 percent of our economy, has already jumped to over 23 percent of our economy and is projected to rise to 30, 40, 50 percent of GDP over the next several decades. So clearly we have a spending problem.

The amendment I offer today will ensure that debt limit increases are matched with equal cuts in Federal program spending over the next 10 years—so for a decade. There are no gimmicks, no timing shifts, but these will be real cuts in the growth of Federal spending.

This chart shows what the results of this would be for the country. The top lines are spending. This is the blue line. The bottom line, the red line, is revenue. So here we are today, 2013. Again, the spending as a percent of our economy is just over 23 percent. If we continue to go the way we are going, what will happen, based on these relatively rosy scenarios about our future, is we will see a dip in the spending as a result of our economy and then it goes up and quickly begins to climb further from that over the coming decades. Revenues, again under the current scenario, continue to grow to the point they go above the historic 18 percent. Here it indicates that by 2022 they would be at 19.1 percent. Spending, under the proposal we have before us today—this amendment, the dollar for dollar amendment—goes to 19.6 percent, so just about at the 20-percent historic average.

This of course means we are very close to balance. And it means, again, there is a reasonable result to this, which ends up with spending being very close to the historic average, revenue coming above its historic average, and again we are back on track toward fiscal discipline and toward fiscal sanity. That means we can have a stronger economy—the kind of robust economy we all hope for—bringing back the jobs and not leaving to our kids and

grandkids such an enormous debt and deficit.

We would still have a deficit here, a small one, and this would be positioning the deficit to get to balance because it would be such a relatively small deficit compared to what we have had in the past. If enacted, the result will be about \$3 trillion in savings over the next decade. This is roughly consistent with what other groups have talked about, including the Simpson-Bowles Commission and others. Given the \$44 trillion in spending projected over the next decade, this \$3 trillion in savings should not be too much to ask. In fact, simply limiting spending growth to about 3 percent per year would accomplish this same result.

So that is essentially what is being required here when you say there will be a dollar-for-dollar reduction in spending over 10 years every time you raise the debt limit by \$1. The result is that, again, by 2022 the deficit will fall to less than 1 percent of GDP—very close to balance. The debt as a percentage of the economy would actually be declining as well, and it actually declines to the point where, according to the Simpson-Bowles Commission and others, it would be 60-some percent of the economy, which many view as having stabilized our debt. Again, we have a lot of work to do even at that point, but at least it stabilizes it. It actually declines by about 19 points as a percentage of the economy from its peak in terms of our debt. Future generations would be spared this crushing debt and the economic stagnation we otherwise will face if Washington does nothing.

Some may contend that the debt limit is the wrong place to have this spending debate. I have heard this a lot as I have been promoting this idea. I have to respectfully disagree. The debt limit is about all that has worked. The debt limit is not just about paying past bills, it also presents an opportunity to talk about the future—what should our bills be in the future? It is not about, as the President often says, paying our past bills. Those should be paid. It is about what bills we are going to rack up going forward. We have to make a change. If we don't, the country is headed toward bankruptcy.

Furthermore, nearly every single deficit reduction bill over the past 28 years has been linked to the debt limit. In fact, I would say every single one of the significant deficit reduction packages in the last few decades has been linked to the debt limit. It is all that has worked around here.

In 1985—there are some Members in the Senate today who were here then, and they will tell you that the Gramm-Rudman-Hollings bill, which came out of the Senate, helped reduce the deficit. It was attached to what? A debt limit bill. Since that time, the three largest deficit reduction packages in the 1990s—1990, 1993, and 1997, including the 1997 Balanced Budget Act—were all linked to what? A debt limit discus-

sion. So it is really all that has worked.

The Statutory Pay-As-You-Go Act, which a lot of Democrats were very supportive of, was in 2010. That came out of a debt limit discussion.

Finally, of course, the debt limit was the impetus for the Budget Control Act just 2 years ago, when this Congress made a commitment to save \$2.1 trillion over the decade. So just 2 years ago, we agreed to this dollar-for-dollar provision, and it was done as part of the debt limit.

As we discuss the dollar-for-dollar amendment pending today, we have to remember that this is really where the idea came from. Dollar-for-dollar came out of the Budget Control Act. So for folks who attempt to label this idea as untenable, too aggressive, or without precedent, remember that the dollar-for-dollar legislation passed only 2 years ago with only 95 Democratic votes in the House and 45 of the 51 Democrats here in the Senate voting yes. So the idea certainly has precedent, and given the results we talked about earlier, it is a commonsense way to address the debt limit debate today and in the future if this body is going to be serious about getting Washington's spending and debt under control.

By the way, it wouldn't apply to this first short-term debt limit extension. This would apply to the debt limit extension that we all hope will be a longer term agreement with Republicans and Democrats, including, as the chair and the ranking member of the Finance Committee just talked about, tax reform and entitlement reform—working together to solve these problems. This would provide the impetus to do that.

So whether that is in 3 months or, as some are suggesting, 6 months from now, given the fact that Treasury will be able to use some authorities to help extend that debt limit, that is when this would apply. It would not apply to this short-term debt limit, but it is putting the discipline in place now that we employed only 2 years ago to be able to get real savings for our country.

The debt limit is also an important tool for deficit reduction because it is all we have had. And when you think about it, we haven't had budgets. The only recent restraint came in the context of the debt limit and dollar-for-dollar reductions in the Budget Control Act. This is partly because the Senate has not passed a budget, as we all know and we all have heard about, in over 3 years. I understand the majority is committed to passing a budget in the Senate this year. I commend them for that. I hope they will. But reconciling it with the House, of course, will be a challenge, and future years also remain uncertain. So in the absence of a budget, the fact remains that the debt limit has been the effective tool we have used.

By the way, the fact also remains that now nearly two-thirds of all

spending is not even subject to the budget. Why? Because it is on autopilot. It is not annually appropriated. It is the mandatory spending. So even if we have a budget, which I hope we do, still, the debt limit is the most likely way for us to get at the bigger picture since 62 percent of spending is on autopilot—or mandatory—and not subject to the annual appropriations process that would be part of the budget agreement. This is why the debt limit is likely to remain the most successful tool for deficit reduction.

Common sense tells us that while Washington pays its past bills, it also has to take steps to reduce its future bills. Based on one poll I saw, 72 percent of Americans agree that when you increase the debt limit, it should be matched by equal cuts, dollar-for-dollar—72 percent of Americans. It is common sense. We did it 2 years ago. It leads us to a result that seems reasonable.

Most people think we need to get spending under control. The revenues are going to go up based on the CBO projections here, and we get to virtually a balance over 10 years if we put this in place, with the permitting of about 3 percent growth in spending every year. So this is not an unreasonable result. It is a sensible solution. Congress did it a couple years ago.

I hope my colleagues will join me on a bipartisan basis to say that with regard to the longer term debt limit extension we are facing somewhere in the 3- to 6-month period, that we put in place this discipline and then allow the committees to do their work. We should go back to regular order. The Finance Committee chairman has made this point repeatedly, and so has the ranking member. Other members have. We need hearings. We need to have an open process. We don't want these last-minute bills that people haven't had a chance to read and staff hasn't had a chance to review.

This would put us in that position—knowing that we have this discipline in place, we can achieve this, and we must achieve this for the sake of our kids and grandkids. I urge my colleagues to support it.

Mr. President, I now would like to offer a second amendment. I have been asked to offer these two amendments together. The second amendment is another idea because it doesn't have to do with the debt limit per se, but it has to do with how we avoid government shutdowns. This is bipartisan legislation, and it is a bipartisan idea whose time I believe has come.

Every year since 1997 and in all but 2 years since 1985, Congress has reached the October 1 fiscal year-end without doing all the appropriations bills. Think about that. Every year since 1997, we have not been able to reach agreement on all the appropriations bills, and only twice since 1985 have we ended the fiscal year with having all the appropriations bills done.

What is the result? In some years there has been a relatively quick vote

on what is called a continuing resolution to continue government spending in those areas where we haven't completed our work. In other years the result has been a real showdown, with the threat of government shutdown. And then in some years we have had an actual government shutdown. In fact, it has happened way too often, and the reason is that, again, we haven't been able to come together as Republicans and Democrats, the House and the Senate, working with the President, to put forward these appropriations bills in regular order, and so we face these shutdowns. And we actually have faced some last-minute budget bills, many of which are full of surprises because Members haven't had a chance to read them and staff has not had a chance to review them.

These shutdowns, by the way, when we have had them, have created real problems. Americans hoping to travel abroad find that their passport applications can't be processed. Disease surveillance ceases at the Centers for Disease Control. Recruitment of Border Patrol agents stops. Families planning to go on vacations to national parks find their destinations closed. It is not a good way to run a government, and I think we should avoid those shutdowns.

Some make the reasonable argument that these shutdowns are an acceptable price to pay if they lead to spending cuts. I understand that is an argument out there, but in fact, as I look at it, I think the opposite has occurred. The 1996 government shutdown that a lot of people talk about produced such a large backlash that it seems as if a lot of lawmakers decided to abandon spending restraint altogether. A proof point might be that after that 1996 shutdown, nondefense discretionary spending nearly doubled over the next decade. So it seems to me as though the case for spending restraint was harmed, not helped, by the 1996 government shutdown.

The last-minute budget bill that usually results from the threat of government shutdown tends to have a lot of surprises in it. It is a real problem because over the years Congress has found itself just hours away from a government shutdown, often forced to vote on these thousand-plus page bills—an omnibus spending bill that folks have not had a chance to read and our staffs haven't sufficiently reviewed. It is not the fault of our Appropriations committees, which do their best under tight deadlines. I think it is the fault of these artificial deadlines themselves.

With hundreds of billions of dollars at stake, we could all use more time to better understand what we are voting on. This bipartisan amendment would solve these problems.

For all regular programs or activities whose appropriations bills have not been approved—whether it is all the bills or whether it is only one bill—the End Government Shutdown Act would

automatically continue the current level of spending, no significant disruption, no crisis for citizens, no furloughed employees, no rush to approve a last-minute budget deal that people haven't had a chance to look at.

Yet we don't want these continuing resolutions to take the pressure off lawmakers to complete their work, so after 120 days there would be a 1-percent reduction in spending. It would be across the board in a normal year. Because the new fiscal year is October 1, this would mean lawmakers would have until January 29—well after the holiday break—to complete their work on the appropriations bills.

And this year, should Washington fail to come to an agreement on the continuing resolution, spending would remain at whatever the current level of spending is for those first 120 days.

Under this amendment, after the 120-day period, spending levels on any remaining unfinished bills would continue to be reduced across the board 1 percent every 90 days. I doubt that would be necessary because I think the appropriators of the House and Senate would come together to solve the problems. But every 90 days, there would be an additional 1 percent reduction until the appropriations bills for the year-long continuing resolution have been enacted.

These eventual small cuts are designed to keep both sides at the bargaining table. They aren't so small as to be irrelevant, but they are not so large as to gut any programs. Priorities of both Republicans and Democrats would be subject to the same across-the-board cuts, and both parties, therefore, would have an incentive to come to an agreement to fully fund the priority programs and reduce funding for lower priorities.

This bipartisan amendment may not be each lawmaker's idea of perfect. It is certainly not mine. I would rather get all the appropriations bills done, but that is not what is happening. But we should all agree that it improves upon the current situation where we bounce from crisis to crisis, worried about government shutdowns as well as the rushed bills we have to vote on to avoid shutdown. The American people want us to complete our work in a logical way, and this amendment helps us to do that.

I urge my colleagues on both sides of the aisle to support this commonsense, bipartisan approach.

I yield the floor.

AMENDMENT NO. 8

Mr. TOOMEY. Mr. President, I have an amendment at the desk and ask for its consideration.

Ms. MIKULSKI. If the Senator from Pennsylvania will withhold? After he speaks, the Senator from Montana will speak, and then may I be recognized on the Portman amendment? I ask unanimous consent I be recognized after the Senator from Montana.

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

Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 8.

The amendment is as follows:

(Purpose: To protect Social Security benefits and military pay and require that the United States Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached)

At the end of the bill, insert the following:

**SEC. \_\_\_\_\_. ENSURING THE FULL FAITH AND CREDIT OF THE UNITED STATES AND PROTECTING AMERICA'S SOLDIERS AND SENIORS ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Ensuring the Full Faith and Credit of the United States and Protecting America’s Soldiers and Seniors Act”.

(b) **PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC, SOCIAL SECURITY BENEFITS, AND MILITARY PAY.**—In the event that the debt of the United States Government reaches the statutory limit as defined in section 3101 of title 31, United States Code, the following shall take equal priority over all other obligations incurred by the Government of the United States:

(1) The authority of the Department of the Treasury contained in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public.

(2) The authority of the Commissioner of Social Security to pay monthly old-age, survivors’ and disability insurance benefits under title II of the Social Security Act.

(3) The payment of pay and allowances for members of the Armed Forces on active duty.

(c) **LIMITED DEBT LIMIT AUTHORITY.**—

(1) **IN GENERAL.**—If the Secretary of the Treasury determines, after consultation with the Director of the Office of Management and Budget, that incoming revenue will not be sufficient to finance the priorities listed in subsection (b) over the following 2 weeks, the Secretary, in coordination with the Director of the Office of Management and Budget, shall—

(A) notify Congress of the expected revenue shortfall; and

(B) raise the debt limit by the amount necessary to cover the difference between incoming revenue and the revenue needed to finance the priorities listed in subsection (b) on a 2 week basis.

(2) **LIMIT.**—The debt limit increase provided by paragraph (1)(B) may not exceed the difference between expected outlays for the listed priorities and expected revenue.

(3) **EXCESS REVENUE.**—If incoming revenue exceeds the amount projected by the Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, needed to finance the priorities listed in subsection (b) over the 2-week period, any amount in excess shall be held in reserve and applied to the following 2-week period.

**THE PRESIDING OFFICER.** The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I wish to address the substance of this amendment, but let me start with a little context on this underlying bill. The underlying bill, of course, suspends the debt ceiling from now until May 18. What that means is in the meantime, the administration will be able to borrow as much money as it wants within certain constraints, but a very large

sum of money over the next 3½ months, at which point the debt ceiling will be reinstated at a higher level. We expect the government will probably borrow something on the order of \$400 billion between now and such time as the debt ceiling is reestablished.

We have \$16.4 trillion in debt today, so by the time the debt ceiling is re-applied, reimposed, it will be just under \$17 trillion. At that point we will be right back to the standoff we were at very recently, a standoff over what to do about this massive amount of debt we already have and the massive amount of additional debt the administration would like to create. The administration’s position is very clear: They want additional borrowing authority with no strings attached—no conditions, no limits on future spending. They just want to be able to keep borrowing. Some on our side of the aisle believe very strongly that any increase in the debt ceiling that authorizes still more borrowing needs to be accompanied with some measure of spending discipline so we can at some point begin to regain control over these out-of-control deficits and the debt.

In any case, what we know for sure is that this tension will reemerge and that we do not have a resolution in place now. If this measure passes, which very likely it will, and it will be signed into law, we have just kicked this can down the road until May—maybe June or July at the most—but we surely will be back at this point where we are having this argument.

Here is what else we know. We know that tax revenue, ongoing tax revenue coming into the Government’s coffers, is going to be about 75 percent of all the money the Government is planning to spend in the coming year—or is likely to spend. Since 75 percent does not cover everything, the other 25 percent is meant to be borrowed. Therein lies the necessity of raising the debt ceiling, precisely to fund the difference between all the Government wants to spend and the tax revenue it is going to have.

It is important to note, by the way, that raising this debt ceiling is not about paying for past bills incurred. I know that is repeated around here all the time. It is totally untrue. We have a funding for the appropriations process that expires at the end of March. There is no appropriation that is in place going forward. The debt ceiling increase, the authority to borrow more money, is all about funding future spending, which is part of the reason why some of us think this is a very sensible moment to try to bring some discipline to that future spending.

What would happen if we do not raise the debt ceiling right away? If we do not, we would have to have a 25-percent cut in all government spending. That is pretty massive. That is pretty problematic. The administration and some actually go way overboard in the threats they attach to this. They

threaten to inflict the maximum possible economic damage if the debt ceiling is not raised promptly upon the point at which they run out of their maneuvering room. So you hear threats about a default on our debt and senior citizens will not get their Social Security check and our military folks will not get paid. All kinds of the most disruptive, most damaging, and most dangerous kinds of outcomes are threatened by the administration. This is unnecessary. This is not true. This is not what would happen. But there is an incentive, of course, to try to scare and intimidate Republicans into giving the administration the unconditional ability to keep on borrowing and spending as they have been doing, and that is why we hear this.

My amendment is an attempt to absolutely minimize the disruption, the danger, and the drama. It is an attempt to get away from “government by cliff” and to have a sensible approach to bringing our spending under control. It is called the Full Faith and Credit Act. What it does is it says very simply, since none of us can guarantee the debt ceiling is going to be raised on any particular date—we all know how we are going to vote. We cannot control anyone else’s vote. We certainly cannot control a single vote in the House and we cannot control what the President is going to do. Therefore, we can never know for sure whether and when and under what circumstances the debt limit will be raised.

My point is the sensible and prudent and responsible thing to do is have a plan to minimize the downside if the debt ceiling is not raised immediately upon reaching it. This has nothing to do, by the way, with the current circumstances of suspending the debt ceiling. This is all about the next time, in May or June or July, when we find ourselves facing these circumstances.

What my bill says is, if we get to that point, the Federal Government would be obligated to prioritize three categories of spending: That would be interest on our debt to make sure we do not default on our debt and create a financial crisis; it would be Social Security payments to everybody who qualifies for a Social Security payment so that no senior citizen has to worry and wait to get their check; and it would be Active-Duty Military personnel so that no soldier has to worry or wonder whether they are going to get paid.

By the way, what my bill does is it goes a step forward and says not only will the Federal Government have to prioritize those three categories, but it says in the event on any given day the tax revenues were not sufficient to cover those three payment obligations, the Treasury Secretary would be authorized to borrow additional amounts to ensure that those payments were made.

What does it do? It guarantees that it would be absolutely impossible, under any circumstances, to default on our

debt, to miss a Social Security payment to anyone, or to be late with the military pay to anybody. That is what it would do. It would take a little bit of the drama and the risk and the uncertainty and the potential damage to the economy off the table and allow us to have an honest, sensible discussion about how we are going to get spending under control.

Mind you, these three categories of spending, if you add them all together, cumulatively account for about one-third of all the spending the government is scheduled to engage in over the course of this fiscal year. Ongoing tax revenue is about three-quarters of all the spending that is going to occur. So clearly there is far more than enough tax revenue to cover these items, but tax revenue comes in in a lumpy fashion. It doesn't come in smoothly and uniformly over the course of the year, hence the provision that allows the Treasury Secretary to borrow in the event that they needed to in the short run to smooth it out.

Let me say something that is of more fundamental importance. This amendment is not intended to be a replacement for raising the debt ceiling. Unfortunately, as long as we are running structural deficits, we are going to have to borrow money to fund them. This amendment, if it were to pass and be signed into law, does not mean we would not have to raise the debt ceiling at some point. Of course we are going to have to until we get to the point where we have balanced budgets and do not have to continue to run deficit spending.

By the way, I do not think it is desirable or optimal to cross into that threshold where we are living under the rules of prioritization, because it is very disruptive to not be paying all the other bills on time as we ought to. That is much better. But my point is, there is something even more important here and that is to fundamentally bring our spending and deficits under control. Trillion dollar deficits, a total debt that now exceeds the total economic output of our country—we have a disastrous fiscal situation on our hands. It is right now costing us jobs, economic growth today, and it is guaranteed to result in a full-blown fiscal crisis and a meltdown if we do not change the path we are on.

The only time we have ever been able to persuade this President to agree to significant spending reductions was the last time we argued over the debt limit and we did end up getting spending cuts as part of that. I think the urgency of getting our spending under control and getting our fiscal house in order so we can avoid a fiscal crisis and have the kind of economic recovery we need is what necessitates a prioritization bill so we can take the shrill excesses and the threats that some are claiming off the table and have a real discussion and real solutions about how we are going to get spending under control.

My strong hope is that we can bring an end to "government by cliff." Senator PORTMAN has an amendment, I believe, that he is going to introduce, which would prevent the danger of a government shutdown in the event that a CR, a continuing resolution, expires. It makes all the sense in the world. We should not find ourselves backed up against the wall at midnight on December 31 with a great calamity threatened if we do not pass some bill that nobody has ever seen. This is a terrible way to run the government and that is what we have been doing. What my bill does is it eliminates the risk of default and it creates the opportunity for us to bring some spending discipline associated with any future debt limit increase. The bill of Senator PORTMAN will avert the risk of a government shutdown.

I fully support his other efforts to make sure we have a dollar in savings for every new dollar in debt we create. We have an obligation to do that. We have already have too big a debt burden. We have to begin curbing the problem that causes it, and that is too much spending.

I urge my colleagues to support this amendment. As I say, it will not have any effect on the specific bill under consideration to temporarily suspend the debt limit. It will make a much more manageable and a much less disruptive discussion when we address the debt limit once again in May or June—or when that day surely will arrive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise to speak on two amendments. It will be the first amendment offered by the Senator from Ohio, his first amendment, and also I will speak on an amendment offered by the Senator from Pennsylvania. I think the Senator from Maryland, the chairman of the Appropriations Committee, will speak on the second Portman amendment.

I chuckled this morning. I see two new Members, very able Members of the Senate, who are now members of the Senate Finance Committee, follow their urges to offer amendments immediately to bills before the Senate. Senator PORTMAN is doing that, Senator TOOMEY is doing that, and I commend them, very much commend them for being so interested in the subject and allowing their intellectual juices to flow and come up with something that is new and different and in their view might make some sense. I think part of this is because of the newly found efforts here in the Senate, and desire in the Senate, certainly among rank-and-file Members, to do something.

What you hear around here is: "Regular order." That is something I very much subscribe to, namely let the committees do their work. Senator PORTMAN and Senator TOOMEY are certainly following that tradition by offering amendments so the Senate Finance Committee, or in this case the

Senate floor, is doing its work with respect to the pending measure.

