

the deficit down and about our economy. We had 216,000 new jobs last month. It is fragile, but we are beginning to come out of this. This is not the time to shut the government down.

What it is going to do to people in my State, to seniors—every week, there are hundreds of seniors—how many a day—170 a day applying for Social Security. They are not going to be able to do that, people who just turned 65. There are people who are going to try to get FHA loans and won't be able to. There are farmers who want to put seed in the ground who will not have the Farm Service open. This is not the time to do this. This is going to mean 800,000 Federal employees laid off. What is that going to do to the economy?

Look, there are things in this that I don't like, but I am willing to swallow and do it.

They want to cut hundreds of millions of dollars in hunger programs, \$700-plus million to cut food for women, infants, and children. It has been analyzed, and because of that, the neediest kids will not get their allotted amount of fruits and vegetables that is recommended. And that is not just during the closing; that is what they want to do for the rest of the year and presumably beyond that.

At the same time, we were here last December, and they wanted to extend the Bush tax cuts. They insisted on it, not just to your first million dollars or your second million dollars, to your tenth million dollars, to your 13th million dollars, or to your 300th million dollars. The top 400 income earners in this country average over \$330 million a year in income. They would rather those women, infants, and children not get food, the food they need to be healthy. I don't like that. Boy, do I not like that. Boy, do I not like that. But I was willing to swallow that for whatever is in the compromise to keep the government going so we could go through the year, so we could keep the economy going, so we continue the job growth we have had.

They know how to keep the government going. Take the ideological stuff off. Let's not resolve abortion in 27 hours. We have had more than 27 years—37 years—since *Roe v. Wade*. Let's not put a gun to everyone's head and say we have to resolve *Roe v. Wade* in 27 hours. That is just plain inappropriate.

I think you know how I feel. I think we know which side gives standing ovations when it is announced the government may very well be shut down. I think we know which side's crowd cheers and chants when they hear there may be a shutdown. I wish it were not that way. I wish we were working together. I hope we are working together. I hope we are working together on Monday.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the period for morning business be extended until 10:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and I ask that the time for morning business be for debate only.

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

#### BUDGET NEGOTIATIONS

Mr. DURBIN. Madam President, I rise to speak in morning business, even though it is the evening—the nature of the Senate rules and procedure. During the course of the day, we have had a number of colleagues coming to the floor and talking about the looming shutdown of the Federal Government.

During the last several hours, as we have spoken, Majority Leader REID and Speaker BOEHNER have been meeting with President Obama. It is my sincere hope that it has been a productive and fruitful meeting and that they will report that we have found a way out of this difficulty. I certainly hope that is the case. But if it is not, if we are destined to see this government shut down tomorrow night at midnight, it is a sad commentary—one that most American voters will resent and be disappointed with, and understandably so. It basically says the leaders have not been able to reach an agreement. Fingers of blame will be pointed in both directions, and the public can reach conclusions about who is responsible.

From my point of view, having worked with Senator HARRY REID on this from the beginning, I attended many meetings and heard many reports. It has been a frustrating experience because the Speaker's position in the House has changed so often. The amount of money they wanted to cut from the budget, where it would come from, and the policy riders that were part of this conversation have been changing with each meeting. I know Senator REID is a patient person. I have watched him as my friend since we were both elected to the House in 1982, and as my colleague in the Senate now—and this is my third term. He is patient, but he has been frustrated because of these changing scenarios.

The most recent change is one that I find most troubling, which is that it appears the debate is no longer over deficit reduction or spending cuts. It really isn't about how much money we are going to cut during the remainder of this year. Most Americans thought that was what we were debating and negotiating. It turns out now that it

has devolved into a debate over policy questions that have nothing to do directly—maybe even indirectly—with the budget deficit we face and the money we are going to spend.

