

have a new program in one of our areas of the government, fine and dandy, but we have to do it within the limit of spending we have agreed to. This bill does not do that. Under this rationale, we would have to assume, would we not, that the needs of this bill are so little that there is not a single other program in America, not a single one, that is less valuable. Therefore, the only way we can proceed with this bill is to raise taxes, raise revenue. That is just simply not correct. We know better than that.

There is no reason these problems cannot be fixed. Slowing down, complying with the Budget Control Act, not delegating to an unelected Cabinet Member the power to raise taxes, not violating with a blue slip by commencing a revenue bill in the Senate, is not hard to deal with.

So I say to Senator TESTER: Thank you for your work. I am not sure the way this was done precisely was something you suggested. I believe we can work this out. I have made some suggestions. I am open to a lot of suggestions, but I will just say to my colleagues, I will continue to object to any bill brought before this Congress that violates the solemn agreement we made 15 months ago in the Budget Control Act. And this one does. Senator CONRAD has verified that. If my colleagues will adhere to the limits of spending that we agreed to 15 months ago by supporting this budget point of order, this popular bill, with a lot of good values in it, will be quickly fixed and passed—there is just no other way to see it—and in the future, committees and Senator REID, perhaps, will stop sending budget busters to the floor of the Senate.

Mr. President, I was going to make the budget point of order at this point, but I see Senator TESTER. I do not know if he wants to speak. Let me say again how much I appreciate the hard work Senator TESTER has put into this. He is a friend. I know he has worked hard, and I hate to cause him heartburn at this point in time, but I really would say I have raised this budget point of order on other bills and it is not that I am complaining particularly about his. His, in fact, will be a lot easier to fix than some of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the ranking member of the Budget Committee for his comments.

Look, folks, this is a bill about habitat. It is a bill about access. It is a bill about opportunity for people who enjoy our outdoors in this country. The outdoor economy is some \$600 billion a year.

I have heard many times spoken on the Senate floor, if we are going to get the deficit and the debt under control, we have to grow our economy. This is about growing our economy. How? By allowing hunters, fishermen, outdoor activists the opportunity to go out and

utilize the great outdoors this country has to offer in Montana and throughout this country.

We are losing habitat every day. We have lost access to habitat for hunting and fishing and hiking. This bill will fix that.

I will go back to the point Senator SESSIONS made. When I go back home, folks talk to me about the debt. They talk to me about the deficit. They ask what we can do to fix it. Quite frankly, this is one of those things we can do to fix it. By increasing opportunities for our outdoorsmen and women in this country, we have the opportunity to increase our economy in a very positive way.

Like I said, when we talk about the duck stamps, those dollars go in to be used for promoting opportunities in duck hunting. Those moneys will not be going into funding the war in Afghanistan. The money coming in basically goes out for a specific purpose.

By the way, the folks who utilize the duck stamp want this money bumped up. That is why we give the Secretary this discretion.

With that, I yield the floor back to the Senator from Alabama.

SPORTSMEN'S ACT OF 2012

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

The bill clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Pending:

Reid (for Tester) amendment No. 2875, in the nature of a substitute.

Reid amendment No. 2876 (to amendment No. 2875), to change the enactment date.

Reid amendment No. 2877 (to amendment No. 2876), of a perfecting nature.

Reid amendment No. 2878 (to the language proposed to be stricken by amendment No. 2875), to change the enactment date.

Reid amendment No. 2879 (to amendment No. 2878), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the pending amendment No. 2875, offered by the Senator from Nevada, Senator REID, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority and outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of this pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All postcloture time has expired. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—50

Akaka	Inouye	Pryor
Baucus	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Brown (OH)	Lautenberg	Schumer
Cantwell	Leahy	Shaheen
Cardin	Levin	Snowe
Carper	Lieberman	Stabenow
Casey	Manchin	Tester
Conrad	McCaskill	Udall (CO)
Coons	Menendez	Udall (NM)
Durbin	Merkley	Warner
Feinstein	Mikulski	Webb
Franken	Murray	Whitehouse
Gillibrand	Nelson (NE)	Wyden
Hagan	Nelson (FL)	

NAYS—44

Alexander	Crapo	McConnell
Ayotte	DeMint	Moran
Barrasso	Enzi	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Portman
Boxer	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	Lugar	Wicker
Cornyn	McCain	

NOT VOTING—6

Begich	Hoeven	Kirk
Harkin	Isakson	Landrieu

The PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and amendment No. 2875 falls.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the Reid amendment No. 2878 be withdrawn; that the vote on passage of the bill be vitiated; that the bill be returned to the calendar status quo; further, that at a time to be determined by the majority leader after consultation with the Republican leader, it be in order for the majority leader to resume consideration of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. I now move we proceed to Calendar No. 419, S. 3254.