I want to start by saying how much I appreciate the efforts of the Speaker, Speaker BOEHNER. He has done a good job giving us a few months' breathing room here in the Congress with respect to the debt limit increase; that is, having the House pass on a bipartisan basis a measure which extends the debt ceiling limit for another several months, to May 18. That gives us a chance to figure out how we are going to get our fiscal house better in order, cut the debt, and deal with some other vexatious issues such as the sequester and the continuing resolution.

The amendment, I must say, though, offered by my good friend from Ohio is a throwback to an effort that was undertaken essentially a year or two ago. With all due respect, it didn't work. What was that? Namely, it was the Sanders amendment, which is for every dollar increase in the national debt there be a dollar cut in Federal spending. This was something that was tried, the House of Representatives tried, the Speaker negotiated with the President, and it didn't work. Frankly, it led to a big confrontation, if you will, on August 11, where the debt was reaching its limit, there was no agreement on spending cuts, and the credit agencies began to downgrade U.S. credit. It didn't work. I again say I am very proud of the Speaker for trying a different approach.

It is also important to point out that if this amendment were to pass, we would have to send this bill back to the House. We are already now on a good track for the Senate to pass, without amendment, the House-passed bill. If that happens, then the world knows that the U.S. Government will not be in debt until at least May 18, and because of measures the Treasury Secretary will not exceed the debt limit until sometime in August.

We will be in debt. We have a big debt. The debt is about a \$16 trillion debt, but we will not reach our debt limit if the House bill is passed by the U.S. Senate. In my judgment, it is very important that we pass this House amendment so that we in the Senate and the House of Representatives can get to work on how we reduce the debt and how we get our house in order as best as we possibly can.

I thank my friend from Ohio for his approach. Dollar for dollar, this has been attempted in the past. It has been rejected by the Speaker in the House of Representatives, and it has been rejected by the majority of the House of Representatives. This is an idea that was once tried, but it didn't work. I submit, with all due respect, it would not work this time either for the reasons I just mentioned and for the additional reason that it would further complicate an effort to increase our debt limit for a short period of time, which allows us to do our work.

I now wish to turn to the Toomey amendment. Again, I thank my colleague from Pennsylvania, a member of

the committee, for industriously coming up with an idea. I must say, with total respect, I don't think the idea works. Basically the idea is that when the debt limit is reached, the limit would be increased only for the purpose of addressing principal and interest on the debt held by the public or Social Security benefits and military pay, and that is it. The debt limit is automatically increased only for those three reasons and not for other reasons; that is, not for other programs the U.S. Government has an obligation to fund.

What are some of the other programs? Medicare, veterans' benefits, disability benefits, Medicaid, Pell grants, special education for disabled children, and highway funding. The list is extremely lengthy. I just mentioned a few.

What happens if the Toomey amendment is law? First of all, we have reached our debt limit. What are the credit markets going to think? What are credit agencies going to think? They are going to think, oh, my gosh, the U.S. Congress has not increased its debt limit but for essentially on a daily basis Social Security, interest on the debt, and military pay. It is not for military procurement or men and women in the Air Guard. It is just military pay. It sounds as though it is just for active-duty pay. Think of what will happen. Think of the chaos. Other agencies are not going to know whether they will be funded. They have no idea. According to the Toomey amendment, it is up to the Treasury Secretary to prioritize. How can he do that when there is no money there and the debt limit is not increased? Frankly, I cannot believe this amendment is even offered. With all due respect to my friend from Pennsylvania, it is so nonsensical.

With respect to the two amendments that are offered here, the first being the Portman amendment, I say to my friends, it has been tried in the past and it didn't work. It didn't work when the President and Speaker were trying to negotiate a deal on August 11. It caused chaos in the markets. That is one of the reasons the markets fell so much in August of 2011.

If this amendment is agreed to, it will have to be sent back to the House. It will mean putting this issue of extending the debt limit increase for 3 months in tremendous jeopardy. I don't think we want to do that. I think it is the wrong thing to do.

The second amendment, the Toomey amendment, is totally unworkable. It will cause even more chaos at a time when we are trying to calm the markets, at a time when we are trying to get more confidence, more credibility, not less. In my judgment, both—especially the latter—will result in a lot more worry in the markets, not more confidence. It will create more worry, more uncertainty, and for those reasons I think these amendments should be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I stand as the chair of the full Appropriations Committee to respond to two Portman amendments. I will comment on one and speak to the one related to automatic CRs, which is in the jurisdiction of the Appropriations Committee.

First I will speak to the dollar-for-dollar cuts, which the Senator from Montana and chair of the Finance Committee spoke to. I want to say I absolutely support his position. As an appropriator, I agree with his arguments. The dollar-for-dollar cuts would make the Boehner rule permanent. It would raise the debt limit by mandating a \$1 trillion cut in spending. This amendment could allow the minority of 41 Senators to dictate the fiscal policy to the majority.

I also oppose the Portman amendment related to automatic continuing resolutions. What does the amendment do? It sounds good. I must say I have great admiration for the Senator from Ohio. He has a well-known reputation for working on a bipartisan basis. When he was in the House, he worked so well with my colleague Senator CARDIN. I look forward to having these kinds of discussions and seeing how we can work out some of these issues.

In listening to the debate, I think we are all in agreement of our goals, but we disagree on the means.

As I read it, Senator PORTMAN's amendment says if Congress fails to pass an appropriations bill or a continuing resolution related to it, instead of a government shutdown, automatically a continuing resolution would go into effect.

Now that sounds good. However, there is an additional part that says every 3 or 4 months, if Congress fails to replace the CR, it would decrease agency funding by 1 percent across the board.

That sounds pretty good too because, after all, what is 1 percent? Well, 1 percent compounded has Draconian results. This amendment would set up essentially the framework for many sequesters that would go into effect automatically if Congress doesn't pass the appropriations.

I agree with the Senator from Ohio that we need to follow regular order, which means bringing up appropriations bills one by one, open, transparent, debatable. If you want to shave or save, offer amendments. If we had regular order, we would be able to pass our bills.

We cannot have a situation in the Congress where we have not been able to bring up bills because of the filibusters and deleterious tactics of some Members, and then when we can't bring them up, we are punished for it.

I oppose this amendment for three reasons. The amendment is the wrong solution, regular order is the solution.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COATS. In deference to the Senator from Maryland, I went through the cold-and-cough crud that caused her to begin coughing, so I fully understand why she needed to take a break. I am more than willing to step aside when she comes back.

In the interest of time, since I am next up—I know we are trying to move toward a vote at 12:15 p.m.—I wish to proceed. I will be happy to suspend when the Senator gets back.

This afternoon the Senate will vote on a bill recently passed by the House to suspend the debt ceiling for 4 months. First, I wish to commend the House on one aspect of the legislation, which I strongly support, and that is the suspension of salary for Members of Congress if we do not pass a budget by April 15.

As I mentioned on the floor yesterday, Congress, by law, is required to pass a budget. It has been nearly 4 years since it has done so. As a result, the Senate has blatantly ignored its legal duty, not to mention its moral duty, to enact a budget. This is completely irresponsible, and, quite frankly, it is embarrassing. If this body cannot fulfill its most fundamental duty under law to pass a budget, then I say we don't deserve to get paid.

However, another aspect of the bill that would suspend enforcement of the Federal debt limit until at least May—and according to recent statements issued by the administration possibly until August—concerns me. I understand why the House is taking this approach for political and tactical reasons, but unfortunately, this decision only continues the practice of governing from crisis to crisis, cliff to cliff, and pushing through flawed, haphazard legislation at the last minute as we did with the vote on the fiscal cliff, which is a great example of how this body should not function.

As a result of this practice, Members are left deciding between choosing the lesser of two evils. Never again will I, nor I believe many of my colleagues, support any legislation that is negotiated in secret, bypasses the regular process where we have an opportunity to take it up in committee and amend it, if necessary, and then present it to the Senate for debate and evaluation or amendment. Never again will I support something that takes us into the wee hours of the night into New Year's Eve and New Year's Day and then just have a few minutes to try to evaluate it with no debate and no opportunity to amend. This is no way to govern a country. It is no way to strengthen a weak economy and spur job creation, and it is no way to restore confidence among consumers and investors, which is such a critical factor in making for

robust growth, which we are not enjoying right now. Eventually all of us have to stand up and say enough is enough. Pushing these debates up until the last minute, creating our fiscal cliffs, and passing short-term measures must cease.

The people of Indiana have had enough. Across the country the American people have had enough of Washington postponing real action on the most serious challenge facing our country, namely the out-of-control plunge into further deficit spending and debt.

Both Republicans and Democrats, the President and the Congress, liberal and conservative economists and non-partisan people, all agree that our continued increase in debt is unsustainable. We all know that what has been fueling this fire that has engulfed our fiscal house is spending. To date our meager efforts to deal with this looming fiscal calamity are like trying to put out a five-alarm fire with the occasional squeeze of a squirt gun.

I note that the Senator from Maryland is on the floor. If she wishes to resume, I would be happy to suspend my remarks.

Ms. MIKULSKI. Is that okay with the Senator?

Ms. MIKULSKI. I thank the Senator for the courtesy. Both the Senator from Montana and I have been hit by this bug.

Mr. COATS. I was hit by it 2 weeks ago so I fully understand what the Senator is going through.

Ms. MIKULSKI. Little germs are doing to me what my opponents couldn't, which is stop me from talking. I thank the Senator for his courtesy.

Mr. President, I oppose the Portman amendment related to automatic Continuing Resolutions with cuts if Congress does not pass appropriations bills. I acknowledge the legitimacy of his concerns, and I agree that we are all tired of governing from crisis to crisis. And I share his goal of keeping the government open so our Federal agencies can carry out their missions, and serve the American people. But I very much oppose this proposed solution.

Now, what does the amendment do? It sounds good, and I must say, I have a great admiration for the Senator from Ohio. And he has a well-known reputation for working on a bipartisan basis. He has worked so well when he was in the House with my colleague, Senator CARDIN. And I look forward to having these kinds of discussions and seeing how we can work out some of these issues. I think in listening to the debate, we all are in agreement of goals, but we disagree on means.

His amendment, as I read it, says if Congress fails to pass an appropriations bill or a Continuing Resolution related to it, instead of a government shutdown, an automatic Continuing Resolution would go into effect. That sounds good. However, there's an additional part that says, after four months, if Congress fails to replace the

Continuing Resolution, it would decrease agency funding by one percent across the board. Well, that sounds pretty good too. Because after all, what is one percent?

Well, one percent every 90 days compounded has draconian results. This amendment would set up essentially the framework for mini-sequesters that would go into effect automatically if Congress doesn't pass appropriations bills.

I oppose this amendment for three reasons. First, the amendment is a wolf in sheep's clothing. The amendment's stated purpose is to establish automatic Continuing Resolutions, but the amendment wouldn't just extend funding for government operations. It would also cut funding one percent across the board for every 90 days that Congress doesn't pass Appropriations bills or a Continuing Resolution. Mr. President, this amendment just creates a new crisis instead of providing confidence and clear direction. This type of robotic-cutting Continuing Resolution would add uncertainty to the operations of the Federal government.

Second, this amendment is the wrong solution to a long-standing problem. A problem we have become too familiar with, and too comfortable with. I'm talking about not operating according to regular order. I agree with the gentleman from Ohio, we need to follow a regular order. Regular order means Congress receives the President's budget. Regular order means the Appropriations Committee holds hearings and marks up bills. Regular order means bringing up appropriations bills on the Senate floor, one by one, a process that is open, transparent, and allows debate. If a Member wants to save money or shave spending on these bills, that Member can offer amendments. If we had regular order, we would be able to pass our bills.

The solution to the problem of governing from crisis to crisis, of avoiding Continuing Resolutions and government shutdowns, is not an automatic Continuing Resolution. The solution is to get back to regular order, where Congress makes smart decisions about where to make needed investments and where to cut. Permanent robotic-cutting Continuing Resolutions are not the solution.

You have a situation in Congress where we haven't been able to bring up bills because of filibusters, and because of the dilatory tactics of some Members. We can't bring our bills up, and we're punished for it. There are those who have thrown sand in the gears of regular order by tying up appropriations bills with controversial riders and calls for draconian cuts, and then complain when we have to do Continuing Resolutions to keep the government working for the American people. They can't have it both ways. Regular order is the solution.

Third, this amendment simply gives up Congress's Constitutional responsibility, the power of the purse. This

amendment would put the government on auto-pilot for months, perhaps even years. In a divided Congress, it is hard to come to an agreement on spending. But every time we pass a Continuing Resolution, we are giving the executive branch more and more control over the federal budget. This means Congress gives up control to OMB and Cabinet officers.

By not passing our bills, we weaken Congressional oversight. The Appropriations Committee is the only committee that reviews every spending account of every agency. The Committee digs down further than any other committee to make sure that agencies are not wasting taxpayer dollars. And when we find things that need to be fixed, we fix them in our bills. But if we can't get our bills to the President's desk, then our efforts at oversight are not realized.

Mr. President, I agree with the Senator from Ohio that we should stop our dependence on Continuing Resolutions, especially long-term Continuing Resolutions. They are a terrible way to govern. It is time for us to show we can govern. The American people want to see us govern. We all need to work together in good faith and in a timely manner. This is what the Appropriations Committee does.

Mr. President, I urge my colleagues to oppose this amendment.

Mr. President, I also oppose the amendment from the Senator from Ohio that demands a dollar in cuts for every dollar increase in the debt limit.

Under this amendment, the debt limit could not be raised without spending cuts equal to the amount to be raised, unless the requirement is waved by a super-majority of 60 votes. This amendment would make the "Boehner Rule" permanent. The amendment means that in order to raise the debt limit by \$1 trillion, Congress would need to cut \$1 trillion in spending over the next ten years.

This is a terrible amendment. The point has been made before, but I make it again. The debt limit is not about cutting spending, it is about paying for spending that Congress has already authorized. If enacted, the Portman amendment would require trillions and trillions of dollars in cuts to earned benefits programs over the next decade. Cuts to Social Security, Medicare and Medicaid, and all of our other mandatory programs. It would also squeeze discretionary spending, including defense, to the point where I doubt our agencies could carry out their most basic responsibilities.

I remind my colleagues that under this amendment, if the Congress were to pass a tax cut, revenues would fall but spending would not. So the next year, when less revenue comes in, Congress would be forced to pay for the tax cut with equal spending cuts. If Congress passed another huge tax cut for the wealthy, like the Bush tax cuts, then Congress would have to cut programs for the middle class to pay for it.

And I also remind my colleagues that if Congress passed emergency spending, like the Sandy bill, then guess what? Next year, Congress would have to find even more cuts to earned benefits or to discretionary spending to pay for that.

The Senate has a history of always protecting the rights of the minority. But it is one thing to protect the interests of the minority party, and it is quite another to allow a minority of 41 Senators to dictate policy to the majority. By requiring an affirmative super-majority of 60 votes to raise the debt without draconian spending cuts, this amendment gives veto power to the minority over most fiscal decisions that the majority supports. Tax changes, spending, earned benefit reforms, Budget Resolutions, and even Reconciliation. That is simply not acceptable.

Mr. President, the objective of this amendment is obvious to me. The American people do not support cuts to their earned benefits, to Social Security and Medicare. This amendment is a way to force huge cuts in these programs without ever having to justify them.

I suggest that if Members want to cut a trillion dollars from Social Security over the next ten years, let them come down and offer an amendment that does just that. And if Members want to change the rules for Medicare, in order to remove Americans from eligibility for Medicare, or from Medicaid, let them come to the floor with legislation in hand to do just that.

We're talking about trillions of dollars here. Chained CPI is not going to do it. Cuts to providers won't do it. And that's the problem. Cuts of this magnitude require immediate cuts to Social Security. And these cuts reduce the number of people helped by Medicare and Medicaid. And of course, they gut non-defense discretionary spending. And I say to my colleagues, if I'm overstating the case, I look forward to someone coming down here and offering legislation that saves trillions of dollars and doesn't do those things.

We need to get our financial house in order. But we need a balanced solution, one that includes revenues, sensible reforms to earned benefits that save money but do not hurt the middle class, and spending cuts.

This amendment could not be less balanced. This amendment is all cuts and no revenues, and contains not one specific policy that would save a single dollar. Tens of millions of middle class Americans work their whole lives, play by the rules, and pay their taxes every year so one day they can retire with some dignity and some security guaranteed to them. That's the promise this government made, and it's a promise the Congress needs to keep. With reforms to revenues and with reforms to our earned benefits programs. With frugality. With compromise. That's the solution to our fiscal challenges.

Mr. President, this amendment would fundamentally rewrite the social com-

pact between the government and its citizens. Without a single hearing. Without a single witness. This approach is unacceptable, and I urge my colleagues to oppose this amendment.

I yield the floor.

Mr. COATS. Mr. President, I send my sympathy and empathy to the Senator from Maryland. Having gone through the same thing, I fully understand what she is dealing with and trust she will recover quickly.

Picking up where I left off, dare a politician stand here and acknowledge this? Many don't want to. But the truth is this: The main driver of our debt and deficit spending is the runaway mandatory spending on Medicare, Medicaid, and Social Security.

Despite those who claim it is political suicide to touch these programs and despite the fact none of us are saying we should eliminate these programs, this is an area where many don't want to tread. But I believe these programs, which provide much needed benefits for many Hoosiers and Americans, need to be preserved. But our goal and our challenge is to find common ground on not how to eliminate these programs but how to save these programs, both for current retirees and for future generations. If we don't take steps to reform these programs, we risk not only bankrupting our country, we risk having to tell the recipients of the benefits of these programs we no longer can fulfill their needs and our propositions.

It is difficult for me to support any effort to increase the debt limit when we continue to avoid taking the necessary steps to eliminate deficit spending and control our debt in the future. Despite several bipartisan attempts over the last 2 or 3 years, including efforts by the Simpson-Bowles Commission—the President's Commission—the Gang of 6 and the supercommittee of 12, we have failed to put together a credible, long-term deficit reduction package. How then can we continue to raise the debt limit over and over again without agreeing on a way to reduce it in the future?

Repeatedly and thoughtlessly raising the debt limit represents a political moral hazard, a taxpayer bailout for big government politicians who don't want to be bothered by controlling spending. Congress continually increasing the debt limit is akin to consumers having the ability to increase their own credit borrowing limit with no oversight. We just keep increasing the credit limit to pay for more and more spending. It reminds me of a parent dealing with an irresponsible teenager who was given a credit card, asked to stay within the credit limits but month after month after month continues to exceed the limit as the debt piles and the interest on the debt accumulates. Eventually, the parent has to take away the card and take the scissors and cut it up. At what point do we in the Congress take the congressional credit card, cut it up, and get control of our spending?

I urge my colleagues and the President to focus not on how to get enough votes to raise the borrowing limit again but on how we can truly begin the essential task of eliminating deficit spending and reducing our debt as a percentage of GDP.

Part of what makes America so remarkable is we have the ability in this great country to control our destiny. The problems we face are not insurmountable, but they are not avoidable either. It is time we take a stand and do what the people we represent sent us to do. It is time we make the changes we pledged we would make when we were seeking office, and it is time we take control of our country's financial future and put America on a path to prosperity.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. VITTER. Mr. President, I am going to lay out and discuss a motion to commit which I have at the desk, and we are going to be voting on that motion to commit later today. It is very simple, very straightforward. In fact, I will read it:

Mr. VITTER moves to commit the bill H.R. 325—

That is, of course, the debt limit increase which we have at the desk which we are debating—

to the Committee on Finance with instructions to report the same back to the Senate within 7 days with legislative language that makes changes in existing programs that reduce Federal spending by the increase amount required by section 2(b) . . . over the period of fiscal years 2013 to 2022.

It is very simple. By whatever amount we are increasing the debt limit, so too would we reduce spending. The idea is to start actually paying for what we spend or at least paying for the extra we are going to borrow. It is a commonsense idea, a straightforward approach, and it is not Draconian. We can do it. It starts to put discipline into the process.

This bill before us suspends the debt limit until May 18. That is estimated to mean between \$300 billion and \$400 billion in additional deficit spending. So under this motion to commit, that is the savings we would find. Those are the cuts we would make: \$300 billion to \$400 billion total over 10 years. Obviously, that is \$30 billion to \$40 billion a year. That is thoroughly doable. It is meaningful. It takes some work, but it is thoroughly doable, and those savings would be such a small percentage. The part for this year would only be about 3 percent of the deficit and around 1 percent of total Federal spending.

If we can't find between \$30 billion and \$40 billion a year in savings, is

there truly a way we can agree to major budget reforms? If we can't find those modest savings, should we be borrowing more money to just spend and spend and spend?

Let me be clear. My limited motion is not enough. We need more spending cuts and we need more and fundamental budget reform and we need it now. But I am proposing a reasonable first step that is concrete and meaningful as a downpayment toward fiscal soundness.

This bill is short term. It is a patch. It is for 3 months. But it puts us on the right path. It is a concrete, meaningful first step.

Surely, we should have learned by now; Congress passed the last debt limit deal in 2011, but we got a credit downgrade anyway. As we continue to rack up more and more debt—without spending reform, without budget reform—a new downgrade has to be on the way. It is not a question of if; it is a question of when.

All the credit rating agencies have maintained their negative outlook, including after the fiscal cliff deal. The problem, as it was with the deal passed on New Year's Day, is not that we are taxed too little; the problem is we clearly spend too much. Not enough folks in this building recognize that. Everybody in the real world recognizes that, and certainly the credit rating agencies recognize that.

So why don't we take this reasonable, concrete first step? Again, my modest amendment is a small downpayment but an important step, concrete action during the time for which this bill would increase debt, as we work toward a more comprehensive solution.

If we are going to raise the debt limit, we must at least show the taxpayers, the credit rating agencies, and the world that we are serious about getting our fiscal house in order. Without this type of amendment—or in this case a motion to commit—we are not saying that in any way, shape, or form with this bill. That is why without this sort of motion to commit or a roughly similar amendment, I cannot vote for this debt limit increase.

I urge all of my colleagues to join me in a bipartisan way around this approach. I think it would be a step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the debt limit alone, under the current administration, had been increased by over \$5 trillion. That is simply unsustainable.