For example, Speaker BOEHNER has been insisting today that the Senate adopt a provision which removes the authority of the EPA when it comes to issues involving pollution. I disagree with that position, but I have to say to the Speaker that he should check the CONGRESSIONAL RECORD. It is not the most exciting publication, but if he looks at yesterday's CONGRESSIONAL RECORD, he will find that we spent most of yesterday debating this point.

Four different amendments were offered by Democrats and Republicans, including Senator MCCONNELL, the Republican minority leader, on this issue. We debated them for days and voted yesterday on the question of the authority of the EPA. There were four votes.

On the first one, there were seven Senators voting in favor of the change in that amendment. On the second amendment, seven Senators again. On the third amendment, 12 Senators voted in favor of the change. The fourth, offered by Senator MCCONNELL, was 50-50. At the end of the day none of them passed.

For Speaker BOEHNER to insist now that we include in our bill a provision that has already been debated in the Senate and rejected is fundamentally unfair and goes way beyond any question about deficit reduction and cutting spending.

The second item he raised is one that is even more puzzling. For some reason the Republican majority in the House believes the last election was a referendum on whether we provide medical services to women in America. We have the title X program—primarily for low-income women—that gives them access to basic health care, to the type of cancer screening and infection screening that we want all of the women in America to have access to. The House Republicans decided we should eliminate that Federal commitment and close the clinics, denying access to millions of Americans to basic primary health care.

How can that be in the best interest of our country and the costs that we incur to provide medical services? How can it be fair to these people, the men and women who use these clinics because they are accessible and affordable? They want to close them down. I don't recall that debate in the last election. I don't remember any candidate for the House or Senate saying: I want to go to Washington to close down access to health care for women, children, and men across America. That is, in fact, what they are saying now is the reason we need to close down the government. They think it is better to close down the government than to continue to give access to medical care to women under title X.

Planned Parenthood, which has a clinic in my hometown of Springfield,

IL—for the record, Planned Parenthood and any clinic operating under title X is prohibited from using any Federal funds for the purpose of abortion. The only exceptions are those that have been in the law and accepted by both political parties for decades—the so-called Hyde amendment for women who are victims of rape, incest, or their lives are at stake in a continued pregnancy.

This isn't an abortion issue. It is obviously a health care issue. For some reason, the House Republicans would rather close down the government than allow this kind of health service to continue. That is troublesome.

It is also troubling that the underlying House budget they passed has been judged by economists to be a job killer—700,000 jobs would be lost if the Republicans passed their budget and the Senate approved it. At a time when we are celebrating the creation of over 200,000 new jobs last Friday, and the lowest unemployment rate in 24 months, here come the Republicans with a budget proposal that will cost 700,000 jobs, pushing us back toward recession instead of away from it. That isn't sensible.

I don't believe the American people ever considered that part of the bargain in the last election. It is true the American people focused on the deficit and cutting spending, and we are too—on both sides of the aisle. That is why we have reached an agreement on the amount of money to be cut from the remaining part of this budget. For us to now face a shutdown of the Federal Government over the question of women's access to health care or whether we are going to accept an EPA change, which has already been rejected on the floor of the Senate, shows the unreasonable level of this debate.

We had a meeting today of the Democratic Senators, and JOHN KERRY spoke. I told him afterward that what he said had a profound impact on me. He reminded us that what we are doing isn't just being observed by politicians on Capitol Hill or reporters and journalists in Washington; it is being watched by the world.

It is a sad commentary that this great Nation, the United States of America, with its government, has reached a point where we face closure. We know we can do better. It is unfortunate the House Republicans, with their new leadership facing growing pains, have brought us to this moment. I hope we can reach a point where we can find an agreement even now. I hope this evening there will be a breakthrough.

They said last week, when the Speaker announced to his Republican caucus in the House that there was going to be a shutdown of the government, there was a standing ovation. They were cheering the idea of shutting down the government.