Not to worry, I have recently been told. We have made massive progress toward promising deficit reduction. I hear this even though we have not seen any significant actual reduction.

I have been hearing bold claims by my friends on the other side of the aisle about having attained trillions in budget "savings" and deficit reduction in just the past couple of years alone.

They have gone so far as to say that we have had \$2.4 trillion of deficit reduction legislated in the past 2 years. Of course, the deficit reduction has not been realized. It represents promises and plans that even Democrats seek to undo. It is amazing to me that they make these claims.

I have heard bold claims that we have somehow legislated deficit reduction totaling as much as \$3.6 trillion from my friends on the other side. I have heard that deficit reduction that has been promised can be broken down to an 80-to-20 ratio of spending cuts to tax hikes.

While I often applaud creativity, I have to say these deficit reduction claims and the ratio of spending reductions to tax hikes is more than creative. It is more like Enron accounting, and if you were running a company in the private sector and made such claims, you would probably end up in jail.

Let me make a few brief comments on the Democrats' Enron accounting of deficit reduction.

First, the so-called spending cuts they identify have not yet been realized, and even they are working hard to undo some of them, if not all of them.

Second, the so-called spending cuts are only cuts if you are selective in the starting point you use to measure whether spending is being cut. Relative to what spending levels would be, had we not had a Democrat spending spree, spending has increased even if you include plans put forward in the Budget Control Act, which have not yet been realized.

Third, the spending-cut-to-tax-hike number thrown around by my friends on the other side of the aisle counts only one discrete tax hike—the one associated with the fiscal cliff bill.

Why do Democrats want to entirely ignore the massive tax hikes associated with ObamaCare that have already gone into effect, with more to come?

Fourth, spending cuts that my friends on the other side of the aisle are banking on when they devise their Enron accounting have not yet been set in place. Until fiscal year 2013 comes to a close, those spending reductions have not actually occurred, and Congress has a long history of promising cuts without delivering.

It is ironic to me that my friends on the other side of the aisle fight tooth and nail against any true reductions in the outsized spending of the current administration. Then when budget realities force consideration of reductions, and legislation is passed promising reductions, Democrats boast of having cut spending to reduce deficits.

Finally, when it comes to actually implement any spending cuts, Democrats want to undo them and replace them with yet more taxes. That is what we are hearing from the other side with regard to the sequestration.

I believe our country faces a large spending problem and that our debt is too big and grows too fast. I believe

presenting a picture of our finances that would pass muster only in the Enron accounting department is a disservice to the American people. If my friends on the other side of the aisle want more tax hikes to pay for more spending, then they should just say so. And some of them do, by the way, and I compliment them for doing that, even though I think it is crazy. Cloaking their desires in manufactured claims that we have somehow cut spending 4 to 1 relative to tax hikes is simply dishonest. And I do not think I have been wrong in calling it Enron accounting.

Frankly, I am getting a little sick of it because they throw these figures around as though they are really tax cuts, and they are not tax cuts, and they never will be according to my friends on the other side in what their actions show. So it is important that we get rid of the fuzz and get rid of the buzz and get rid of the phony stuff and the Enron accounting and start realizing that we need to have some real tax reductions.

Frankly, we need to have some real spending reductions. Even if we cannot get tax reductions, we ought to all be working on spending reductions. We ought to be looking at every aspect of this economy, every aspect of our budget, every aspect of our legislation, and we ought to be looking for as many spending reductions as we can find.

Spending is out of control. Even today, you know they are going to be spending well over 22 percent of GDP, according to the best of estimates. The economic results of yesterday that were in the paper of this slow growth ought to be waking up everybody on both sides of the aisle that we are not doing our job. The reason we are not doing our job is because we phony up these numbers that are not really spending reductions, and then we act like everything is hunky-dory, when, in fact, things are not hunky-dory.

We are in real trouble in this country, and it is inexcusable to let the greatest country in the world have to go through this type of charade because we are unwilling to face the music that every individual family in this country has to face on balancing their budgets and on balancing ours.

I think it is time to cut the charade and quit talking about spending reductions that do not materialize and amount to nothing but Enron accounting.

Mr. President, I ask that both sides be charged equally for the time we are in a quorum call.

The PRESIDING OFFICER. That is the order.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## AMENDMENT NO. 9

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendment No. 9.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 9.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or certain other defense articles or services to the Government of Egypt)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON CERTAIN MILITARY SALES TO EGYPT.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States Government shall not license, approve, facilitate, or otherwise allow the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or other defense articles or services listed in Category VI, VII, or VIII of the United States Munitions List to the Government of Egypt.

(b) UNITED STATES MUNITIONS LIST DEFINED.—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)), as in effect on January 1, 2013.

Mr. PAUL. Mr. President, I rise today to present an amendment that would stop the transfer of F-16s and Abrams tanks to Egypt. I think it particularly unwise to send tanks and our most sophisticated fighter planes to Egypt at a time in which many are saying the country may be unraveling.

Ironically, a year ago, the Arab spring occurred. Hundreds of thousands of people gathered in Tahir Square to protest against the government that was instituting martial law. Ironically, the current President now has instituted martial law. Once again, the dread “indefinite detention” is threatened to citizens in Egypt.

As the rioting expands, many see Egyptian descending into chaos. What is President Obama’s response to this? To send them some of the most sophisticated weapons we have, F-16 fighters and Abrams tanks. I think this is particularly unwise. This amendment will stop it. I think this is particularly unwise since Egypt is currently governed by a religious zealot, a religious zealot who said recently that Jews were “bloodsuckers” and “descendants of apes and pigs.”

This does not sound like the kind of stable personality to whom we should be sending our most sophisticated weapons. I think it is a grave mistake to send F-16s and Abrams tanks to a country that last year detained American citizens on trumped-up political charges, to a country that currently is still detaining Egyptian citizens on trumped-up political charges.

I think it is a blunder of the first proportion to send sophisticated weapons to a country that allowed a mob to attack our embassy and to burn our flag. I find it objectionable to send weapons, F-16s and tanks, to a country that allowed a mob chanting “death to America” to threaten our American diplomats.

I am concerned that these weapons, some of the most sophisticated weapons in the world, someday may be used against Israel. I am concerned these weapons threaten Israel’s security. I am concerned that we are sending weapons to a country with a President who recently was seen to be chanting “Amen” to a cleric who was saying, “death to Israel” and “death to those who support Israel.”

I think it is foolhardy to support and send arms to both sides of an arms race. We send 20 F-16s to Egypt, which already has 240 F-16s. We send 20 in addition. What does Israel feel? They have to have two for every one Egypt has. It escalates an arms race and makes it more difficult for Israel to defend herself.

Today we have a chance to stop this folly. I urge my colleagues to instruct the President that we will not send any more F-16s and any more Abrams tanks to the current Government of Egypt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering H.R. 325.

Mr. MCCAIN. How much time is remaining?

The PRESIDING OFFICER. Only Democratic time remains.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be allowed 10 minutes.

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

Mr. MCCAIN. Mr. President, I speak in opposition to the amendment evidenced by my friend, the Senator from Kentucky, which would prohibit the sale, licensing, approval, facilitation, transfer, retransfer, or delivery of any defense articles and services to the Government of Egypt, including F-16 aircraft and M-1 tanks.

There are many problems with this amendment. I would like to explain. First, the amendment is not revenue neutral. The Congressional Budget Office has not provided an official score, despite my request, but there is a way to avoid the basic fact that there are numerous costs associated with this amendment. The defense articles the Senator from Kentucky wishes to block and prohibit are manufactured by American workers and defense companies. They have contracts to produce this equipment, and American workers are doing that as we speak.

If the Federal Government steps in, as my colleague’s amendment would mandate, those contracts would have

to be immediately broken, and U.S. production lines would have to be shut down immediately. There is a cost of breaching a contract in this country, and there should be. That does not change just because the government is the one doing the breaching. This is also as it should be.

So the Senator’s amendment would obligate the Federal Government to pay the many costs to American businesses and workers for breaking our commitments to them. Furthermore, many of these defense articles have already been produced. They have already been paid for. They are technically the property of the Egyptian Government already. If the Congress prohibits these defense articles from being delivered to Egypt, they become the responsibility of the U.S. Government. We will have to store them somewhere, and that is not free either.

In short, there are a lot of hidden costs in this amendment. If this provision becomes law in its current form, it will add to the national debt. This is fiscally irresponsible, and I cannot support it on these grounds alone.

Second, and more important than the costs associated with this amendment, it is harmful to America’s national security interests. I know as well as anyone that Egypt is beset now with many problems.

I was in Egypt 2 weeks ago with a bipartisan delegation of my colleagues. The Muslim Brotherhood-led government, which I would remind my colleagues was elected by the Egyptian people, has done a poor job of governing in an exclusive and pluralistic way, establishing the rule of law, and building democratic institutions.

The results of the Egyptian Government’s failing are plain to see in the awful street violence and expanding unrest in Egypt. President Morsi’s government has not been able to stem the violence and has often made matters worse. Egyptian police seem to have neither the capacity nor the legitimacy to restore order. The fact is, despite its flaws, the Egyptian Army remains one of the major stabilizing forces in Egypt today. If, God forbid, the current unrest worsens, and Egypt tips deeper into civil conflict, the one force in that country that might be capable of pulling Egypt back from the abyss is the Egyptian military.

If the Senate were to adopt the amendment proposed by the Senator from Kentucky, we would not only be harming the effectiveness of the Egyptian military, which, by the way, is not objected to by the Israelis, who probably understand better than anyone what defense capabilities might be used someday to threaten their security, we would be rupturing a decades-long partnership and denying and squandering our influence with the leaders of one of the most important institutions in Egypt.

The ramifications of this decision would be enormous, especially when it comes to the ability of U.S. ships, including U.S. aircraft carriers and other

vessels, to transit the Suez Canal securely and effectively. I would urge the Senator from Kentucky to call the Chairman of the Joint Chiefs of Staff and ask him what effect this would have on the U.S. military and America's overall national security.

As I say, this amendment would be even more detrimental to our ally Israel, for which the continuing instability in Egypt is an abiding, clear and present danger. I have seen no objections raised by our Israeli allies to U.S. military assistance to Egypt, nor do I expect to see any. Here too I would urge my colleague to pick up the phone and call the Israeli Ambassador or just recall what I am sure he heard from Israel's leaders during his recent visit there a few weeks ago.

This amendment is absolutely harmful to the national security of our ally Israel. The timing of the amendment is also detrimental because our government is currently engaged in discussions with the Egyptian Government and military about the need to shift our security cooperation more toward the kinds of programs and equipment Egypt needs to combat the threats they increasingly face: porous borders, a rising threat from terrorism, deteriorating conditions in the Sinai, and a security sector in dire need of reform. It is in Egypt's interest to move in this direction, as they are beginning to do. It is in our interest to help them.

If we adopt this amendment, the promise of this entire endeavor will be destroyed. Egypt will suffer, Israel will suffer, and the United States will suffer.

I oppose this amendment because it is uninformed and oblivious to the world challenges America faces and our continuing need to work with America's partners, imperfect and frustrating though they may be, to defend our Nation, our interests, and our allies in an increasingly dangerous world.

Finally, the Middle East is in a period of transition and change that we have not seen practically in its entire history. The Egyptians are key and vital to what happens in that part of the world. It is the heart, soul, and center of the Arab world. One out of every four Arabs who live in the Arab world lives in Egypt. It is the cultural and historic center of all the Arab world.

It is vital we do whatever we can to see that Egypt makes a transition to a free, democratic, and open society. That is in grave danger today. To pass this amendment today and send this message to Egypt in this very unstable and unsure time, I believe, would be exactly the wrong message at this time. I would also point out that this legislation has nothing to do with Egypt. It has nothing to do with Egypt.

A decision of this magnitude, in my view, requires hearings, debate, and legislation that would stand by itself, rather than in a 15- or 20-minute discussion on the floor of the Senate. For

that reason alone, I urge my colleagues to overwhelmingly—as we have other amendments of the Senator from Kentucky—reject this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I ask unanimous consent to speak for 5 minutes.

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

Mr. PAUL. I find the argument spurious and, frankly, absurd that not giving F-16s to Egypt is somehow against the interests of Israel. Imagine this. The President of Egypt has called Jews bloodsuckers and descendants of apes and pigs. The President of Egypt has also said that when we look at the relationship of Israel and her supporters—he stood next to a cleric, chanted “Amen” and said “Amen,” that we should go after and destroy Israel and the supporters of Israel.

Somehow it is a good idea to ship weapons to this country and to this religious zealot? I find it absurd that that would be in Israel's best interests. Somehow, the argument is made that, oh, this will lead to stability in Egypt. Well, giving F-16s is somehow going to stabilize unrest in Egypt? It makes no sense whatsoever.

I would say that when we look at this and we hear arguments such as this will cost money, do you know whose money it was that bought these F-16? It was our money to begin with. We send the money to Egypt and then they buy the weapons from us.

If we are worried about a place to store the F-16s, why don't we give them to our military? Everybody seems to be saying it is a problem, this sequester, and there is not enough money for our military. Why don't we give the 20 F-16s to our military? Why don't we give the tanks to our military? Apparently, these are more tanks that are being given to Egypt than often different contingents of our Marines have at any one given point in time.

I would say keep the money and keep the weapons in our country. Mark my words, it is a mistake to send these weapons to Egypt. It is not in Israel's best interest.

For people to come down and argue it is in Israel's best interest to send weapons to a country that professes hate, professes a disbelief in the Holocaust, that professes they are in favor of destroying Israel—that is whom we are supposed to send these weapons to? It makes no sense at all.

Our foreign policy often makes no sense at all. I do think we need to reassess. We made this deal with Mubarak. We didn't make this deal with Mursi. Currently, Egypt is unraveling. I think it is a terrible mistake to send these weapons to Egypt, and I hope my colleagues will consider that.

I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 6

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote on amendment No. 6, offered by the Senator from Ohio, Mr. PORTMAN.

The Senator from Ohio is recognized.

Mr. PORTMAN. Madam President, we had a debate earlier on this. This is the Dollar-for-Dollar Deficit Reduction Act. It makes all the sense in the world.

Here we have a \$16 trillion national debt, now exceeding \$130,000 per household in America. We are told by the Congressional Budget Office that there is \$9 trillion more coming over the next decade.

We have to make this difference here on this bill. We have to take this opportunity to ensure that we are, in fact, beginning to reduce spending, getting this under control, as we once again are asked to extend the debt limit.

This would not apply to this particular short-term debt limit, by the way; it would set up the discipline for the next debt limit, which is anywhere from 3 to 6 months from now.

Now is the time for us to come together as Republicans and Democrats and determine how we indeed reform the entitlement programs, put tax reform in place, go through regular order in the Finance Committee, as the chairman and others have called for, to ensure that we can get this under control.

It is a commonsense proposal. We did it 2 years ago. Most Democrats and most Republicans here on the floor supported it in the past. About 95 Democrats in the House have also supported it. It is a dollar-for-dollar reduction over 10 years as we raise the debt limit.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Madam President, on January 23, something marvelous happened. What was that? The House, on a strong bipartisan basis, passed a bill which would raise the debt limit, which would extend the debt limit to May 18. It was bipartisan. Speaker BOEHNER is to be commended.

This town is criticized for its lack of working together because it is just too partisan. Speaker BOEHNER found a solution to help us relieve the pressure so we can get our job done and get the deficit spending under control.

The method suggested by the Senator from Ohio is a step backward. We have tried that. We tried that a couple of years ago, and it didn't work. We all remember August 11, when the markets basically collapsed when the credit agencies began to downgrade our debt.

So I say let's follow the lead of the bipartisan Speaker, who found a way through great leadership to pass a provision. We should pass the same provision because if we don't, then we will be back to chaos.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Amending the provision means it has to go back to the House. If you think the markets are in disarray today, just think of the lack of confidence that would prevail if this amendment were to succeed.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Madam President, I move to table the Portman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—54

Baldwin	Harkin	Nelson
Baucus	Heinrich	Paul
Begich	Heitkamp	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Stabenow
Coons	Levin	Tester
Donnelly	Manchin	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Hagan	Murphy	Wyden

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	

NOT VOTING—2

Kerry	Murray
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The motion was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassem-

bled when called to order by the Presiding Officer (Ms. HEITKAMP).

ENSURING THE COMPLETE AND TIMELY PAYMENT OF THE OBLIGATIONS OF THE UNITED STATES GOVERNMENT—Continued

AMENDMENT NO. 7

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 7 offered by the Senator from Ohio, Mr. PORTMAN.

The Senator from Ohio.

Mr. PORTMAN. Madam President, this amendment is a commonsense amendment that would end government shutdowns as well as keep us from facing these last-minute budget deals. For all regular programs or activities for which an appropriation bill has not been approved, the End Government Shutdowns Act would automatically continue funding—no significant disruption, no crisis for citizens, no furloughed employees, and no rush to approve a budget agreement that folks simply haven't read.

It doesn't take pressure off lawmakers altogether, however, because it forces us to complete our work by saying that after 120 days, spending would be reduced by one percentage point and then every 90 days by one more percentage point. It would force the administration, Congress, and Members of both parties to come together to make sure we have regular order and we have a process by which we have to get appropriations bills done, which we haven't been doing around here.

Instead of bouncing from crisis to crisis worrying about government shutdowns and having to vote on rush bills that Members haven't read and staff haven't had time to review, this is a more sensible and logical way to proceed. The American people expect us to do it and I hope we get support from both sides of the aisle on this bipartisan approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I oppose the amendment. It would trigger an automatic CR if Congress doesn't pass appropriations bills or a CR.

I understand the Senator's goal, but I oppose the amendment for three reasons: One, the amendment is really about cutting; it is not about keeping the government open. It includes an automatic CR with a 1-percent cut every 90 days, which means it would be compounded—these would be compounded cuts by compounded interest—if the Congress does not pass an appropriations bill. So a cut every 90 days would be a 1-percent cut, and then the following 90 days another 1 percent.

The amendment gives up Congress's constitutional responsibility. If we go on auto pilot, it gives the major power of the purse, which is mandated in the

Constitution, to OMB and Cabinet officers—essentially nonelected political appointees. I don't think the Congress or the American people want to give the power of the purse to nonelected political appointees. Also, I agree we need to get back to regular order.

Madam President, because I disagree with this amendment, I move to table the Portman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

DEMOCRATIC ANNOUNCEMENTS

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—52

Baldwin	Harkin	Nelson
Baucus	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	Manchin	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murphy	

NAYS—46

Alexander	Flake	Moran
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hagan	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Tester
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McCaskill	
Fischer	McConnell	

NOT VOTING—2

Kerry	Murray
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we have four more votes. They have all been ordered, just like this one was, as 10-minute votes. We are going to stick with that. If people are not here—whether you have been here for 30 years or 3 days—we are going to close

the vote. People have a lot of important things to do this afternoon. We cannot delay these votes. This vote was 10, 15 minutes over what it should be. We are not going to do that this afternoon. The next vote will be 10 minutes, plus the 5-minute penalty period. That is it.

AMENDMENT NO. 8

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 8 offered by the Senator from Pennsylvania, Mr. TOOMEY.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, the underlying bill we are going to vote on in a little while suspends the debt ceiling for a period of time, as we all know. My amendment does not change that fact, but it addresses one of the consequences of that fact.

The fact is this bill suspends the debt ceiling, but it does not resolve the underlying problem. So we are going to be back here in a few months with the same impasse we have had in the past: What do we do about the mounting debt? What do we do about having reached the debt ceiling? Will we do anything about curbing the spending that is driving this problem?

My point is we are going to be back at this situation where we will have reached the debt limit once again, we will be at this impasse as to how to resolve this situation, and none of us can possibly know today how quickly that will be resolved. We cannot know how the other body will vote, how this body will vote, the President—we cannot know.

It seems to me, given the inherent uncertainty, we ought to at least have a contingency plan that minimizes any disruption in the event that the debt ceiling is not raised immediately upon reaching the expiration of this period. That is what this amendment is all about.

My amendment is about minimizing the risk of disruption in the event that the debt ceiling is not raised at the moment the time expires. What it does is it instructs the Treasury Secretary to prioritize three categories of payments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOOMEY. Madam President, I ask unanimous consent for 30 seconds.

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

Mr. TOOMEY. This amendment would prioritize interest on our debt, Social Security payments, Active-Duty military, and authorize the Treasury to raise the debt ceiling as necessary to cover those three categories.

I urge my colleagues to support the amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I appreciate the intent of the Senator from Pennsylvania. When we stop and think

about this amendment, it reminds us of the movie and the book "The Hunger Games." In "The Hunger Games," you will recall, children were pitted against each other until one survived.

Under this amendment, there are three categories that are protected: military pay, Social Security, and bondholders. Everybody else is out for him or herself. The Treasury Secretary would have to decide who gets what money, what funds—whether it is food stamps, whether it is Medicare, whether it is Medicaid, whether it is the Coast Guard; whatever it is, it would be total chaos, and people who would find their food stamps cut would find themselves in greater hunger.

This is a very disruptive amendment. If you think the country is worried about a lack of confidence now, if this were the law, there would be less confidence, there would be total chaos in this country. I cannot think of a more disruptive amendment that would cause so many problems. It truly is a "hunger games" amendment and I urge that we table the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Madam President, I move to table the Toomey amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—53

Baldwin	Harkin	Nelson
Baucus	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coons	Levin	Udall (CO)
Donnelly	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkeley	Whitehouse
Gillibrand	Mikulski	Wyden
Hagan	Murphy	

NAYS—45

Alexander	Cornyn	Isakson
Ayotte	Crapo	Johanns
Barrasso	Cruz	Johnson (WI)
Blunt	Enzi	Kirk
Boozman	Fischer	Lee
Burr	Flake	McCain
Chambliss	Graham	McConnell
Coats	Grassley	Moran
Coburn	Hatch	Murkowski
Cochran	Heller	Paul
Collins	Hoeven	Portman
Corker	Inhofe	Risch

Roberts	Sessions	Toomey
Rubio	Shelby	Vitter
Scott	Thune	Wicker

NOT VOTING—2

Kerry	Murray
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The motion was agreed to.

AMENDMENT NO. 9

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 9, offered by the Senator from Kentucky, Mr. PAUL.

Mr. PAUL. This amendment would stop the transfer of F-16s and Abrams tanks to Egypt. Egypt is in danger of unraveling. Egypt is currently ruled by martial law. I think it is unwise to give our most sophisticated weaponry to a country in such disarray. I think it is unwise to give our most sophisticated weaponry to a country ruled by a President who recently said that Jews are bloodsuckers and descendants of apes and pigs.

I hope my colleagues will consider the ramifications of continuing to arm such an unstable regime, and I urge a vote in support of ending arms sales at this point to Egypt.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I rise in opposition to the amendment.

Would that this amendment were as simple as the junior Senator from Kentucky described. His amendment would hinder our military assistance program and licenses for commercial sales of all major military equipment, including aircraft, ships, tanks, other armored vehicles, and so on.

Ending these contracts would not only mean a loss of thousands and thousands of American jobs, it would incur more than \$2 billion in contract termination penalties for U.S. taxpayers. We would also put at risk our access to the Suez Canal, the overflights of the U.S. Air Force over Egyptian territory, cooperation on the Sinai, Gaza, Syria, and elsewhere in the Middle East and North Africa—a part of the world where we need all the allies we can get—and our emphasis on the ability to keep the Israeli-Egyptian peace agreement going.

Do I have problems with the way the Morsi government is going? Certainly. But removing our ability to be involved with keeping that peace agreement and our ability to influence, this is not the way to do it.

It is shortsighted and harmful to U.S. security arrangements.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. WARREN). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr.

KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—79

Alexander	Franken	Menendez
Ayotte	Gillibrand	Merkley
Baldwin	Graham	Mikulski
Barrasso	Hagan	Murkowski
Baucus	Harkin	Murphy
Begich	Hatch	Nelson
Bennet	Heinrich	Portman
Blumenthal	Heitkamp	Pryor
Blunt	Hirono	Reed
Boxer	Hoeven	Reid
Brown	Inhofe	Rockefeller
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Shaheen
Casey	Kaine	Stabenow
Chambliss	King	Tester
Coburn	Kirk	Toomey
Cochran	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Lautenberg	Warner
Corker	Leahy	Warren
Donnelly	Levin	Whitehouse
Durbin	Manchin	Wicker
Enzi	McCain	Wyden
Feinstein	McCaskill	
Flake	McConnell	

NAYS—19

Boozman	Heller	Scott
Coats	Lee	Sessions
Cornyn	Moran	Shelby
Crapo	Paul	Thune
Cruz	Risch	Vitter
Fischer	Roberts	
Grassley	Rubio	

NOT VOTING—2

Kerry Murray

The motion was agreed to.

MOTION TO COMMIT WITH INSTRUCTIONS

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Louisiana.

The Senator from Louisiana.

Mr. VITTER. Madam President, I have a very simple, straightforward motion to commit. It would commit the bill back to the Finance Committee for 7 days only with instructions to find savings—cuts—equal to the amount this bill would increase the debt limit—very simple, very straightforward, and very reasonable. This would only take \$30 billion to \$40 billion a year, which is very doable.

The American people are asking when we are going to turn to the spending side of the equation. President Obama talked all through the campaign about balance. Well, we have had the tax increases. Now we are having the debt increases. When are we going to have any new spending cuts? This would at least start, in a modest way, on some reasonable spending cuts.

The PRESIDING OFFICER. Does the Senator wish to call up his motion?

Mr. VITTER. Yes, I call up the motion to commit.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] moves to commit the bill H.R. 325 to the Committee on Finance.

Mr. VITTER. Madam President, I ask unanimous consent to waive the reading of the motion.

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

The motion is as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Vitter moves to commit the bill H.R. 325 to the Committee on Finance with instructions to report the same back to the Senate within 7 days with legislative language that makes changes in existing programs that reduce Federal spending by the increase amount required by section 2(b) (as estimated by CBO) over the period of fiscal years 2013 to 2021.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, we have essentially already voted on this. It is very similar to the Portman amendment, which lost by a vote of 54-to-44. This approach was rejected by the House of Representatives when the Speaker sent over the debt increase to us, which gives us breathing room. We tried the approach suggested by the Senator in August 2011—to tie in spending. It didn't work. This moves us backward, not forward.

I think we should give praise to the Speaker for putting together a bipartisan approach to, in a way, begin to resolve our debt and debt limit solutions, and so I ask that this motion be tabled.

I move that this motion, the Vitter motion, be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—53

Baldwin	Harkin	Nelson
Baucus	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coons	Levin	Udall (CO)
Donnelly	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden
Hagan	Murphy	

NAYS—45

Alexander	Enzi	McConnell
Ayotte	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker

NOT VOTING—2

Kerry Murray

The motion was agreed to.

SEVERABILITY

Mr. REID. Mr. President, I know that some have raised questions about whether Section 2 of the bill is constitutional under the 27th Amendment, though the legislation does not lower pay but rather withholds it temporarily. Of course, as members of the House knew by the time they passed the bill, Section 2 is largely moot since the Senate leadership previously announced our intention to take up a budget resolution, regardless of whether H.R. 325 is enacted.

In any event, does my colleague agree with me that even if the law is challenged in court and Section 2 is found to be unconstitutional for any reason, the first section would remain in force? That is, does he agree that, in such a circumstance, Section 2 should be severed from the rest of the legislation, leaving the debt limit suspension unaffected?

Mr. BAUCUS. I do agree with the majority leader. As we have discussed, it should be obvious that the overriding, critical purpose of this legislation is to suspend the debt limit and avoid the catastrophic implications of a default. This is an entirely different and severable issue from Section 2, which relates to the budget resolution and member pay.

Mr. President, it would make no sense to vitiate the suspension of the debt limit, and risk default, because of an entirely separate issue. It is hard to believe that many, if any, of my colleagues would want that result. In fact, were a court to strike down Section 1 because of problems with Section 2, there could be serious consequences, potentially including uncertainty about the validity of Treasury securities issued with the full faith and credit of the United States. Nobody would want that to happen.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on passage of the measure.

Who yields time?

All time has expired.

The bill was ordered to a third reading and was read the third time.

Mr. BEGICH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—64

Ayotte	Hagan	Nelson
Baldwin	Harkin	Pryor
Baucus	Heinrich	Reed
Begich	Heitkamp	Reid
Bennet	Heller	Rockefeller
Blumenthal	Hirono	Sanders
Blunt	Hoeven	Schatz
Boxer	Johnson (SD)	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Shelby
Cardin	Klobuchar	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Thune
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden
Gillibrand	Murkowski	
Graham	Murphy	

NAYS—34

Alexander	Fischer	Moran
Barrasso	Flake	Paul
Boozman	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Scott
Corker	Johnson (WI)	Sessions
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	Manchin	
Enzi	McConnell	

NOT VOTING—2

Kerry	Murray
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The bill (H.R. 325) was passed.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

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

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

The Republican whip.

THE ECONOMY

Mr. CORNYN. Mr. President, the latest economic report came out yesterday, and it showed that the economy of the United States actually shrank in the last quarter of 2012, with U.S. exports plunging 5.7 percent. You heard me correctly—the economy is growing more slowly. In fact, it is contracting rather than growing. This news is a sobering reminder that we are still experiencing the weakest economic recov-

ery and the longest period of high unemployment since the Great Depression, and it has very human consequences. Millions of Americans are out of work or they are working part time when they wish they could work full time so they can provide for their families.

We cannot create more jobs in this economy unless the economy grows. We must never accept slow growth and high unemployment as the new normal. As I said, these are not just economic concerns, these are human concerns. When millions of people are unable to get full-time jobs, the social and psychological effects can be devastating for individuals, families, and entire communities. Yet it seems that the President is no longer focused on the economy. By shutting down the White House Jobs Council—with unemployment at 7.8 percent—the President is sending a clear message that the economy and jobs are no longer his top priorities and that his priorities lie elsewhere. This is greatly disappointing.

We must do everything we can within our power to revive the American jobs machine and accelerate the pace of U.S. economic growth. That means doing some simple but apparently complicated things at the same time, such as reforming our Tax Code, abolishing unnecessary and harmful regulations, and removing the obstacles to greater domestic energy production. In other words, we should copy the simple economic blueprint that has proven so successful in my State of Texas: lower taxes, limited government, sensible regulations, and strong support for our domestic energy production. These policies have helped Texas turn a \$5 billion deficit into an \$8.8 billion surplus while creating hundreds of thousands of new jobs in the private sector.

Texas achieved that budget surplus by having the courage to make some hard decisions when it came to spending.

Unfortunately, the Federal Government continues to spend and spend and postpone its own hard decisions about America's long-term finances. When we look back over the past several decades, for example, we see our programs, such as Medicare and Social Security, on an unsustainable path, and we see that virtually all of the increases in Federal spending come from those programs. When we look ahead over the next several decades, we see that these programs are headed for bankruptcy. This is not a Republican issue or a Democratic issue, this is unacceptable to all of us. Why aren't we doing everything in our power to preserve and protect Medicare and Social Security by taking the steps we all know need to be taken in order to save these for future generations?

I know there are some people in the Chamber and across the Capitol who still believe we can solve all of our problems by raising taxes. Well, we just saw the American people's taxes go up by roughly \$60 billion a year as a

result of the fiscal cliff negotiations. The President has gotten his tax increase. The President has gotten his pound of flesh. So now it is time for a little bit of what the President himself likes to call "balance." Where are the spending cuts? Where is the spending restraint that would provide the balance to offset that revenue increase? The President knows these facts as well as anyone. He has acknowledged that tax increases alone cannot save programs such as Medicare. Instead, we all know we need measured structural reforms to make these programs sustainable in the long haul.

With the national debt now roughly around \$16.5 trillion, with the Medicare hospital trust fund projected to be insolvent within 11 years, with our unfunded Medicare liabilities approaching \$27 trillion, and with our total unfunded liabilities exceeding \$100 trillion, America's toughest financial decisions must not be delayed any longer.

The politics, no doubt, are difficult, but the choice is pretty simple: Either we will reform these programs—Medicare and Social Security—gradually, slowing the rate of growth, or we will be forced to slash them abruptly when the bottom drops out of our economy. If we reform them gradually, starting now, we can minimize the impact and protect our most vulnerable citizens. If we wait until a debt crisis ensues and those changes have to be made abruptly, the impact will be much harsher and they will disproportionately affect low-income people and the needy. Nobody wants that. If we continue to kick the can down the road, pretty soon we are going to run out of road.

I have one final point. I read in the Washington Post this morning that people were saying that the contraction of the economy has been because the Federal Government has not been spending enough. Well, I would remind everyone here that about 40 cents out of every dollar the Federal Government spends is borrowed money. That racks up trillion-dollar-plus annual deficits and contributes to the \$16.5 trillion national debt. We cannot keep spending our way out of slow economic growth. Over the past few years, we witnessed an explosion of new Federal spending, and that has not solved our economic problems. We have also seen the weakest economic recovery since the Great Depression. So we have seen a confluence of unprecedented Federal spending and weak economic growth. That is not a coincidence.

In 2008 America ranked No. 1 in the world for global competitiveness. We were No. 1 in the world. In 2012 we ranked seventh. In 2008 we ranked fifth on the Heritage Foundation's Index of Economic Freedom. Today we rank 10th. This decline is simply unacceptable and can be easily reversed—not with more government spending of borrowed money, thereby exacerbating our deficits and debt and crowding out the private sector, creating uncertainty as to what our tax policy will be or what

the fiscal consequences will be when the bottom drops out. Instead, what we need are genuine pro-growth policies designed to help small businesses and middle-class families.

We don't need more government intervention; we need more entrepreneurship and more innovation. Government must simply take its boot off the neck of the great American jobs engine. After all, this is still the most dynamic economy on Earth, and America continues to attract the best and brightest from around the world who want to come to America to achieve their own version of the American dream. With better leadership—particularly from the President, whose leadership is required—there is no reason we cannot turn this slow economic growth around and turn it into fast growth, which in turn will increase private sector job creation. It will create more taxpayers who will pay more money into the Treasury, which will help us close that deficit. In the process, we need to expand economic opportunity for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### HAGEL NOMINATION

Mr. COATS. Mr. President, even though the confirmation hearing regarding the nomination of former Senator Chuck Hagel for Secretary of Defense is going on before the Armed Services Committee, I would like to make some comments in terms of my thoughts regarding his potential appointment and the conclusion I have come to based on the 130 pages of written answers to questions posed to Senator Hagel by the Senate Armed Services Committee and some of the information I have gleaned, as my schedule has allowed, from his testimony before the SASC—ongoing, as I said.

Based on his written answers and what I have heard so far, it is clear that Senator Hagel is willing to execute the policies established and endorsed by the President. But the idea floated out of the White House, what the President has described as bipartisan balance—that is why Senator Hagel was selected—to consideration of these critical issues before us regarding the role of the next Secretary of Defense, doesn't hold water.

As I said, Senator Hagel has essentially indicated on a number of occasions—through his written answers and through his answers to the SASC committee—that he is in line with the President's policies and, in fact, in some cases, to the left of some of those policies.

It is obvious that I and many of my Republican colleagues disagree with many of the views and policy positions taken by the administration and Senator Hagel. This is to be expected. Most policy differences should not be sufficient reason to oppose a nomination of a President's preferred Cabinet ap-

pointment. Elections have consequences, and the President does have the right to his own advisers. However, this usual tolerance of alternative views has its limits. For me, the limit is when a nominee is of such a high position, such as the Secretary of Defense, and that nominee has a point of view which places the United States in greater danger, which I believe is the case for this nominee, then I think we have to ask ourselves a number of questions before we give our support and before we make our decision.

Senator Hagel's views about the threat posed by Iran's nuclear ambitions and the best way to counter that threat are significantly inconsistent with my own, inconsistent with America's responsibilities, I believe, at this moment in history, and inconsistent with the security needs of our country and the survival of our friends.

I have been focused on the Iranian nuclear threat for more than 5 years. After I left my position as Ambassador to Germany and returned to the private sector, I joined the Bipartisan Policy Center. Together with former Democrat Senator Chuck Robb, we co-chaired a project on Iran. The Bipartisan Policy Center has been on the front lines of those ringing alarm bells about the situation in Iran and its pursuit of nuclear weapons. We issued our first report in 2008 entitled "Meeting the Challenge: U.S. Policy Toward Iranian Nuclear Development." I was involved in producing a second, more urgent report in 2009 entitled, "Meeting the Challenge: Time is Running Out."

After I left the Bipartisan Policy Center and returned to the Senate, the organization produced two more reports on the subject, each more urgent than the last, and each demanding clearer, more vigorous, and more determined U.S. policy to avert this ever present danger. Each year since the beginning of my involvement in this Bipartisan Policy Committee project, I have become increasingly worried about Iran's continuing irresponsible and dangerous behavior and the administration's inconsistent, unsure policies to respond to this growing threat.

Preventing Iran from gaining nuclear weapons capability is the most urgent foreign policy matter facing the United States and international security. The consequences of a nuclear weapons-capable Iran are not tolerable, not acceptable, and must motivate the most powerful and effective methods and efforts possible to prevent this from happening. Based on his record as a Senator and subsequent public statements, I do not believe Senator Hagel agrees with this assessment.

Since returning to the Senate, I have joined many colleagues in pressing for a robust, comprehensive, three-track effort to raise the stakes for the Iranian regime and compel it to live up to its commitments and halt its weapons program. The first track is enhanced diplomatic efforts—and I mean enhanced. We have pressed the adminis-

tration to create, invigorate, and motivate a much enhanced international coalition devoted to one single objective: to prevent Iran from gaining nuclear weapons.

This doesn't mean simply repeated outreaches to the Iranian regime itself to engage in dialogue. The Obama administration came into office promising such discussions, but this has gone nowhere, nor have other diplomatic efforts, either unilateral or multilateral. All such diplomatic efforts have failed—all such diplomatic efforts have failed—for nearly a decade in achieving the goal of preventing Iran from its continuous and relentless pursuit of developing nuclear weapons.

Senator Hagel, whose life story brings him to a justifiable reliance on dialogue before the use of force—a preference which we all understand and we all share—has, in my opinion, an exaggerated and unrealistic belief in what dialogue and diplomacy can accomplish. This is especially so when the dialogue partner is a revolutionary regime of zealots with a self-declared historical mission rather than rational leaders of a nation state—a huge distinction between dialogue with rational states and dialogue with Iran and its irrational leadership.

Senator Hagel has long called for direct, unconditional talks with the Iranian regime, not to mention direct talks with Hamas, Hezbollah, and Syria as well. He has pressed that such talks should proceed without the backing gained from other, more forceful, credible options. This approach is far too weak to be effective and reveals a person less committed to results than this critical moment demands.

The second track of a comprehensive search for a solution is sanctions. I have supported all legislative efforts to create and impose both unilateral and multilateral sanctions on Iran, leveraging similar commitments from our friends and allies when possible, and pursuing unilateral sanctions when necessary. Indeed, it has been our willingness to impose sanctions by unilateral action that arguably has stiffened the spine of the international community and made increasingly harsh multilateral sanctions regimes possible.

Senator Hagel does not see it that way. He repeatedly voted against sanctions legislation, even opposing those aimed at the Iranian Revolutionary Guard Corps, which at the time was killing our troops in Iraq. He has long argued against sanctions imposed by the United States absent an international judgment by others that we are doing the right thing. He has not seen the connection between America's firmness, determination and leadership, and international acquiescence. It is his instinct to give a veto to Brussels or Paris or even Moscow and Beijing, and I cannot support the nomination of a Secretary of Defense who shows such deference to foreign politicians.

Senator Hagel has famously agreed publicly that the United States is a

bully. I assume our reliance on unilateral sanctions when necessary may fit his definition of bully. I cannot possibly agree.

The third track of a comprehensive approach to this crucial problem is open discussion of, and early preparation for, military options. It has become increasingly clear over the past several years that diplomacy and sanctions alone are too weak to compel Iranian compliance with the international communities' demands. A frank discussion of military options and preparations give credibility to the rest of our strategy. No one should suppose these steps mean anything other than preparing the ground for the logical and necessary access to measures of last resort.

At the Bipartisan Policy Center, I participated in an exhaustive analysis of all of the means and consequences of a potential military action against Iran's nuclear weapons program. There were no war advocates among us. Nevertheless, if it is true that a nuclear weapons-capable Iran is unacceptable, as now four U.S. Presidents have publicly declared, including the current President, then our Nation and the international community as a whole must see with vivid clarity what measures remain should the first two tracks fail to achieve the objective.

The Iranian regime must be especially clear-eyed and nondelusional about those potential consequences should it not change its behavior. Indeed, to give the diplomatic and sanctions tracks the essential credibility they require, then a military option must be entirely believable if, as the President has repeatedly said, Iranian possession of nuclear arms capability is unacceptable.

I cannot conclude that Senator Hagel views the military option in this credible way. Indeed, he has maintained in recent years that "a military strike against Iran is not a viable, feasible, responsible option."

Many of us have examined Senator Hagel's on-the-record comments carefully and parsed each one to determine what his views on these important subjects actually are. In the meantime, he has hastened to apparently amend the record so that his advocates can point to more recent statements that seem to negate the earlier ones. But this is not a court of law, and we are not looking for admissible evidence. Rather, we are defining the basis for our own judgments on how the full pattern of words and behavior define the views and likely future behavior of the nominee.

In so doing, I have concluded that when Senator Hagel pays lipservice now to the contention that "all options are on the table," it does not reveal his real, extinctive, and strong disinclination to consider military force if it becomes necessary. For me, that is very nearly a disqualifying position for any Secretary of Defense.

A related concern is what I believe to be Senator Hagel's views about the so-

called containment option. This is related to his nearly notorious views about nuclear proliferation in general. He has famously said "the genie of nuclear weapons is already out of the bottle, no matter what Iran does." I fear Senator Hagel holds the mistaken view that a nuclear-armed Iran is more palatable than the consequences of going to war to prevent it. That is a dangerously corrosive idea.

Indeed, my concern was heightened this morning when Senator Hagel, in testimony before the Armed Services Committee, referred twice to his support for containment. It was only when someone handed him a note, presumably reminding him the administration's formal position did not support containment, did he correct himself and say he didn't support it either.

So what are we to conclude relative to what he truly believes and where he actually stands on a number of issues vital to our national security? The supreme fallacy of the containment option as modified is that it severs the spine of all of our friends and allies who are justifiably appalled by the contemplation of real military action. They will eagerly lead toward a containment option should others fail. But we must all see clearly that, in fact, containment means toleration.

A nuclear weapons-capable Iran that we believe can be contained is one that we are, therefore, prepared to tolerate. This is an illusion and one that makes our task all that much harder. If others—especially Iran, but also including our allies and other coalition partners—come to believe that we would consider ever tolerating a nuclear Iran because it can somehow be contained, then none of our efforts to prevent it will work. This is why a nominee for Secretary of Defense who is less than firm on this key point is, in my opinion, a dangerous choice.

It has been said by Senator Hagel's supporters that whatever his personal views and past statements on these important issues, as Secretary he will toe the line; he will not be making these basic policies himself. In other words, those of us who find his policies objectionable are encouraged to support the nominee despite his views, not because of them.

I cannot bring myself to support a nominee based on the assumption that his own views will become irrelevant once he is under the policy yoke imposed by the White House.

Finally, the most worrisome consequence of confirming Senator Hagel to be Secretary of Defense is something on which the ayatollahs in Tehran and I can agree: The confirmation will tell the Iranian regime that their fear of U.S. military action in Iran is now unjustified. They can rest more comfortably that their pursuit of nuclear weapons is less likely to provoke the military option that, until recently, may have seemed more credible.

The Iranians will, therefore, feel less constrained in pursuing their dan-

gerous nuclear ambitions. That, more than any other reason, is why I am voting no on the Hagel nomination.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### TRIBUTE TO ADELE HALL

Mr. MORAN. Mr. President, all of us in our lives from time to time hear of the passing, the death of someone we know. Sometimes it is family, often friends, or perhaps someone we are only vaguely acquainted with. This past week, we learned of the death of a Kansas City resident, Adele Hall. Her passing so personally saddens me because Adele Hall was a person with such optimism and so engaged in improving the lives of others.