I will not cheer that. That is a bad outcome. It is bad for taxpayers, bad for our Nation, and bad for the Federal

employees who are performing essential services in North Carolina, Illinois, and across the country. These are men and women who are working to keep us safe. They are performing important duties, such as watching dangerous prisoners and making certain our planes take off and land safely. To even jeopardize for a minute the funding for these agencies is irresponsible to the extreme.

Let's hope there is an agreement. If not, let's hope we can extend somehow the functions of government and not close them down at midnight tomorrow evening. At this moment, there is no report. There is likely to be one later.

At this point, 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. 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.

Mr. REID. Madam President, I have just returned from the White House. We have narrowed the issues significantly; However, we have not yet reached an agreement. In 26 hours and 15 minutes the government will close if we don't get this resolved. We have not yet reached an agreement.

We are going to work throughout the night to attempt to resolve many issues. The remaining issues are extremely narrow. Having said that, I have been to this podium before, and I have spoken to the press before, and I said we have narrowed the issues—and we have. The sad part about it is that we never quite get to the finish line.

I hope we can work through the night and get this done. The President set an early morning deadline before we have to start notifying almost 1 million Federal employees that they will have to report to work and hear that they won't be there on Monday. It is a technical thing they have to do tomorrow before closing time. We need to work toward that deadline. I hope we can get that done. I am not really confident, but I am very hopeful.

#### FAIR ELECTIONS NOW ACT

Mr. DURBIN. Madam President, last year, the Supreme Court issued a decision in a case named *Citizens United v. FEC*. In this sweeping decision that ignored decades of precedent, the Supreme Court held that corporations and unions could spend as much money as they want to influence congressional elections.

At the time the Court issued this decision, I and others warned that *Citizens United* would have a negative impact on our democracy and open the floodgates to undisclosed private money in Federal elections.

The results of the first congressional elections after *Citizens United* have been analyzed. Those of us who sound-

ed the alarm about this unfortunate decision were right.

In 2010, for the first time ever, spending on House and Senate races exceeded \$1.6 billion.

Outside groups, now freed from spending limits by *Citizens United*, spent 335 percent more on congressional campaigns than they did just 4 years earlier.

The amount of money that big corporations and special interest lobbyists are willing to spend to shape policy is expected to increase even more in 2012.

This dramatic increase in spending tells us that big business is not going to be shy about using its new power to say to Members of Congress: "If you vote against our business interests, we'll spend millions to make sure you never get the chance to vote against us again."

That is a terrible reality for Members of Congress evaluating policy options and it is an even worse statement about our democracy.

As bad as *Citizens United* was, the Supreme Court may very well be at it again. Last week, the Court heard oral arguments in the *McComish v. Bennett* case.

An adverse decision in the *McComish* case would hamstring jurisdictions that have implemented campaign finance measures in response to corruption and scandal.

*Citizens United* and its corrosive impact remind us of the urgent need to fundamentally reform the way we finance congressional elections.

It is time we had a system that allows candidates to focus on constituents instead of fundraising.

That is why I introduced the Fair Elections Now Act. The Fair Elections Now Act will dramatically change the way campaigns are funded.

This bill lets candidates focus on the people they represent, regardless of whether those people have the wealth to attend a big money fundraiser or donate thousands of dollars.

Fair Elections candidates would be in the policy business, regardless of what policies are preferred by big business and wealthy special interests.

The Fair Elections Now Act will help restore public confidence in the congressional election process by providing qualified candidates for Congress with grants, matching funds, and vouchers from the Fair Elections Fund to replace campaign fundraising that largely relies on lobbyists and other special interests.

In return, participating candidates would agree to limit their campaign spending to amounts raised from small-dollar donors plus the amounts provided from the Fair Elections Fund.

Fair Elections would have three stages for Senate candidates.

To participate, candidates would first need to prove their viability by raising a minimum number and amount of small-dollar qualifying contributions from in-state donors. Once a candidate qualifies, that candidate must limit