Kansas City, in fact, lost one of their greatest champions when Adele Hall passed away. Adele was a longtime resident of Kansas City and was well known and well loved, highly respected for her acts of service and kindness to others. When she wasn't serving on a board of a nonprofit, she was raising funds for a worthy cause or volunteering with children. My guess is that she probably was doing all of those things at once.

Adele, I am sure, had the financial resources to live a life different than in service to others, but she chose to commit her life to making sure others had the chance for the success that she had.

She grew up in Lincoln, NE, and she was—I read today, in her honor, that she was an avid Nebraska fan.

In Nebraska, Adele learned the importance of giving back by watching her own parents volunteer, especially with the Salvation Army. As a young woman, she developed a love for children and later became involved in so many organizations that cared for their health and education and well-being. Adele never lost faith in the potential of a young person's life. One of her greatest passions was working with children at Children's Mercy Hospital. Adele served as chairman of the board there and together with the help of professional golfer Tom Watson, she established the Children's Mercy Golf Classic, which over a quarter of a century has raised more than \$10 million for Children's Mercy. Adele also used her expertise to bless children nationwide through her work as a member of National Commission for Children.

Those boards and that service was important to her, but it was always the personal touch, not just serving on a board and making decisions about a hospital or the children it cared for, but personally caring for the children in the hospital.

Her actions were guided by a belief in the value of each and every individual. She lived out that Biblical teaching "love your neighbor as yourself," through her service as the first woman president of the United Way of Greater

Kansas City. Adele always looked for the best in others and worked to bring people together. Her efforts were always at bringing a diverse group of opinionated people together in a way that would solve a problem.

She was an inspiration for other women, and she cofounded the Central Exchange and the Women's Public Service Network in Kansas City to help women embrace their careers and develop skills to pursue leadership positions.

She also served as the board chairman of the Greater Kansas City Community Foundation and actively participated on boards of the Pembroke Hill School, Salvation Army, Starlight Theatre, and the American Red Cross. To recognize Adele's years of service to the Kansas City community, she was named Kansas Citian of the Year—the first woman to hold that title.

In an era when we sometimes wonder what difference one person can make, Adele proved that one person is all it takes to touch the lives of others. I have always believed that what we do here in the Nation's Capital is important, but the reality is we change the world one soul, one person at a time. And Adele Hall lived that life and made that difference each and every day.

By investing her time, talents, and treasure in the community where she lived, she made a difference one life at a time. Her involvement in her community and her selflessness serve as an inspiration, a role model to every American.

Adele was loved. I never met a person who did not love and respect Adele Hall, and everyone who knew her loved and admired her and saw her as a special person. No doubt, especially she was loved by her family. She was known by a saying, "Leave the dishes in the sink and play with your kids," and her family benefited from that kind of philosophy, her wholehearted dedication to each of them.

She was married to her husband Don for nearly 60 years and was a devoted wife and a loving mother to their three children. I ask the Senate to join me today in extending our heartfelt sympathies to her husband Don, her sons Donald and David, her daughter Margaret, and her nine grandchildren. She was loved by them dearly, and she will be greatly missed.

Adele once said that voluntarism is a "belief in love," and her love will be forever remembered by the lives she changed for the better. If your value in life is whether you made a difference while you were here, Adele Hall lived that life and contributed so greatly to others. God bless her for her life and let her be a role model for all of us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

#### HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, this past weekend I had the opportunity to

attend a conference of the Wyoming American Legion. Many of the veterans I spoke with remain very concerned about their health care and specifically about the impacts of the Obama health care law on their lives and on their health.

The men and women whom I met with are very worried they may lose their health coverage. Why? Because of the law. They wonder what happened to the insurance premium cuts they were supposed to have gotten by now—not in the future but promised to have gotten by now.

These men and women have not gotten many of the benefits they were told to expect, but what they are getting are all the costs. That is why the people I talk with every weekend at home in Wyoming understand what the Democrats in Washington still will not admit: that the President's health care law remains unworkable, unpopular, and absolutely unaffordable.

Remember when the President promised that if you like your health care plan, you can keep it? Well, all of America now knows it was an empty promise, just as when President Obama promised health insurance premiums would go down. Over and over, the President said that his law would lower premiums by \$2,500 a family by the end of his first term in office. The President has not talked much about that lately. I did not hear anything about it in his inaugural address, and I do not expect to hear very much about it in his State of the Union Address. It is because average premiums across the country for families have not gone down—not by the \$2,500 that the President promised, not by even \$1,000, not even by a cent. Instead, average family premiums have actually gone up by more than \$3,000 during the President's first term. That is a pretty big math error on the part of President Obama, and the American people, unfortunately, are the ones who have to pay for his mistake.

Because of his policies, health insurance is a lot less affordable for a lot of people and for a lot of small businesses. Now many small businesses are facing what is turning out to be an impossible decision. If they expand their business and cross the law's threshold of 50 employees, they will be subject to the employer insurance mandate. If they choose not to expand, then they are holding back potential growth and the opportunities that come with it. In this current economic environment, the last thing we should be doing is making it more difficult for businesses to expand and hire more people. But because of the President's health care law, that is exactly what is happening.

The Wall Street Journal ran a piece recently about a small business owner named Carl Schanstra. He owns a parts assembly factory near Chicago, IL. It is called Automation Systems LLC.

Sales have been growing, and the business is doing well, but he has a problem because he already employs

close to 50 people. That means he is getting dangerously close to the law's threshold and the new health care burdens it would place on him, including all the expenses.

As he puts it, he says: "I'll be hammered for having more people at work." The cost of providing insurance would be enormous. The cost of paying the tax penalty for not offering insurance would also be enormous.

That is not a good option for a small business such as Automation Systems—a small business that wants to expand, a small business that has an opportunity to expand and hire more people. So he has to look for ways to stay under the law's limits.

He plans to raise prices to give himself a buffer against the new health care law, and he may even have to break his company into two different companies so they can stay below the limits. He may avoid hiring more people or buy more machinery to replace some of the workers.

A rational and responsible business owner wants to make decisions based on what is best for the business and its employees. Now we have business owners having to make these decisions based on the crushing regulatory burden imposed upon them by Washington.

Carl is not the only business owner who is having to face tough choices because of the health care law. According to a new survey Gallup put out last week, more than half of small business owners say health care costs and taxes are hurting them a lot. Those two things—health care costs and taxes—led the list of their concerns by a wide margin. When Gallup looked specifically at businesses that were not hiring, 61 percent of them—nearly two out of every three—said it was because of the potential cost of health care.

Washington should be creating policies that encourage businesses to hire and making hiring easier. Again, that is what our economy needs to recover. Instead, this administration has been piling up more costs, more regulations, and more ways to discourage hiring.

That is one person's story. But just down the road from where Carl is trying to do what is best for his business and his workers, the city of Chicago itself is facing some of the same concerns. Chicago has decided it cannot afford to pay the health care costs of its retired city workers. So what is the whole city of Chicago going to do? Well, it is looking at dumping those former workers into the ObamaCare exchange. It would save the city a lot of money, but the taxpayers of Illinois and every other State would have to make up the tab because the city is trying to skip out on paying their own bill.

Federal subsidies for Chicago retirees would be \$44 million in 2014, and that amount would only grow over time. Of course, we know the mayor of Chicago is Rahm Emanuel. He was one of the main figures in the room where ObamaCare was being written, and we

all know—all of America knows—that room was behind closed doors. He knew exactly the kinds of incentives the law was creating. He also knew exactly how many people would be affected. And he knew how people such as him could use the law to push health care costs onto someone else.

Chicago takes that step today. Other cities might be right behind and waiting to do the same thing tomorrow and the day after that, and so on.

We need to reduce health care costs in America. But all we do and all we see is cost-shifting, robbing Peter to pay Paul. We need businesses to hire people so our economy can grow. Those businesses are holding back because of the health care law. We need to reduce Washington's out-of-control spending. But cities such as Chicago are trying to shift their health care costs to hard-working taxpayers elsewhere.

Meanwhile, Democrats in the Senate and the White House refuse to accept that we have any problem at all with entitlement spending and the budget deficits we are looking at. It is time for Democrats to take their head out of the sand, to admit that the President's health care law did not solve our problems; in fact, it made things worse.

Then I picked up the paper this morning—today's Wall Street Journal—and a front-page headline is: "Some Unions Grow Wary Of Health Law They Backed." We all remember the days when unions lobbied for this health care law. Their Web sites said: We need this health care law now. They came to Capitol Hill, lobbying here, members having rallies.

Well, let me read some of the beginning of the article that is on the front page of today's paper.

Labor unions enthusiastically backed the Obama administration's health-care overhaul when it was up for debate. Now that the law is rolling out, some are turning sour.

Union leaders say many of the law's requirements—

Many of the law's requirements—will drive up the costs for their health-care plans and make unionized workers less competitive.

So there we have it. We have what happens to a small business, why the health care law is hurting it. We see how the city of Chicago is responding to the perverse incentives in the health care law to force its costs onto other hard-working taxpayers, and now we see the very unions that supported the health care law during the lobbying phase and during the time of the vote now saying the law's requirements are going to drive up the cost for their health care plans.

It just seems it is time for people on Capitol Hill to realize how bad this health care law is. We need real entitlement reform that preserves vital safety net programs for future generations. We need real health care reform that gives people the care they need, from a doctor they choose, at lower cost.

President Obama continues to give the American people and give all of us

empty promises. Congress should give hard-working American taxpayers the solutions they expect and they deserve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

The Senator from Delaware is recognized.

(The remarks of Mr. COONS pertaining to the introduction of S. 193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COONS. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 1, S. 47.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 47) to reauthorize the Violence Against Women Act of 1994.

#### MORNING BUSINESS

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

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

#### COMMITTEE ON THE JUDICIARY

##### RULES OF PROCEDURE

Mr. LEAHY. Madam President, the Committee on the Judiciary has adopted rules governing its procedures for the 113th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

RULES OF PROCEDURE UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY—113TH CONGRESS

##### I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem nec-

essary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

##### II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

##### III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

##### IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

##### V. AMENDMENTS

1. Provided at least seven calendars days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the

first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

#### VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

#### VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

#### VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

#### TRIBUTE TO DAVID KAPPOS

Mr. LEAHY. Madam President, I want to congratulate David Kappos, whose last day as the Director of the Patent and Trademark Office, PTO, is today. Director Kappos's leadership of the PTO has been applauded by all segments of the intellectual property, IP, community. This is no easy feat. The IP community is as diverse as our

economy, and the community's views on IP law are hardly uniform.

I have known Director Kappos since well before he entered government service, and I was particularly pleased to chair his confirmation hearing in July 2009. Director Kappos was well suited to understand both how to manage a \$2 billion office and meet the needs of inventors and innovators. He began his career as an engineer and worked in the IP law department of IBM in nearly all of its business units before finally managing all of IBM's IP law interests as vice president and assistant general counsel. IBM is a large employer in Vermont and one of the reasons that Vermont receives more patents per capita than any other State.

Anyone who has met Director Kappos cannot help but be taken with his integrity and his clear passion for an intellectual property system that rewards inventors and creators. Those leadership qualities have motivated the PTO staff, which has reduced the time it takes to receive responses from the patent office on applications and, according to most experts, simultaneously improved the quality of patents that the PTO issues.

Director Kappos played an instrumental role in the development and passage of the Leahy-Smith America Invents Act—one of the few bipartisan, job-creating bills of the 112th Congress. Soon after being confirmed as Director in August 2009, he sat down to work with me and a bipartisan, bicameral group of Members to work out a consensus on patent reform legislation.

Director Kappos's credibility within the patent community and his leadership was critical in bringing together the different interests to support the changes in the America Invents Act that will speed the time for high quality patents to issue from the PTO while providing more efficient methods for challenging low quality patents. Since enactment, Director Kappos and his team have set the PTO on course to implement the key provisions of the act, which will improve the patent system for decades.

The America Invents Act was the highest profile law on which I worked with Director Kappos, but it was not the only one. Early in his tenure, the PTO recommended legislation that ultimately became the Trademark Technical Correction Act of 2010 and the Patent Law Treaties Implementation Act of 2012.

Director Kappos's full title is Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office. This is one of the longest titles in government and underscores the vast responsibility he has had, and which is particularly important because IP is such a key driver of our economy.

I am saddened that Director Kappos has decided to step down but heartened by how he has energized the PTO. The President and the Commerce Depart-

ment have lost a valuable member of their economic team. I wish Dave all the best.

#### HONORING SENATOR JOHN KERRY

Mrs. BOXER. Madam President, I rise today to pay tribute to my colleague and friend, Senator JOHN KERRY, as his distinguished career in the U.S. Senate comes to an end.

While I am sad to see him go, I am so proud that Senator KERRY will be continuing his long record of service to the United States as Secretary of State.

For more than 13 years, I have had the privilege of serving with Senator KERRY on the Senate Foreign Relations Committee. Throughout that time, Senator KERRY has consistently shown a tremendous breadth of knowledge regarding the key foreign policy challenges of the day.

Most recently as chairman of the Committee, Senator KERRY championed Senate ratification of the New START treaty—making both our country and the world safer from the threat of nuclear proliferation.

And on a wide range of issues—from United States policy toward Afghanistan and Pakistan to efforts to achieve peace between Israel and the Palestinians—he has offered thought-provoking insight and expertise.

That is why I believe that no one is as prepared as Senator KERRY to serve as our Nation's top diplomat.

I am particularly proud of the many issues we have worked on together, including fighting HIV/AIDS, tuberculosis and malaria, addressing climate change, and working to end human trafficking around the globe.

I am also grateful that Senator KERRY worked with me to establish the first-ever Senate subcommittee dedicated to ending violence against and promoting the advancement of women and girls around the globe.

I look forward to continuing to work on these and the many other foreign policy challenges facing our country with our new Secretary of State, Senator KERRY, and wish him all the best in his new position.

#### ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Madam President, the Honest Leadership and Open Government Act of 2007 calls for the Select Committee on Ethics of the United States Senate to issue an annual report not later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2012 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules received from any source, including those raised by a Senator or staff of the Committee: 47. In addition, two alleged violations from the previous year were carried into 2012.

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 36.

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 8.

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 5. The figure includes two matters from the previous calendar year carried into 2012.

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit: 1.

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 2.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2012, the Committee staff conducted three new Member ethics training sessions; 33 Member and committee office campaign briefings; 18 employee code of conduct training sessions; 11 Member, spouse, and employee STOCK (Stop Trading on Congressional Knowledge) Act briefings; eight public financial disclosure seminars and clinics; 24 ethics seminars and customized briefings for Member DC offices, state offices, and Senate committees; six private sector ethics briefings; and 15 international briefings.

In 2012, the Committee staff handled approximately 9,616 telephone inquiries and 2,097 email inquiries by email for ethics advice and guidance.

In 2012, the Committee wrote approximately 761 ethics advisory letters, including 576 letters regarding travel and gifts matters (Senate Rule 35) and 113 letters regarding conflict of interest matters (Senate Rule 37).

In 2012, the Committee received and reviewed approximately 3,142 Periodic Disclosure of Financial Transactions reports filed by Members, officers, and employees of the Senate.

In 2012, the Committee issued 3,259 advisory letters concerning financial disclosure filings by Senators, staff, and Senate candidates and reviewed 1,915 reports.

#### UNITED STATES-INDIA RELATIONS

Mr. JOHNSON of South Dakota. Madam President, I rise today to speak on the importance of United States-India relations. President Obama recognizes this valuable partnership, hosting Indian Prime Minister Manmohan Singh at his first state dinner in 2009 and traveling to India in 2010. As President Obama begins his second term, it is vital that the United States remain committed to deepening our strategic partnership with India. In the coming decades, United States-India relations will be among the world's most important.

It is clear that United States-India cooperation on commercial and security initiatives over the past decade has resulted in greater opportunity for

both nations. United States bilateral trade with India has increased 4½ times in the last 10 years, and India is now one of the fastest growing export markets for the United States. Last year, India became the world's third largest economy in terms of purchasing power parity. In 2005, the United States and India signed a 10-year defense framework agreement which has greatly expanded bilateral security cooperation between our nations. India now conducts more defense exercises and personnel exchanges with the United States than with any other country.

As the world's largest democracy, India shares with the United States a strong commitment to representative government and the rule of law, but these are not the only values that bind us. It is my hope that the United States will continue to pursue a course with India that promotes collaboration on security, encourages civic engagement and open governance, and expands bilateral trade and investment. I look forward to a strong United States-India relationship for years to come.

#### TERRY SANFORD HIGH SCHOOL 100TH ANNIVERSARY

Mr. BURR. Madam President, I am very proud to extend my recognition and congratulations to Terry Sanford High School in Fayetteville, NC, in celebration of its 100th anniversary. As the oldest high school in Cumberland County, Terry Sanford High School continually strives to provide a global and multicultural educational experience to its students and its community.

The school originally opened its doors in 1913 as Fayetteville High School. In 1968, the school was renamed Terry Sanford High School after the late Senator James Terry Sanford, who served as the 65th Governor of North Carolina before going on to honorably serve in this body for 7 years.

The students, faculty, and staff at Terry Sanford High School are led by Principal David Haggerty, and all continue to reflect the proud accomplishments of the Fayetteville community. Throughout the last century, the school has served as a springboard for students interested in the successful pursuit of a variety of academic fields. It has been recognized for its diverse student body, globally focused education, and ability to prepare students for future successes.

Additionally, the school's academic rigor sets it apart from others like it. Its School of Global Studies offers courses that encourage global awareness among students and cultural and social growth. During a time of such increasing globalization, academic institutions such as Terry Sanford High School are invaluable in our efforts to prepare our children for achievement in a 21st century world.

Mr. President, I ask my colleagues to join me in recognizing and congratulating Terry Sanford High School in

Fayetteville, NC, for serving as a pioneer for secondary education in Cumberland County and for continuing to uphold such high academic standards in its work to educate its students and community. May Terry Sanford High School's outstanding reputation for an engaging and enriching education be recognized and appreciated by the citizens of North Carolina and this Congress.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ED WATERSTREET

• Mr. HARKIN. Madam President, on February 9, theater lovers and performers will come together at the Kirk Douglas Theatre in Culver City, CA, to honor Ed Waterstreet, the retiring founding artistic director of Deaf West Theater.

Mr. Waterstreet founded the Deaf West Theater in 1991 with the goal of establishing the first permanent, resident American Sign Language theater company on the west coast. Ed began—as he puts it—“with only one chair, one desk and a typewriter in an office space shared with and donated by the Fountain Theater in Hollywood.” From those humble beginnings, he inspired and led the creation of a theater company that has produced 40 plays and 4 musicals, and has won more than 80 theater awards. Deaf West Theater's production of “Big River: The Adventures of Huckleberry Finn” opened in North Hollywood and ended up in New York City, earning two Tony nominations and a Tony honor for excellence in theater. Equally important, he succeeded in creating a theater whose productions are fully accessible to individuals who are deaf and hard of hearing, as well as others.

I have had the pleasure of attending both “Big River” and other Deaf West performances and, let me tell you, it is a thrilling and unique experience. Productions are presented in American Sign Language, with simultaneous sign-to-voice translation for hearing members of the audience. As Ed explains: “Our deaf audiences can have the pleasure of watching the story unfold in our native American Sign Language. And on the other side of the coin, our hearing audiences have the customary theater experience, enhanced by the visual expressiveness of American Sign Language.”

Ed Waterstreet has had a long and distinguished career in theater. Before founding Deaf West Theater, he was a long-time member of the National Theater for the Deaf. His Hollywood acting credits include the Emmy-winning 1985 drama “Love Is Never Silent.” Throughout his more than two decades at the helm of Deaf West Theater, he has been dedicated to expanding opportunities for deaf artists. And he has pioneered innovative approaches to integrating nonhearing and hearing performers in stage productions.

Ed is now retired from Deaf West Theater, but he is by no means retiring. He says, "The theater is still my baby." He plans to remain actively involved, as Deaf West continues to strive toward its goal of providing an exhilarating theatrical experience for all audiences, regardless of hearing or signing ability.

Regrettably, it will not be possible for me to join with Ed's many other admirers as they come together to honor him next month in California. But I, too, want to express my great respect for Ed Waterstreet's excellence as a performer and artistic leader, and for his passionate commitment to creating new opportunities for aspiring deaf performers not only on stage but also in film and television. I wish Ed and his wife, Linda Bove, all the very best in the years ahead.●

#### TRIBUTE TO DR. FRED HAWTHORNE

● Mr. BLUNT. Madam President, today I wish to honor Dr. Fred Hawthorne, who recently was named as a recipient of the National Medal of Science for his important research involving the use of the chemical element boron in the treatment of cancer, arthritis, and other diseases. On February 1, 2013, Dr. Hawthorne will be one of only 22 recipients from across the country receiving the award from President Obama in a ceremony at the White House. This recognition certainly is well-deserved.

As the director of the International Institute of Nano and Molecular Medicine at the University of Missouri, as well as the Curators' Distinguished Professor of Chemistry and Radiology, Dr. Hawthorne has pioneered the field of boron research throughout his impressive career. The National Medal of Science, the highest award the country can bestow upon our scientists, is a fitting recognition of his critically important and innovative work.

Having grown up in Missouri and Kansas, Fred Hawthorne enrolled in 1944 as a chemical engineering student at the Missouri School of Mines and Metallurgy, now the Missouri University of Science and Technology. Hawthorne later transferred to Pomona College in California, where he completed his degree in chemistry. In 1953, he earned his Ph.D. from UCLA for his work in organic chemistry. In the following years, Hawthorne's work took him across the country—from Iowa to Alabama, Pennsylvania to Massachusetts—before returning him to UCLA in 1969, where he continued his groundbreaking research for more than 37 years.

Upon retiring from his academic career at UCLA in 2009, Hawthorne returned once again to Missouri to help build MU's International Institute of Nano and Molecular Medicine. Thanks to Hawthorne's direction, this research center is an international leader in the field of boron neutron capture therapy, the cell-selective radiation method he

helped pioneer. His work has shown incredible promise in developing noninvasive treatments for cancer and other diseases. As a cancer survivor myself, I am especially grateful for the treatments Dr. Hawthorne is exploring to help the many people whom the disease affects.

Fred Hawthorne's years of dedicated research certainly have made lasting contributions to the fields of science and medicine. I thank him again for his important work and congratulate him on this hard-earned recognition.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer, laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 201. A bill to prohibit the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or certain other defense articles or services to the Government of Egypt.

S. 204. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-239. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Styrene-2-Ethylhexyl Acrylate Copolymer; Tolerance Exemption" (FRL No. 9367-2) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-240. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Pyrrolidone, 1-ethenyl-, polymer with ethenol; Tolerance Exemption" (FRL No. 9376-1) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-241. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alpha-Cypermethrin; Pesticide Toler-

ances" (FRL No. 9376-1A) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-242. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department of Defense (DoD) for sporting events during calendar year 2012; to the Committee on Armed Services.

EC-243. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the elimination of the 1994 Direct Ground Combat Definition and Assignment Rule; to the Committee on Armed Services.

EC-244. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2013-0002)) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-245. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2013-0002)) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-246. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2013-0002)) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-247. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Money Penalty Amounts" (RIN2501-AD59) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-248. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Construction and Safety Standards, Test Procedures for Roof Trusses" (RIN2502-AI72) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-249. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Exemptions for Security-Based Swaps" (RIN3235-AL17) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-250. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to operation of the Exchange Stabilization Fund (ESF) for fiscal year 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-251. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled “Endangered and Threatened Species; Threatened Status for the Arctic, Okhotsk, and Baltic Subspecies of the Ringed Seal and Endangered Status for the Ladoga Subspecies of the Ringed Seal” (RIN0648–XZ59) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-252. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Species; Designation of a Nonessential Experimental Population for Middle Columbia River Steelhead above the Pelton Round Butte Hydroelectric Project in the Deschutes River Basin, OR” (RIN0648–BB04) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-253. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Species; Threatened Status for the Beringia and Okhotsk Distinct Population Segments of the *Erignathus barbatus nauticus* Subspecies of the Bearded Seal” (RIN0648–XZ58) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-254. A communication from the Chief of the Recovery and State Grants Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Termination of the Southern Sea Otter Translocation Program” (RIN1018–AX51) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-255. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Lost River Sucker and Shortnose Sucker” (RIN1018–AX41) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-256. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Texas; Beaumont/Port Arthur Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets” (FRL No. 9775–2) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-257. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Flint Hills Resources Pine Bend” (FRL No. 9774–4) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Environment and Public Works.

EC-258. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, San Joaquin Valley United Air Pollution Control District” (FRL No. 9771–3) received in the Office of the President of the Senate on January 30, 2013; to the

Committee on Environment and Public Works.

EC-259. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Information Reporting by Domestic Entities under Section 6038D with Respect to Specified Foreign Financial Assets” (Notice 2013–10) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Finance.

EC-260. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Qualified Zone Academy Bond Allocations for 2012 and 2013” (Notice 2013–3) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Finance.

EC-261. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Correction to Revenue Procedure 2013–6 Employee Plans Determination Letters” (Announcement 2013–13) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Finance.

EC-262. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Health Insurance Premium Tax Credit” (TD 9611) received in the Office of the President of the Senate on January 30, 2013; to the Committee on Finance.

EC-263. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Optional Safe Harbor Method for Deducting Expenses Attributable to Business Use of a Home” (Rev. Proc. 2013–13) received in the Office of the President of the Senate on January 29, 2013; to the Committee on Finance.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. William H. Etter, to be Lieutenant General.

Army nomination of Maj. Gen. Kenneth E. Tovo, to be Lieutenant General.

Army nomination of Col. Barbara R. Holcomb, to be Brigadier General.

Army nomination of Col. Patrick D. Sargent, to be Brigadier General.

Army nominations beginning with Brig. Gen. Brian C. Lein and ending with Brig. Gen. Nadja Y. West, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2013.

Mr. LEVIN, Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary’s desk for the information of Senators.

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

Air Force nomination of Kory D. Bingham, to be Major.

Air Force nominations beginning with Michael A. Cooper and ending with Susan Michelle Miller, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with Victor Douglas Brown and ending with Rodney M. Waite, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with Walter S. Adams and ending with Carl E. Supplee, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with John J. Bartrum and ending with George L. Valentine, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with Kimberly L. Barber and ending with Janet L. Setnor, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with Dina L. Bernstein and ending with William R. Youngblood, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with Timothy Lee Bringer and ending with Christopher J. Ryan, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Air Force nominations beginning with Francis Xavier Altieri and ending with Kevin M. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nomination of Jonathan A. Foskey, to be Lieutenant Colonel.

Army nomination of Marion J. Parks, to be Colonel.

Army nomination of Karen A. Pike, to be Colonel.

Army nominations beginning with Derek S. Reynolds and ending with Brian D. Vogt, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nominations beginning with Edward A. Figueroa and ending with Michael C. Vanhoven, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nominations beginning with Jack C. Mason and ending with Todd B. Waytashek, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nominations beginning with Ruth E. Aponte and ending with Michael J. Zinno, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nominations beginning with Leslie E. Akins and ending with Marc W. Zelnick, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nominations beginning with Timothy G. Abrell and ending with John A. Zulfer, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Army nominations beginning with Rafael E. Abreu and ending with R010075, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nomination of Jackie W. Morgan, Jr., to be Major.

Marine Corps nomination of Dana R. Fike, to be Lieutenant Colonel.

Marine Corps nomination of Samuel W. Spencer III, to be Lieutenant Colonel.

Marine Corps nomination of Larry Miyamoto, to be Lieutenant Colonel.

Marine Corps nominations beginning with George L. Roberts and ending with Paul A. Shirley, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Richard D. Kohler and ending with Gary J. Spinelli, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Eric T. Cline and ending with Robert S. Schmidt, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Jose L. Sada and ending with Brian J. Spooner, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Frederick L. Hunt and ending with Chad E. Tidwell, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Todd E. Lotspeich and ending with Donald E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Jason B. Davis and ending with John F. Reynolds, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Travis M. Fulton and ending with Gary S. Liddell, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Bryan Delgado and ending with Rodolfo D. Quispe, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with David B. Blann and ending with Allen L. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Michael Gasperini and ending with Timothy W. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Stephen R. Byrnes and ending with James N. Timmer, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Marine Corps nominations beginning with Peter K. Basabe, Jr. and ending with Michael A. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Navy nomination of Harry E. Hayes, to be Commander.

Navy nomination of Shemeya L. Grant, to be Lieutenant Commander.

Navy nominations beginning with Christopher J. Kane and ending with Luke C. Suber, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

Navy nominations beginning with Jeanine F. Benjamin and ending with Benjamin F. Visger, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2013.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHANNIS (for himself, Mr. ALEXANDER, Mr. CORNYN, Mr. ROBERTS, Mr. BLUNT, Mr. BURR, Mr. ENZI, Mr. LEE, and Mr. CHAMBLISS):

S. 190. A bill to prohibit the use of Federal funds for certain activities of the National Labor Relations Board and the Consumer Financial Protection Bureau; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. PORTMAN, Mr. COATS, Ms. AYOTTE, Mr. GRASSLEY, Mr. PAUL, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mr. SESSIONS, Mr. CRAPO, Mr. WICKER, Mr. MORAN, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, Mr. TOOMEY, Mr. INHOFE, Mr. RISCH, Mr. MCCAIN, Mr. MCCONNELL, Mr. HOEVEN, Mr. COCHRAN, Mr. ALEXANDER, Mr. BOOZMAN, Mrs. FISCHER, Mr. ENZI, Mr. THUNE, Mr. HATCH, Mr. BARRASSO, Mr. BLUNT, Mr. CORKER, Mr. RUBIO, Ms. COLLINS, and Mr. FLAKE):

S. 191. A bill to codify and modify regulatory requirements of Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself, Mr. INHOFE, Mr. CORNYN, Mr. LEE, Mr. COBURN, Mr. ENZI, Mr. BEGICH, Ms. HEYKAMP, Mr. JOHNSON of Wisconsin, Mr. VITTER, and Mr. HOEVEN):

S. 192. A bill to enhance the energy security of United States allies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, Mr. RUBIO, Mr. BLUNT, Ms. STABENOW, and Mr. MORAN):

S. 193. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. LAUTENBERG, and Mr. BLUMENTHAL):

S. 194. A bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mr. DURBIN, Mr. BAUCUS, Mr. CARDIN, Ms. HIRONO, Mr. BROWN, Ms. LANDRIEU, Mr. BLUMENTHAL, Mr. TESTER, and Mr. SANDERS):

S. 195. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico:

S. 196. A bill to assure equity in contracting between the Federal Government and small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 197. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RISCH (for himself, Mr. CHAMBLISS, Mr. COBURN, Mr. BURR, Mr. RUBIO, Mr. MORAN, Ms. AYOTTE, and Mr. COATS):

S. 198. A bill to require a report on the designation of Boko Haram as a foreign terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 199. A bill to amend the Outer Continental Shelf Lands Act to require that oil produced from Federal leases in certain Arctic waters be transported by pipeline to on-shore facilities and to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 200. A bill to amend title 38, United States Code, to authorize the interment in national cemeteries under the control of the National Cemetery Administration of individuals who served in combat support of the Armed Forces in the Kingdom of Laos between February 28, 1961, and May 15, 1975, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 201. A bill to prohibit the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or certain other defense articles or services to the Government of Egypt; read the first time.

By Mr. GRASSLEY (for himself, Mr. BOOZMAN, Mr. CORKER, Mr. JOHANNIS, Mr. LEE, Mr. SESSIONS, Mr. VITTER, Mr. WICKER, Mrs. FISCHER, Mr. HATCH, and Mr. ENZI):

S. 202. A bill to expand the use of E-Verify, to hold employers accountable, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mr. MANCHIN, Mr. RUBIO, Mr. MORAN, Mr. CORKER, Mr. ALEXANDER, Mr. ISAKSON, and Mr. BOOZMAN):

S. 203. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL (for himself, Mr. LEE, Mr. COBURN, Mr. BURR, Mr. RUBIO, Mr. HELLER, Mr. VITTER, Mr. BARRASSO, Mr. INHOFE, Mr. CHAMBLISS, and Mr. RISCH):

S. 204. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; read the first time.

By Mr. MORAN:

S. 205. A bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, to provide for a safety and soundness check, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself and Mr. KING):

S. 206. A bill to expand the HUBZone program for communities affected by base realignment and closure, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. INHOFE (for himself, Mr. LEE, Mr. BLUNT, Mr. JOHANNIS, and Mr. COBURN):

S. 207. A bill to restrict the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or certain other defense articles or services to the Government of Egypt; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON:

S. Res. 23. A resolution expressing the sense of the Senate that a postage stamp should be issued to commemorate the 500th anniversary of Juan Ponce de Leon landing on Florida; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Mr. NELSON, Mr. THUNE, Mr. ROCKEFELLER, Mr. ISAKSON, Mr. WARNER, Mr. HELLER, Mr. DURBIN, Mr. COBURN, Ms. MIKULSKI, Mr. RUBIO, Mrs. BOXER, Mr. ENZI, Mr. BROWN, Mr. PRYOR, Mr. ALEXANDER, Mrs. FEINSTEIN, Mr. JOHANNES, Mr. BEGICH, Mr. VITTER, Mrs. SHAHEEN, Mr. MORAN, Mr. HATCH, Mr. WICKER, and Mrs. GILLIBRAND):

S. Res. 24. A resolution commemorating the 10-year anniversary of the loss of the Space Shuttle Columbia; considered and agreed to.

By Ms. CANTWELL (for Mrs. MURRAY (for herself and Ms. CANTWELL)):

S. Res. 25. A resolution honoring Gonzaga University on its 125th anniversary; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 29

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was withdrawn as a cosponsor of S. 29, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 33

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 33, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 40

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 40, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 43

At the request of Mr. PORTMAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 43, a bill to require that any debt limit increase be balanced by equal spending cuts of the next decade.

S. 47

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. CARPER), the Senator from Nevada (Mr. HELLER), the Senator from Florida (Mr. NELSON) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 47, a bill to reauthorize the Violence Against Women Act of 1994.

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 109

At the request of Mr. VITTER, the names of the Senator from Kentucky (Mr. PAUL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 109, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 162

At the request of Mr. FRANKEN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

S. 169

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. LEE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 171

At the request of Mr. UDALL of Colorado, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 171, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a Governmentwide shutdown occurs.

S. 180

At the request of Mr. BARRASSO, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 180, a bill to delay the enforcement of any rulings of the National Labor Relations Board until there is a final resolution in pending lawsuits.

S. 183

At the request of Mrs. MCCASKILL, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Virginia (Mr. WARNER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 183, a bill to amend title XVIII of the Social Security Act to provide for fairness in hospital payments under the Medicare program.

S. 188

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 188, a bill to prevent certain individuals purportedly appointed to the National Labor Relations Board from receiving salaries, and to prevent an unconstitutional quorum of the Board from taking agency actions, until there is a final decision in pending lawsuits regarding the constitutionality of certain alleged recess appointments.

S. 189

At the request of Mr. UDALL of Colorado, the name of the Senator from

Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 189, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. RES. 12

At the request of Mr. NELSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 12, a resolution recognizing the third anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COONS (for himself, Mr. ENZI, Mr. SCHUMER, Mr. RUBIO, Mr. BLUNT, Ms. STABENOW, and Mr. MORAN):

S. 193. A bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes; to the Committee on Finance.

Mr. COONS. Mr. President, each and every day the folks I represent in Delaware ask me why doesn't the Senate, why doesn't the Congress focus on jobs and focus on getting our economy moving again instead of what seem to be endless partisan struggles over secondary issues.

What I wanted to speak to was a bipartisan bill, which I am introducing, which focuses on how to help create innovation-focused jobs again in the United States.

As you know all too well, our economic recovery has been slower than we had hoped. Although it has been steady, there are still far too many Americans out of work in my home State of Delaware, more than 30,000, but we are building our way back.

The task before us is to think not just about an immediate economic crisis but to take a breath and, instead, focus strategically on the long-term future, to take account of what kind of an economy we want to build for our children and our grandchildren for the America of today and tomorrow.

The engine of our Nation's greatest economic successes has always been innovation. From the light bulb to the search engine, American inventors and innovators, those who have taken risks and started companies, have created jobs by the thousands and changed lives by the millions. Before new ideas scaled to market and reach out to change the world, they first have to start in a lab or garage.

I know from my own 8 years in the private sector, my work for a materials-based science company in Delaware, the products we take for granted that are today household items in the world marketplace, often started as just the sliver of an idea, an idea that

needed refining through determined investment in research and development.

If we want to fuel the next generation of innovation, if we want to lay a strong foundation for job creation through invention, I think we have to start by supporting research and development. Research and development is the lifeblood of great American companies and is what will allow us to make things in this country and to be a leading manufacturer in the world and deserves focused investment.

If we look at it, nearly 70 percent of America's private sector R&D and about 90 percent our patents are actually in manufacturing, a sector that deserves particular attention. Revitalizing American manufacturing will create high-quality, middle-class jobs for the long run, but doing so depends on our ability to take great ideas and turn them into marketable products or improvements in manufacturing processes that can and will result in things being made right here in America. Startups and small businesses all across this country are already taking chances to do just that, and I think it is time for all of us in Congress to take a chance on them.

Last year, I worked in a bipartisan way with Senator ENZI, Senator RUBIO, Senator SCHUMER, and others to introduce a bill that would make startup companies eligible for the existing research and development or R&D tax credit. I am proud to reintroduce that legislation as the Startup Innovation Credit Act of 2013 with our original cosponsors, as well as Senator BLUNT, Senator STABENOW, and Senator MORAN.

This broad bipartisan support suggests a bill whose time has come. Although we represent, among the cosponsors, very different parts of our country, very different backgrounds, all of us know that to strengthen our economy we have to support innovation and entrepreneurship. Each of us is committed to fostering the kind of environment which supports the private sector and which turns ideas into innovations, innovations into products, and products into companies that help create good jobs.

Under current policy, one way we do that federally is by supporting research and development through the existing R&D tax credit. Companies that invest in R&D generate new products, which sparks new industries with spillover benefits for all kinds of sectors. That is why there has long been strong bipartisan support for the existing R&D tax credit. By all accounts it is working. The R&D has helped tens of thousands of American companies succeed and create jobs.

But there is a critical gap in the existing R&D credit. It isn't available to startups because they are not yet profitable, and thus they don't have an income tax liability against which to take a credit. In fact, more than half the R&D credit last year was taken by companies with revenue over \$1 billion,

well-established, profitable companies. There is nothing wrong with that; it is just not targeting these tax expenditures toward the sector of our economy that is taking the greatest risk and in some ways has the greatest potential.

This gaping hole in our policy around R&D can be fixed with a relatively simple tweak. I have been working on finding this solution since I first came here. In fact, the very first bill I introduced included an expanded version of the R&D credit.

Today, we take another step toward seeing this solution implemented with the reintroduction of this bipartisan Startup Innovation Credit Act. It says in order to spur research and development, we should allow companies to claim the R&D tax credit against their employment taxes, against their W-2 instead of their income tax liability. That opens this credit to new companies that don't yet have an income tax liability.

There lots of companies we could choose. Let me pick one example, DeNovix, a small company based in my home State of Delaware that is developing instrumentation for bioresearch with a team that includes molecular biologists and engineering professionals.

The managing director of DeNovix, Fred Kielhorn, said the legislation we are introducing would help that company to offset some of the costs of bringing new, innovative, technology-based products to market and for that this bill earned his strong support.

He is just one of many. There is a remarkable list of outside groups, companies, and organizations that have supported it. I will mention a few: Silicon Valley Leadership Group; Revolution, led by Steve Case of AOL; Delaware Chamber of Commerce; the Association for Manufacturing Technology Policy; American Small Manufacturers Coalition; and BIO, a national organization that supports companies doing research and development in the biotechnology space.

Supporting small innovative companies in critical early stages of research and development, in my view could unleash untold innovations for growth and create new jobs for America. At its heart, today's legislation is a jobs bill.

Between 1980 and 2005, all net new jobs created in the United States were created by firms 5 years old or less, all of them, about 40 million jobs over those 25 years. This credit is specifically designed toward those new, young, risk-taking firms. It does not pick winners and losers, it doesn't focus on a specific area of the economy or technology, but instead supports all private sector investments, judgments, and decisions that prioritize investment in research and development. Cash in the pocket of small startup companies, such as this tax credit, can make a real difference, especially with financing and credit so hard to come by.

It was once said the States are the laboratory of democracy. In fact, that

is where this idea has come from. Credits just like this have been done before in Iowa, Arizona, New York, Connecticut, Pennsylvania, and they have been game changers, helping companies get off the ground and keep their doors open during those demanding first years where they invest and spend so much on hiring and growth.

We know this can work. We also know more than half our current Fortune 500 companies were launched during a recession or a bear market. The next great American company that may redefine whole categories that may be known worldwide for its products, its services, may be starting right now in a garage or lab somewhere in this great country. It is an exciting prospect.

In fact, we are depending on our inventors, our innovators, and our small business owners to help innovate our way to a stronger economy and fuel a new generation of job creation. Let's give them the support they need and they deserve at a time when they need it the most.

I am grateful for all the cosponsors of this bipartisan legislation in this Chamber and as well to Congressman GERLACH of Pennsylvania and Congressman KIND of Wisconsin, who will introduce the House version of this legislation next week.

Rather than shutting our startups out of the R&D tax credit, let's open the doors to these innovators and see what they can do. I am confident they will surprise us yet again with how high they can reach and how far they can go. I think this is a wise investment in opening the doors of innovation, invention, and job creation for our future.

By Mr. DURBIN (for himself, Mr. LAUTENBERG, and Mr. BLUMENTHAL):

S. 194. A bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 194

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Tobacco Tax Equity Act of 2013".

**SEC. 2. ESTABLISHING EXCISE TAX EQUITY AMONG ALL TOBACCO PRODUCT TAX RATES.**

(a) TAX PARITY FOR PIPE TOBACCO AND ROLL-YOUR-OWN TOBACCO.—Section 5701(f) of the Internal Revenue Code of 1986 is amended by striking "\$2.8311 cents" and inserting "\$24.78".

(b) TAX PARITY FOR SMOKELESS TOBACCO.—(1) Section 5701(e) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking "\$1.51" and inserting "\$13.42";

(B) in paragraph (2), by striking “50.33 cents” and inserting “\$5.37”; and

(C) by adding at the end the following:

“(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, \$50.33 per thousand.”.

(2) Section 5702(m) of such Code is amended—

(A) in paragraph (1), by striking “or chewing tobacco” and inserting “chewing tobacco, or discrete single-use unit”;

(B) in paragraphs (2) and (3), by inserting “that is not a discrete single-use unit” before the period in each such paragraph;

(C) by adding at the end the following:

“(4) DISCRETE SINGLE-USE UNIT.—The term ‘discrete single-use unit’ means any product containing tobacco that—

“(A) is not intended to be smoked; and

“(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.”.

(c) TAX PARITY FOR LARGE CIGARS.—Paragraph (2) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking “but not more than 40.26 cents per cigar” and inserting “but not less than 5.033 cents per cigar and not more than 100.66 cents per cigar”.

(d) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO AND CERTAIN PROCESSED TOBACCO.—Subsection (o) of section 5702 of the Internal Revenue Code of 1986 is amended by inserting “, or processed tobacco removed or transferred to a person other than a person with a permit provided under section 5713” after “wrappers thereof”.

(e) CLARIFYING TOBACCO PRODUCT DEFINITION AND TAX RATE.—

(1) IN GENERAL.—Subsection (c) of section 5702 of the Internal Revenue Code of 1986 is amended to read as follows:

“(c) TOBACCO PRODUCTS.—The term ‘tobacco products’ means—

“(1) cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco, and

“(2) any other product containing tobacco that is intended or expected to be consumed.”.

(2) TAX RATE.—Section 5701 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) OTHER TOBACCO PRODUCTS.—Any product described in section 5702(c)(2) or not otherwise described under this section, including any product that has been determined to be a tobacco product by the Food and Drug Administration through its authorities under the Family Smoking Prevention and Tobacco Control Act, shall be taxed at a level of tax equivalent to the tax rate for cigarettes on an estimated per use basis as determined by the Secretary.”.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the last day of the month which includes the date of the enactment of this Act.

(2) DISCRETE SINGLE-USE UNITS AND PROCESSED TOBACCO.—The amendments made by subsections (b)(1)(C), (b)(2), and (d) shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the date that is 6 months after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 197. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce the Natomas Basin Flood Protection Improvements Act of 2013.

This legislation authorizes the U.S. Army Corps of Engineers to improve the flood control infrastructure in the Sacramento area. The improvements will safeguard hundreds of thousands of homes and businesses.

There is a pressing need to improve levees in Sacramento.

The Army Corps perpetually cites the city as one of our nation’s most at-risk for severe flooding. A quick review of the Corps’ National Levee Database will tell you why. Of the nearly 300 miles of levees within 10 miles of Sacramento the Corps has deemed 94 miles of levees, or 32 percent, “unacceptable.” An unacceptable designation means the levee is deficient to the point where it does not provide the protection it is supposed to.

The Corps has deemed 29 miles of levees, only 10 percent, “minimally acceptable.”

The Corps has yet to even review the remaining 172 miles, 58 percent.

None of the 300 miles of levees within 10 miles of Sacramento received the passing grade of “acceptable.”

But even in this high-risk city, there are priority areas. And the Natomas basin, which lies between the American and Sacramento rivers, is the top priority for Sacramento flood control.

More than 100,000 people in the Natomas flood plain are at high or moderate risk of flooding.

The vast majority of these homes would be inundated with more than 10 feet of water should a levee break.

In some places, inundation levels would exceed 20 feet.

The risks are clear. The Army Corps of Engineers estimates the damage from a single flood could top \$7 billion.

Recognizing the need to upgrade the Natomas levees, the Corps of Engineers completed a Chief’s Report in December 2010 that identified \$1.1 billion in essential levee improvements.

According to the report, the principal levee modifications include the widening of 41.9 miles of existing levees; installation of about 34.8 miles of soil bentonite cutoff wall; installation of 8.3 miles of seepage berms, and bridge remediation on State Route 99.

In addition, the report recommends the creation of 75 acres of canal habitat, 200 acres of marsh habitat, and 60 acres of woodland habitat to ensure the project complies with the Endangered Species Act.

The cost of these improvements will be significant, but the burden will be shared.

Understanding the urgency of this work, the Sacramento Area Flood Control Agency, SAFCA, and the California Department of Water Resources have begun work on the levee. They have invested more than \$400 million in the Natomas Basin project, far more than their share, and completed about 18 miles of the basin’s 42 miles of levees.

I want to recognize SAFCA and the people of Sacramento for this good work. They have done the right thing, moving ahead before the federal authorization, because people’s lives and property are in danger.

I am proud to say the people of Sacramento have really stepped up and contributed. On two occasions county voters approved special tax assessments to begin paying for the repairs on the levee system, first in 2007 and again in 2011.

The most recent assessment passed overwhelmingly with 84.5 percent of voters supporting the measure.

This kind of local commitment should be a model for the Nation. When such major vulnerabilities exist that threaten a community, it is imperative to act quickly.

If the Sacramento levees fail, the results will be devastating Sacramento International Airport, which serves 4.4 million passengers per year and is the primary air-cargo hub for the region, will be largely underwater.

Interstate 5, Interstate 80 and State Route 99 will be closed or restricted. These roads serve as freight arteries and facilitate the passage of more than 2,500 trucks per day.

Access to the Port of West Sacramento, the city’s primary seaport, will be jeopardized.

Just months ago Super-storm Sandy slammed into the East Coast. The destruction in New York and New Jersey reminded us that unpredictable weather events can overwhelm our infrastructure with devastating consequences.

But with well-placed timely investments, much of worst damage can be averted. That’s why even during the worst economic downturns in a generation, Sacramento voters stood together and passed the local tax-measure to fund this critical project.

We don’t know when the next flood will occur, but we do know Sacramento has a well-documented history of catastrophic flooding.

Record-breaking storms hit the region in 1956, 1964, 1986 and 1997.

During the 1997 storm, levee failures in the nearby cities of Olivehurst, Arboga, Wilton, Manteca and Modesto caused mass evacuations and millions of dollars in damage.

Going back even further, an even more devastating flood in 1861 occurred when the American River Levee failed. California’s newly elected Governor, Leland Stanford, was forced to take a row-boat to his inauguration at the State Capitol. The flooding was so bad the state government was temporarily relocated to San Francisco.

U.S. Geological Survey scientists now believe that the 1861 storm may have been an atmospheric river storm, or “ARkStorm.” These events, which occur every 200 to 400 years, can produce truly devastating floods.

In 2011, the USGS conducted a study about the impacts of a large ARkStorm in California’s Central Valley. The results were shocking.

The storm would cause a 300 mile long, 20 mile wide flood zone across much of our nation's most productive agriculture lands. It would force the evacuation of 1.5 million residents and cause hundreds of landslides damaging roads, highways, and homes. The study estimates the cost to private homeowners and businesses would be \$725 billion, nearly three times the cost of a major earthquake in the State.

The bottom line is this: the infrastructure currently in place will not stand up to a storm of this magnitude.

And the Natomas Basin Flood Protection Improvements Act of 2011 is one small step toward preparing for such a disaster.

This legislation is nearly identical to the bill I introduced with my friend and colleague Senator BOXER, the Chairwoman of the Environment and Public Works Committee, last Congress. The only change is that the current bill does not include language from the previous bill that specifically allowed "credits" for non-federal work on the project.

This modification should not be interpreted to reflect a change my support for the work of the local entities; I believe they have done the right thing by beginning construction on this project, and I support them receiving credit for their work.

Instead, the modification was included to comport with work being done by Chairwoman BOXER on the upcoming Water Resources Development Act, or WRDA. That bill will generically address non-Federal crediting provisions and I will work with Chairman BOXER to ensure that Sacramento can still receive credits for the work they have completed.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Natomas Basin Flood Protection Improvements Act of 2013".

**SEC. 2. PROJECT MODIFICATION, AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.**

The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3662; 113 Stat. 319; 117 Stat. 1839; 121 Stat. 1947), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers in the vicinity of Sacramento, California, substantially in accordance with the report of the Chief of Engineers entitled "American River Watershed (Common Features) Project, Natomas Basin, Sacramento and Sutter Counties, California", and dated December 30, 2010, at an

estimated total cost of \$1,389,500,000, with an estimated Federal cost of \$921,200,000 and an estimated non-Federal cost of \$468,300,000.

By Mr. BEGICH:

S. 199. A bill to amend the Outer Continental Shelf Lands Act to require that oil produced from Federal leases in certain Arctic waters be transported by pipeline to onshore facilities and to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President, I wish to speak about legislation I am introducing today that would restore basic fairness to how our Nation shares revenue from energy produced Federal waters.

The Alaska Adjacent Zone Safe Oil Transport and Revenue Sharing Act would provide Alaskans with the same share of Federal bonus bid and royalty revenue, 37.5 percent, as residents of Gulf Coast States. This is about fairness and a fix that is long overdue. Alaskans deserve to be treated as well as residents of the Gulf Coast. We bear the risks and the responsibilities of offshore development. It is only fair that we share in the proceeds.

Revenue sharing will provide funding for the State of Alaska, local governments and tribes to mitigate effects of development and provide support for public sector infrastructure required to both develop the resources and respond in terms of emergency.

The measure distributes to Alaska 37.5 percent of the Federal bonus bids and royalty share from any energy development, fossil or renewable. Of that 37.5 percent; 25 percent is directed to local governments; 25 percent is directed to Alaska Native corporations; 10 percent is directed to tribal governments; and 40 percent is directed to the State of Alaska.

Additionally, the Federal share is subdivided with 15 percent of the Federal royalties directed, without further appropriation, to the Land and Water Conservation Fund; and 7.5 percent directly to deficit reduction.

In addition, this legislation requires oil produced in the Federal waters of the Chukchi and Beaufort Seas to be brought ashore by pipeline, a method that is safer than tanker transport and secures future throughput for the Trans-Alaska Pipeline.

I am committed to putting in place all the pieces necessary to responsibly develop oil and gas from the Arctic Ocean. Beyond better permit coordination, that I have worked on in other legislation and with the administration, this includes more accurate marine science and the two main features of this bill: sharing revenue with the state and coastal communities as well as keeping Trans-Alaska Pipeline System, TAPS, flowing into the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Alaska Adjacent Zone Safe Oil Transport and Revenue Sharing Act".

**SEC. 2. PRODUCTION OF OIL FROM CERTAIN ARCTIC OFFSHORE LEASES.**

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

"(k) OIL TRANSPORTATION IN ARCTIC WATERS.—The Secretary shall—

"(1) require that oil produced from Federal leases in Arctic waters in the Chukchi Sea planning area, Beaufort Sea planning area, or Hope Basin planning area be transported by pipeline to onshore facilities; and

"(2) provide for, and issue appropriate permits for, the transportation of oil from Federal leases in Arctic waters in preproduction phases (including exploration) by means other than pipeline."

**SEC. 3. REVENUE SHARING FROM AREAS IN ALASKA ADJACENT ZONE.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

"(i) REVENUE SHARING FROM AREAS IN ALASKA ADJACENT ZONE.—

"(1) DEFINITIONS.—In this subsection:

"(A) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a county-equivalent subdivision of the State all or part of which—

"(i) lies within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)); and

"(ii) the closest point of which is not more than 300 statute miles from the geographical center of any leased tract.

"(B) DISTANCE.—The terms 'distance' means minimum great circle distance.

"(C) INDIAN TRIBE.—The term 'Indian tribe' means an Alaska Native entity recognized and eligible to receive services from the Bureau of Indian Affairs, the headquarters of which is located within 300 miles of the geographical center of a leased tract.

"(D) LEASED TRACT.—The term 'leased tract' means a tract leased under this Act for the purpose of drilling for, developing, and producing oil or natural gas resources.

"(E) RENEWABLE ENERGY.—The term 'renewable energy' means solar, wind, ocean, current, wave, tidal, or geothermal energy.

"(F) STATE.—The term 'State' means the State of Alaska.

"(2) REVENUE SHARING.—Subject to paragraphs (3), (4), and (5), effective beginning on the date of enactment of this subsection, the State shall, without further appropriation or action, receive 37.5 percent of all revenues derived from all rentals, royalties, bonus bids, and other sums due and payable to the United States from energy development in any area of the Alaska Adjacent Zone, including from all sources of renewable energy leased, developed, or produced in any area in the Alaska Adjacent Zone.

"(3) ALLOCATION AMONG COASTAL POLITICAL SUBDIVISIONS OF THE STATE.—

"(A) IN GENERAL.—The Secretary shall pay 25 percent of any allocable share of the State, as determined under paragraph (2), directly to coastal political subdivisions.

"(B) ALLOCATION.—

"(i) IN GENERAL.—For each leased tract used to calculate the allocation of the State, the Secretary shall pay the coastal political subdivisions within 300 miles of the geographical center of the leased tract based on

the relative distance of the coastal political subdivisions from the leased tract in accordance with this subparagraph.

“(ii) DISTANCES.—For each coastal political subdivision, the Secretary shall determine the distance between the point on the coastal political subdivision coastline closest to the geographical center of the leased tract and the geographical center of the tract.

“(iii) PAYMENTS.—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among coastal political subdivisions in amounts that are inversely proportional to the applicable distances determined under clause (ii).

“(4) ALLOCATION AMONG REGIONAL CORPORATIONS.—

“(A) IN GENERAL.—The Secretary shall pay 25 percent of any allocable share of the State, as determined under this subsection, directly to certain Regional Corporations established under section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a)).

“(B) ALLOCATION.—

“(i) IN GENERAL.—For each leased tract used to calculate the allocation of the State, the Secretary shall pay the Regional Corporations, after determining those Native villages within the region of the Regional Corporation which are within 300 miles of the geographical center of the leased tract based on the relative distance of such villages from the leased tract, in accordance with this paragraph.

“(ii) DISTANCES.—For each such village, the Secretary shall determine the distance between the point in the village closest to the geographical center of the leased tract and the geographical center of the tract.

“(iii) PAYMENTS.—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among the qualifying Regional Corporations in amounts that are inversely proportional to the distances of all of the Native villages within each qualifying region.

“(iv) REVENUES.—All revenues received by each Regional Corporation under clause (iii) shall be—

“(I) treated by the Regional Corporation as revenue subject to the distribution requirements of section 7(i)(1)(A) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)(1)(A)); and

“(II) divided annually by the Regional Corporation among all 12 Regional Corporations in accordance with section 7(i) of that Act.

“(v) FURTHER DISTRIBUTION TO VILLAGE CORPORATIONS.—A Regional Corporation receiving revenues under clause (iii) or (iv)(II) shall further distribute 50 percent of the revenues received to the Village Corporations in the region and the class of stockholders who are not residents of those villages in accordance with section 7(j) of that Act (43 U.S.C. 1606(j)).

“(5) ALLOCATION AMONG INDIAN TRIBES.—

“(A) IN GENERAL.—The Secretary shall pay 10 percent of any allocable share of the State, as determined under this subsection, directly to Indian tribes.

“(B) ALLOCATION.—

“(i) IN GENERAL.—For each leased tract used to calculate the allocation of the State, the Secretary shall pay Indian tribes based on the relative distance of the headquarters of the Indian tribes from the leased tract, in accordance with this subparagraph.

“(ii) DISTANCES.—For each Indian tribe, the Secretary shall determine the distance between the location of the headquarters of the Indian tribe and the geographical center of the tract.

“(iii) PAYMENTS.—The Secretary shall divide and allocate the qualified outer Continental Shelf revenues derived from the leased tract among the Indian tribes in amounts that are inversely proportional to the distances described in clause (ii).

“(6) CONSERVATION ROYALTY.—After making distributions under paragraph (2) and section 31, the Secretary shall, without further appropriation or action, distribute a conservation royalty equal to 15 percent of Federal royalty revenues derived from an area leased under this subsection from all areas leased under this subsection for any year, into the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to provide financial assistance to States under section 6 of that Act (16 U.S.C. 4601-8).

“(7) DEFICIT REDUCTION.—After making distributions in accordance with paragraph (2) and in accordance with section 31, the Secretary shall, without further appropriation or action, distribute an amount equal to 7.5 percent of Federal royalty revenues derived from an area leased under this subsection from all areas leased under this subsection for any year, into direct Federal deficit reduction.”

#### SEC. 4. IMPOSITION OF EXCISE TAX ON BITUMEN TRANSPORTED INTO THE UNITED STATES.

(a) IN GENERAL.—Subsection (a) of section 4612 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking “and natural gasoline” and inserting “, natural gasoline, and bitumen”, and

(2) by inserting at the end the following new paragraph:

“(10) BITUMEN.—The term ‘bitumen’ includes diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen or a bituminous mixture.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to oil and petroleum products received or entered after December 31, 2013.

By Mr. GRASSLEY (for himself, Mr. BOOZMAN, Mr. CORKER, Mr. JOHANNIS, Mr. LEE, Mr. SESSIONS, Mr. VITTER, Mr. WICKER, Mrs. FISCHER, Mr. HATCH, and Mr. ENZI):

S. 202. A bill to expand the use of E-Verify, to hold employers accountable, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, along with several colleagues, I am introducing legislation to permanently authorize and expand the E-Verify program. My bill, the Accountability Through Electronic Verification Act, will be a tool for employers who want a legal workforce and it will enhance our ability to hold employers accountable for their hiring practices.

Known as the Basic Pilot Program, E-Verify currently provides employers with a simple, web-based tool to verify the work eligibility of new hires. In 1986, Congress made it unlawful for employers to knowingly hire or employ aliens not eligible to work in the United States. Under current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met its obligation to review the worker's documents.

Because identity theft and counterfeit documents became a thriving industry after the 1986 bill, Congress looked to create a program to help employers verify the work eligibility of its new hires. We created the Basic Pilot Program in 1996. Employers in this program can electronically verify a new hires' employment authorization by checking data of employees with records maintained by the Department of Homeland Security and the Social Security Administration.

Currently, the E-Verify program is voluntary and free for all employers to use. It is a proven tool in combating illegal immigration. Today, I am proposing that the program be a staple in every workplace so that American workers are on a level playing field with cheaper foreign labor.

My legislation would increase penalties on employers who continue to hire people unauthorized to work in the country. Employers would be required to check the status of current employees within 3 years, and would allow employers to run a check prior to offering a job, saving that employer valuable time and resources. Employers will also be required to re-check those workers whose authorization is about to expire, such as those who come to the United States on temporary visas.

My bill also addresses identity theft concerns. The Social Security Administration would be required to develop algorithm technology that would flag social security numbers that are being used more than once. For those who find themselves victim of identity theft, this bill would amend the criminal code to clarify identity fraud is punishable regardless if the defendant did not have knowledge of the victim. This provision stems from the 2009 Supreme Court decision holding that identity theft requires proof that an individual knew the number being used belonged to an actual person.

While everyone may not agree with every aspect of this bill, it serves as a starting point for a much-needed conversation about worksite enforcement. The President and many members in Congress are going to make it a priority to pass an immigration reform bill this year. We need to act. We need change. We need a better system in place for future generations.

Part of the discussion on immigration will be on a reliable employment verification program. People back home want employers to be held accountable. And, employers want to be responsible. People want to see our government do more to reduce the magnet for people to cross our borders illegally. We must take this opportunity to make sure that employers are abiding by, and able to abide by, the rules. Let us give them the tools they need to do that. I hope more colleagues will join me in my effort to achieve accountability through electronic verification and by making E-Verify a permanent program.

By Ms. COLLINS (for herself and Mr. KING):

S. 206. A bill to expand the HUBZone program for communities affected by base realignment and closure, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. COLLINS. Mr. President, today I am introducing legislation to expand the geographic boundaries of HUBZones located at former U.S. military installations closed through the so-called Base Closure and Realignment—or BRAC—process. This legislation mirrors S. 3675, the HUBZone Expansion Act of 2012, which I introduced with Senator Snowe last session.

I am pleased to have my new colleague from Maine, Senator ANGUS KING, join me in offering this legislation. Senator KING knows the impact a base closing can have on a local community all too well, coming as he does from Brunswick, ME, which recently lost a major military installation through the BRAC process. Military bases are often the economic heart of the towns and cities in which they are located, and communities can struggle for years to overcome the closure of those facilities.

In recognition of this fact, Congress passed legislation providing HUBZone status for 5 years to military facilities closed through the BRAC process. This allows small businesses located within the HUBZone to obtain certain federal contracting preferences. The HUBZone program is also available to small businesses located in “economically distressed communities,” that suffer from low income, high poverty rates, or high unemployment.

According to the Congressional Research Service, there are currently 127 BRAC-related HUBZones in the United States. Unfortunately, for many of the military bases that have been closed, HUBZone status has not brought the benefits we had hoped for. One of the reasons is simple—the law defines the geographic boundaries of a BRAC-related HUBZone to be the same as the boundaries of the base that was closed. When that is combined with the requirement that 35 percent of the employees of a qualifying business must live within the HUBZone, the problem is clear: very few people live on these former bases, so it is difficult or impossible for businesses to get the workers they need to meet the requirements of the HUBZone program.

As I mentioned, one of these HUBZones is located at the former Brunswick Naval Air Station, in Brunswick, Maine. This facility closed in 2011, as a result of the 2005 BRAC round. When the Navy left, Brunswick and its neighbor, Topsham, lost more than 2400 military and civilian personnel. These two towns have a combined population of just 22,000, so losing the Naval Air Station has had a significant economic impact on them. Because so few people actually live within the boundaries of the former base, its HUBZone designation does not

provide the help they need, and that we had hoped for.

My legislation would expand the geographic boundaries of BRAC-related HUBZones to include the town or county where the closed installation is located, or census tracts contiguous to the installation, up to a total population base of 50,000. This would provide a large enough pool of potential workers to enable qualifying businesses to locate within the HUBZone, and to help host communities overcome the loss of military installations closed through the BRAC process.

The Association of Defense Communities has endorsed the concept of expanding BRAC-related HUBZones in this manner. In December, the ADC wrote to Senate Armed Services Committee Chairman LEVIN and Ranking Member MCCAIN, noting how important it is that “Congress restore its intent to support BRAC-impacted communities attracting small businesses to help build and strengthen their local economies.”

Steve Levesque, the Executive Director of the Midcoast Regional Redevelopment Authority, or “MRRA,” which oversees the redevelopment of the former Brunswick Naval Air Station, has also urged Congress to modify the HUBZone program. In a letter to me last month, Steve explained that BRAC facilities do not have the residential areas needed to support the 35 percent residency requirement for businesses located within the HUBZone. As a consequence, these businesses cannot “realize the HUBZone benefits for BRAC’d installations as envisioned by Congress.”

This point was underscored in a letter from Heather Blease, an entrepreneur who is hoping to locate a new business at the former Brunswick Naval Air Station. Ms. Blease describes the HUBZone law as “flawed,” because the 35 percent residency requirement makes it impossible for businesses like hers to achieve HUBZone status.

I ask my colleagues to consider the legislation we are offering today to help communities get back on their feet after the loss of a military installation closed through the BRAC process.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF  
DEFENSE COMMUNITIES,  
*Washington, DC, December 11, 2012.*

Hon. CARL LEVIN,  
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

Hon. JOHN MCCAIN,  
*Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN AND RANKING MEMBER MCCAIN: The Association of Defense Communities (ADC) admires your longstanding support of current and former military communities. ADC, the leading organization representing those communities, always appre-

ciates the opportunity to share information with you and your staff that may help strengthen communities with active installations and those that continue to redevelop following base closure or realignment.

Communities that have been impacted by Base Realignment and Closure (BRAC) often face severe economic distress for years, especially during times of national economic difficulty. To assist in these communities’ recovery, Congress authorized in the Small Business Reauthorization Act of 1997 that BRAC-impacted communities would receive Small Business Administration HUBZone certification, a federal initiative that further helps small businesses in disadvantaged areas to compete for federal contracts. The designation gives small businesses relocating to closed military installation areas equal footing with businesses in other disadvantaged areas that receive the designation because of their location in under-utilized census tracts.

While the intent of Congress was to provide the HUBZone designation to help closed military installations attract small businesses, one aspect of the HUBZone program actually works against these redevelopment areas. To maintain HUBZone status, 35 percent of a business’ employees must also live in a HUBZone area. Because a military installation’s HUBZone area encompasses only the base itself, many closed military installations do not have a substantial number of HUBZone-certified residential areas from which to draw sufficient future employees for the businesses desiring to locate on those properties. Thus, it is often impossible for a business to qualify for HUBZone status and compete fairly against other small businesses.

Many defense community leaders are hopeful this issue can be resolved without additional spending, creation of a new government program or a change in government contracting goals. Senator Susan Collins is also working to address this issue during the final stages of the FY 2013 National Defense Authorization Act. We look forward to sharing further information with your office and hers to help explain why it is important to defense communities that Congress restore its intent to support BRAC-impacted communities attracting small businesses to help build and strengthen their local economies.

As always, ADC appreciate your service and support and hopes you will contact us if we may be of further assistance.

Respectfully,

ROBERT M. MURDOCK,  
*President, Association of  
Defense Communities.*

MIDCOAST REGIONAL  
REDEVELOPMENT AUTHORITY,  
*Brunswick, ME, December 11, 2012.*

Hon. SUSAN COLLINS,  
*U.S. Senator, Dirksen Senate Office Building,  
Washington, DC.*

DEAR SENATOR COLLINS: I represent the Midcoast Regional Redevelopment Authority, which is charged with redeveloping the former Naval Air Station Brunswick, Maine that closed in 2011 and is now known as Brunswick Landing.

We seek your assistance in modifying the current federal program related to SBA HUBZones to make it a more effective tool for businesses locating at Brunswick Landing. Over the past several years, we have had several companies inquire about the current HUBZone status of the former NAS Brunswick. In fact, we are currently working with one company who is willing to locate here and create upwards of 200 jobs, if we are successful in getting the current HUBZone program for closed military installations broadened.

With the implementation of the latest 2005 BRAC round, a number of military installations have been closed across the country resulting in severe economic distress for those communities and States that have realized these closures. Redeveloping these BRAC'd properties proved quite difficult in good economic times, and now it is made even more difficult with the national and State economic recession we are experiencing.

While it would seem that the HUBZone designation for a closed military installation would be an aid to its redevelopment efforts, the 35% residency rule in the existing law actually makes the program not a very effective redevelopment tool for these properties at all. With the exception of closed military installations, most of the HUBZones in the Country are census tract based. Under current law, only the closed military base itself (i.e., the geographic area which used to be the former base) is designated as a HUBZone, which is a much smaller area than the census tract basis. Furthermore, many closed military installations do not have a substantial amount of residential areas from which to draw sufficient future employees (35%) for the businesses desiring to locate on those properties.

In addition the above, the Small Business Act established a five year time-frame for the duration of the HUBZone from the actual date of base closure. This is of particular concern given that the actual transfer of properties from the military services to the base closure communities often occurs many years following closure. Thus, these properties are not available for business development until actually transferred.

The net effect is that eligible HUB businesses seeking new or expanded opportunities on closed installations cannot meet these requirements and thus are not able to realize the HUBZone benefits for BRAC'd installations as envisioned by Congress. This issue exacerbates the difficulties for us and other similar communities to overcome the devastating economic effects of base closures.

In order to make the BRAC HUBZone designation an effective economic development tool for Brunswick Landing, as well as all the other closed installations across the country, the attached amendment language to the existing law is recommended. It should be noted that these recommendations do not create a new program, require additional government spending, or increase federal contracting goals.

Thank you for your service to our Country and the State of Maine and your thoughtful consideration of this request.

Sincerely,

STEVEN H. LEVESQUE,  
*Executive Director.*

HEATHER D. BLEASE,  
*Freeport, ME, December 12, 2012.*

Hon. SUSAN COLLINS,  
*U.S. Senator, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR COLLINS: I have established a new contact center business that focuses on providing service to the federal government. A key strategy for our success hinges upon the establishment of my business as a HUBZone certified entity.

As a native of Brunswick, Maine, I am keenly interested in locating my business at the former Brunswick Naval Air Station, now called Brunswick Landing. As a BRAC facility, the SBA rules limit the boundary of the HUBZone geographically to base property which has very few housing units.

In order to achieve HUBZone certification, 35% of my employees need to reside within the HUBZone.

As the law is written, I cannot locate at Brunswick Landing and hope to achieve

HUBZone status. The BRAC HUBZone law is flawed as written. Our Congress attempted to create an economic development vehicle to help communities recover from base closures, but unless the law is tweaked, the HUBZone designation is meaningless.

Please help modify the existing definition for BRAC HUBZones by broadening the boundary of the HUBZone for closed military installations to include the surrounding community. In the case of my company, it provides me with HUBZone employees to put to work so I can meet the HUBZone certification requirements.

If the law is changed, I will locate my business at Brunswick Landing and provide hundreds of jobs to the economically depressed area. Otherwise, I will need to seek out other alternatives.

Thank you for your service to our country, the State of Maine and your interest in helping small businesses thrive.

With greatest respect,

HEATHER D. BLEASE,  
*CEO, Savi Systems, LLC.*

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 23—EX-PRESSING THE SENSE OF THE SENATE THAT A POSTAGE STAMP SHOULD BE ISSUED TO COMMEMORATE THE 500TH ANNIVERSARY OF JUAN PONCE DE LEON LANDING ON FLORIDA

Mr. NELSON submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 23

*Resolved*, That it is the sense of the Senate that—

(1) the United States Postal Service should issue a postage stamp to commemorate the 500th anniversary of Juan Ponce de Leon landing on Florida; and

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a stamp be issued.

#### SENATE RESOLUTION 24—COMMEMORATING THE 10-YEAR ANNIVERSARY OF THE LOSS OF THE SPACE SHUTTLE "COLUMBIA"

Mr. CORNYN (for himself, Mr. NELSON, Mr. THUNE, Mr. ROCKEFELLER, Mr. ISAKSON, Mr. WARNER, Mr. HELLER, Mr. DURBIN, Mr. COBURN, Ms. MIKULSKI, Mr. RUBIO, Mrs. BOXER, Mr. ENZI, Mr. BROWN, Mr. PRYOR, Mr. ALEXANDER, Mrs. FEINSTEIN, Mr. JOHANNES, Mr. BEGICH, Mr. VITTER, Mrs. SHAHEEN, Mr. MORAN, Mr. HATCH, Mr. WICKER, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 24

Whereas a sense of adventure is innate to the human spirit;

Whereas the urge to explore continues to motivate the United States as a nation;

Whereas the global leadership of the United States is determined by the resolve of the people of the United States;

Whereas the drive to innovate and explore has led the people of the National Aeronautics and Space Administration and related industry and education leaders to

make important discoveries with a broad impact on humanity, in spite of inherent risk;

Whereas the men and women of the space program of the United States have captured the curiosity of the people of the United States, inspiring generations of scientists, engineers, and pioneers, and delivering technological advances and innovation, scientific research, and international partnerships to the benefit of nearly all sectors of the economy of the United States;

Whereas, on February 1, 2003, the United States joined the world in mourning the loss of 7 astronauts who perished aboard the Space Shuttle Columbia as it re-entered the atmosphere of the Earth;

Whereas United States Air Force Colonel Rick D. Husband, Mission Commander; United States Navy Commander William "Willie" C. McCool, Pilot; United States Air Force Lieutenant Colonel Michael P. Anderson, Payload Commander/Mission Specialist; United States Navy Captain David M. Brown, Mission Specialist; United States Navy Commander Laurel B. Clark, Mission Specialist; Dr. Kalpana Chawla, Mission Specialist; and Israeli Air Force Colonel Ilan Ramon, Payload Specialist were killed in the line of duty and in pursuit of discovery during the STS-107 mission;

Whereas the people of the United States are driven to continue the exploration and pursuit of discovery with as much passion and determination as these brave men and women;

Whereas an innate curiosity about what lies beyond our world drives us to expand the limits of human exploration and discovery in space, in the furtherance of the leadership and strategic interests of the United States;

Whereas exploring the heavens and the celestial bodies of the solar system is not without great risk and peril;

Whereas the loss of the 7 brave souls aboard the Space Shuttle Columbia and others who have sacrificed their lives in pursuit of human space exploration shall forever serve as a solemn reminder of the firm commitment of the United States to devote the capacity and resources necessary to improve safety, minimize risk, and do everything possible to protect the next generation of explorers willing to risk themselves in the service of mankind;

Whereas those involved in the Space Shuttle program of the United States have sought to apply the lessons learned from the Space Shuttle Columbia accident to future human spaceflight by the United States, which included 22 additional program missions and shepherding the Space Shuttle program to its safe and successful conclusion;

Whereas the lessons learned from the Space Shuttle Columbia accident should be applied to current policy of the space program of the United States; and

Whereas the people of the United States will not forget the sacrifice of those 7 determined explorers aboard the Space Shuttle Columbia, as well as others who perished in the exploration of the unknown: Now, therefore, be it

*Resolved*, That the Senate—

(1) remembers the 7 astronauts who tragically lost their lives aboard the Space Shuttle Columbia as it re-entered the atmosphere of the Earth 10 years ago on February 1, 2003;

(2) expresses its condolences to the friends and families of the astronauts who died that day;

(3) commends those who have honored the memory of the Space Shuttle Columbia over the past decade, including the employees of Federal, State, and local agencies, as well as regular citizens and volunteers, who assisted

in the debris recovery and accident investigation process; and

(4) reaffirms the commitment of the people and the Government of the United States to provide the leadership and resources necessary to ensure robust and safe human spaceflight capability in low Earth orbit and beyond in the 21st century, to make certain that the sacrifice of those heroes shall not have been in vain.

SENATE RESOLUTION 25—HONORING GONZAGA UNIVERSITY ON ITS 125TH ANNIVERSARY

Ms. CANTWELL (for Mrs. MURRAY (for herself and Ms. CANTWELL)) submitted the following resolution; which was considered and agreed to:

S. RES. 25

Whereas, in 1881, at the request of the citizens of the City of Spokane Falls, Washington, Father Joseph Cataldo, S.J., a Jesuit from the Rocky Mountain Mission, committed to establishing a school along the banks of the Spokane River;

Whereas, on September 17, 1887, Gonzaga College officially opened its doors with an inaugural class of 18 students;

Whereas Gonzaga College, known today as Gonzaga University, has grown into a nationally recognized 4-year liberal arts university, where nearly 8,000 students can choose from more than 75 fields of study, select from 25 master's degree programs, and pursue doctoral degrees in law and leadership studies;

Whereas Gonzaga University is repeatedly listed as one of the best comprehensive regional universities in the western United States, is ranked second in the United States among small universities for alumni serving in the Peace Corps, and consistently earns a place on the President's Higher Education and Community Service Honor Roll;

Whereas Gonzaga University invests more than \$60,000,000 annually in scholarships and in financial assistance to its students; and

Whereas notable Gonzaga alumni include a former Speaker of the United States House of Representatives, a Governor of the State of Washington and the first female Attorney General of the State of Washington, the current Chaplain of the United States House of Representatives, judges of the United States district courts, and members of the Washington State Supreme Court: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Gonzaga University on its 125th anniversary;

(2) celebrates the commitment of Gonzaga University to its students and to educating the whole individual, including the mind, body, and spirit;

(3) applauds Gonzaga University for its dedication to instilling the importance of service to others and civic engagement; and

(4) congratulates the students, staff, faculty, alumni, and supporters of Gonzaga University for their many contributions in the United States and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 6. Mr. PORTMAN proposed an amendment to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes.

SA 7. Mr. PORTMAN proposed an amendment to the bill H.R. 325, supra.

SA 8. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 325, supra.

SA 9. Mr. PAUL (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 325, supra.

TEXT OF AMENDMENTS

SA 6. Mr. PORTMAN proposed an amendment to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. \_\_\_\_\_. DOLLAR FOR DOLLAR REQUIREMENT.

(a) DEBT LIMIT CONTROL.—

(1) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by inserting after section 3101A the following:

“§ 3101B. Debt limit control

“(A) DECLARATION OF A DEBT LIMIT WARNING.—

“(1) IN GENERAL.—In the event of a near breach of the public debt limit established by section 3101, the Secretary of the Treasury shall issue a debt limit warning to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that shall include a determination as to when extraordinary measures may be necessary in order to prolong the funding of the United States Government.

“(2) DEFINITIONS.—In this subsection:

“(A) EXTRAORDINARY MEASURES.—The term ‘extraordinary measures’ means measures that may be taken by the Secretary of the Treasury in the event of a breach of the debt limit by the United States to prolong the function of United States Government in the absence of a debt limit increase.

“(B) NEAR BREACH.—The term ‘near breach’ means the point at which the Secretary of the Treasury determines that the United States Government will reach the statutorily prescribed debt limit within 60 calendar days notwithstanding the implementation of extraordinary measures.

“(b) PRESIDENTIAL SUBMISSION OF DEBT LIMIT LEGISLATION.—

“(1) SAVINGS RECOMMENDATIONS FROM THE PRESIDENT.—Any formal Presidential request to increase the debt limit under this section shall include the amount of the proposed debt limit increase and be accompanied by proposed legislation to reduce spending over the sum of the current and following 10 years by an amount equal to or greater than the amount of the requested debt limit increase. Net interest savings may not be counted towards spending reductions required by this paragraph.

“(2) CALCULATION.—The spending savings under paragraph (1) shall be calculated against a budget baseline consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. This baseline shall exclude the extrapolation of any spending that had been enacted under an emergency designation.”.

(2) SUBCHAPTER ANALYSIS.—The table of sections for chapter 31 of title 31, United States Code, is amended by inserting after the item for section 3101A the following:

“3101B. Debt limit control.”.

(b) CONGRESSIONAL REQUIREMENT TO RESTRAIN SPENDING WHILE RAISING THE DEBT LIMIT.—

(1) IN GENERAL.—Title III of the Congress and Budget Act of 1974 is amended by inserting at the end the following:

“SEC. 316. DEBT LIMIT INCREASE POINT OF ORDER.

“(a) IN GENERAL.—

“(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in

the Senate or the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report that increases the statutory debt limit unless the bill contains net spending reductions of an equal or greater amount over the sum of the current and next 10 fiscal years. Net interest savings may not be counted towards spending reductions required by this paragraph.

“(2) COMPONENTS OF NET SPENDING REDUCTION.—

“(A) CALCULATION.—The savings resulting from the proposed spending reductions under paragraph (1) shall be calculated by the Congressional Budget Office against a budget baseline consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. This baseline shall exclude the extrapolation of any spending that had been enacted under an emergency designation.

“(B) AVAILABILITY.—The Senate and the House of Representatives may not vote on any bill, joint resolution, amendment, motion, or conference report that increases the public debt limit unless the cost estimate of that measure prepared by the Congressional Budget Office has been publicly available on the website of the Congressional Budget Office for at least 24 hours.

“(C) PROHIBIT TIMING SHIFTS.—Any provision that shifts outlays or revenues from within the 10-year window to outside the window shall not count towards the budget savings target for purposes of this subsection.

“(b) SENATE SUPERMAJORITY WAIVER AND APPEAL.—

“(1) WAIVER.—In the Senate, subsection (a)(1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a)(1).”.

(2) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after section 315 the following new item:

“Sec. 316. Debt limit increase point of order.”.

SA 7. Mr. PORTMAN proposed an amendment to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. \_\_\_\_\_. END GOVERNMENT SHUTDOWNS ACT.

(a) SHORT TITLE.—This section may be cited as the “End Government Shutdowns Act”.

(b) AUTOMATIC CONTINUING APPROPRIATIONS.—

(1) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section: “SEC. 1311. CONTINUING APPROPRIATIONS.

“(a)(1) If any appropriation measure for a fiscal year is not enacted before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated such sums as may be necessary to continue any program, project, or activity for which funds were provided in the preceding fiscal year—

“(A) in the corresponding appropriation Act for such preceding fiscal year; or

“(B) if the corresponding appropriation bill for such preceding fiscal year did not become

law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

“(2) Appropriations and funds made available, and authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

“(A) 100 percent of the rate of operations provided for in the regular appropriation Act providing for such program, project, or activity for the preceding fiscal year;

“(B) in the absence of such an Act, 100 percent of the rate of operations provided for such program, project, or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year; or

“(C) 100 percent of the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act;

for the period of 120 days. After the first 30 day period during which this subsection is in effect for that fiscal year, the applicable rate of operations shall be reduced by 1 percentage point. For each subsequent 90 day period during which this subsection is in effect for that fiscal year, the applicable rate of operations shall be reduced by 1 percentage point. The 90-day period reductions shall continue beyond the last day of that fiscal year until the new appropriation has been enacted.

“(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be.

“(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

“(c) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such program, project, or activity for such period becomes law.

“(d) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

“(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period; or

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period.”

(2) CLERICAL AMENDMENT.—The table of sections of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

“1311. Continuing appropriations.”

**SA 8.** Mr. TOOMEY submitted an amendment intended to be proposed by

him to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes; as follows:

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . ENSURING THE FULL FAITH AND CREDIT OF THE UNITED STATES AND PROTECTING AMERICA'S SOLDIERS AND SENIORS ACT.**

(a) SHORT TITLE.—This section may be cited as the “Ensuring the Full Faith and Credit of the United States and Protecting America’s Soldiers and Seniors Act”.

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC, SOCIAL SECURITY BENEFITS, AND MILITARY PAY.—In the event that the debt of the United States Government reaches the statutory limit as defined in section 3101 of title 31, United States Code, the following shall take equal priority over all other obligations incurred by the Government of the United States:

(1) The authority of the Department of the Treasury contained in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public.

(2) The authority of the Commissioner of Social Security to pay monthly old-age, survivors’ and disability insurance benefits under title II of the Social Security Act.

(3) The payment of pay and allowances for members of the Armed Forces on active duty.

(c) LIMITED DEBT LIMIT AUTHORITY.—

(1) IN GENERAL.—If the Secretary of the Treasury determines, after consultation with the Director of the Office of Management and Budget, that incoming revenue will not be sufficient to finance the priorities listed in subsection (b) over the following 2 weeks, the Secretary, in coordination with the Director of the Office of Management and Budget, shall—

(A) notify Congress of the expected revenue shortfall; and

(B) raise the debt limit by the amount necessary to cover the difference between incoming revenue and the revenue needed to finance the priorities listed in subsection (b) on a 2 week basis.

(2) LIMIT.—The debt limit increase provided by paragraph (1)(B) may not exceed the difference between expected outlays for the listed priorities and expected revenue.

(3) EXCESS REVENUE.—If incoming revenue exceeds the amount projected by the Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, needed to finance the priorities listed in subsection (b) over the 2-week period, any amount in excess shall be held in reserve and applied to the following 2-week period.

**SA 9.** Mr. PAUL (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON CERTAIN MILITARY SALES TO EGYPT.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States Government shall not license, approve, facilitate, or otherwise allow the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or other defense articles or services listed in Category VI, VII, or VIII of the United States Munitions List to the Government of Egypt.

(b) UNITED STATES MUNITIONS LIST DEFINED.—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)), as in effect on January 1, 2013.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 31, 2013, at 9:30 a.m.

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

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on January 31, 2013, at 10 a.m., in room 406 of the Dirksen Senate Office Building, a hearing entitled “The Harbor Maintenance Trust Fund and the Need to Invest in the Nation’s Ports.”

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Pension Savings: Are Workers Saving Enough for Retirement?” on January 31, 2013, at 10 am, in room 430 of the Dirksen Senate Office Building.

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

**COMMITTEE ON THE JUDICIARY**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 31, 2013, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

**PRIVILEGES OF THE FLOOR**

Mr. BAUCUS. Mr. President, I ask unanimous consent the following staff on the Finance Committee have the privilege of the floor for the 113th Congress: Ashtin Jeney, Daniel West, Eva Hampl, Gavin Mathis, Andrew Vondall, and Bryan Watt.

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

Mr. REID. Mr. President, I ask unanimous consent that Natalie Beckman, a fellow in my office, be granted floor privileges for the remainder of calendar year 2013.

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

COMMEMORATING THE LOSS OF  
SPACE SHUTTLE "COLUMBIA"

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 24.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 24) commemorating the 10-year anniversary of the loss of the Space Shuttle *Columbia*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 24) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

HONORING GONZAGA UNIVERSITY

Mr. REID. Madam President, I now ask unanimous consent that we proceed to the consideration of S. Res. 25, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 25) honoring Gonzaga University on its 125th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to,

and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

MEASURES READ THE FIRST  
TIME—S. 201 AND S. 204

Mr. REID. Madam President, there are two bills at the desk due for their first reading. I ask that those bills' readings take place.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 201) to prohibit the sale, lease, transfer, retransfer, or delivery of F-16 aircraft, M1 tanks, or certain other defense articles or services to the Government of Egypt.

A bill (S. 204) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Mr. REID. Madam President, I now ask for a second reading on both these measures, but I object to both these requests on both measures.

The PRESIDING OFFICER. The objection is heard. The bills will be read a second time on the next legislative day.

ORDERS FOR MONDAY, FEBRUARY  
4, 2013

Mr. REID. Madam President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, February 4, 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; and that following any leader remarks, the Senate be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of the motion to proceed to S. 47, and the time until 5:30 be equally divided and controlled in the usual form; finally, at 5:30 the Senate proceed to vote on the motion to proceed to S. 47.

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

PROGRAM

Mr. REID. The next rollcall vote will be at 5:30 p.m. on the motion to proceed to the Violence Against Women Act.

ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 4, 2013, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:09 p.m., adjourned until Monday, February 4, 2013, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JANE KELLY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE MICHAEL J. MELLO, RETIRING.

GREGORY ALAN PHILLIPS, OF WYOMING, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE TERRENCE L. O'BRIEN, RETIRING.