

to achieve real and lasting reform. I would not support and I do not think the administration would support lifting the sanctions that have been imposed unless there is much further progress.

The next steps will be elections to fill 48 seats of the national parliament on April 1. Suu Kyi intends to run as the representative of the district with a significant Karen population. This election will give the new government an opportunity to hold the first free and fair elections in Burma since 1990. It also demonstrates the seriousness of its recent reform efforts. The government must also fully and peacefully reconcile with Burma's ethnic minorities. This is vital. Reports indicate that the military continues to engage in hostilities with the Kachin. That is certainly troubling. And questions about Burma's relationship with North Korea must be answered.

As the new government enacts reforms, we should respond with meaningful gestures of our own in the hopes of encouraging further positive developments from Burma's leaders. Reformers such as new President Thein Sein, whom I also met on my trip, are strengthened when they can show positive results. Steps such as exchanging ambassadors with the United States would enable them to do just that.

My trip to Burma has filled me with hope for its people, hope that they will one day be free to elect their own leaders and hope that every person regardless of the ethnic group can enjoy equal rights and full protection under the rule of law. It also reaffirmed for me that the desire to be free is absolutely universal and that the patient yet persistent leadership of one woman can make a tremendous difference.

These are indeed exciting times for all who care about the future of the people of Burma. I know that includes a great many of my colleagues here in the Senate. Burma has quite a long way to go, but it is certainly moving in the right direction.

DEBT CEILING INCREASE

Mr. MCCONNELL. Mr. President, a few weeks ago President Obama asked Congress to raise the Nation's debt ceiling. Today virtually every Republican in the Senate will oppose that request. Washington needs to start spending less than it takes in, and our future will be uncertain and our economy in danger as long as the President fails to lead on this crucial issue.

President Obama's record on the issue is absolutely clear. On the day he took office, the Nation's debt stood at \$10.6 trillion. Today it is \$15.2 trillion. More spending, more debt, fewer jobs—that is what we have gotten from this administration, and now they want to make it worse. But we should be working together to lower the debt, not having votes to increase it.

The President must be willing to face this crisis head-on. He must be willing

to acknowledge how serious this issue is. Most Americans understand that we cannot keep spending money we do not have on programs we do not need. Unfortunately, the President does not seem to be one of those Americans. He has no plan to get this crisis under control, and he continues to act as if it really is not a priority. Has he noticed how that is working out for Europe?

Americans are worried and they are frustrated. Middle-class families are doing without. Why can't Washington? Well, we believe it can. So today Republicans will send a simple message to the White House: No more blank checks. Democrats have been in charge of the Senate and the White House for 3 years. They have had the time they need to figure this out. They have chosen the path of blame instead. They have had their chance. They have made it worse. We must do better.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leadership time is reserved.

DISAPPROVAL OF THE PRESIDENT'S EXERCISE OF AUTHORITY TO INCREASE THE DEBT LIMIT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 98.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 294, H.J. Res. 98, relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of Title 31, United States Code, on January 12, 2012.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until noon will be equally divided and controlled between the two leaders or their designees for debate on the motion to proceed.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, Benjamin Franklin once said, "Promises may fit the friends, but nonperformance will turn them into enemies." We should be clear about what the debt limit means and what it does not. Raising the debt limit does not authorize new spending. Let me make that clear. Raising the debt limit does not authorize new spending. It does not mean an increase in future spending.

What does it mean? It simply means the United States will be able to meet its obligations. Increasing the debt limit only permits the Treasury Department to pay the bills we have already incurred. It does not authorize new spending. It permits the government to pay the bills that have already been incurred. They have been incurred. We owe the obligation. It says: OK, we owe that. It is in the law, passed. It is history. We have to pay

the bills. It allows our country to meet our promises to our citizens, and it means there is money to provide the benefits to millions of seniors and veterans whose families depend on them every day to make their ends meet.

We should remember why we are taking today's vote. Last August, Congress enacted the Budget Control Act of 2011. We all remember it. This legislation reduced spending by \$2.1 trillion. That was a budget action taken by the President and the Congress together that reduced Federal spending by \$2.1 trillion. It is a reduction. That is not commonly understood, not widely known, but that is the fact. And it provided a plan to raise the debt limit by the same amount. It did so so that the Federal Government could meet its financial obligations so we could keep our promises.

Today's vote would reverse that agreement in August. Voting to disapprove an increase in the financial limit is unreasonable. It would be very much like your bank increasing your line of credit unless you tell them not to. Nonetheless, that is the issue we are voting on and debating in the Senate.

Passing this resolution would mean there would be no money to keep our promises. The United States would default for the first time in its history. It would send a message to the world that the United States does not keep its promises. With all of the uncertainty in the world, especially in Europe, that could have disastrous consequences. It could be a contagion. There could be a reaction, a debt spiral in the wrong direction, an interaction between the two—the United States defaulting on its debt and Europe—some countries defaulting on theirs, perhaps Greece.

This is clearly the wrong time to take an action that would leave the United States to be placed in default. There would be disastrous consequences for our economy alone, irrespective of the repercussions and reverberations around the world, especially Europe. Our gross domestic product would shrink by as much as 1 percent and more than \$150 billion. We would be defaulting. That default would compromise our credit rating. What would happen if our credit rating was in jeopardy? It would cause interest rates to skyrocket. Just think what would happen if the United States, as we are struggling to slowly get our economy going, was faced with a big spike in interest rates. That would stop the recovery dead in its tracks. It would do more than that. It would probably plunge us back into recession. That is what would happen. Yearly prices for food, gas, and utilities would increase by hundreds of dollars for American citizens. Americans could lose thousands in retirement savings; that is, if we default and interest rates have to go up so much as a consequence of default.

We have to act so investors would want to invest in the United States. If

we default, U.S. businesses would not be able to meet payroll much less expand. Millions of Americans would not be paid. Millions more would lose their jobs. We are trying to get the unemployment rate down. This would cause it to go up dramatically. Default would cause it to go up. If this passes, that would mean the United States would be in default and jobs would be harder to find and unemployment would rise. Americans would be unable to access credit to buy a home, a car, or take out loans for college. The housing market would plummet again. The economy would fall into another recession or even a depression.

At a time when our economy is starting to show signs of recovery, now is exactly the wrong time to risk a contraction. American workers, families, and small businesses cannot afford that, to say the least. If today's vote succeeds and causes a default, the Federal Government would not have funds to pay troop salaries.

What about SEAL Team 6 who took on Osama bin Laden? We read about them in the last couple of days rescuing an American out of Somalia. There would not be a SEAL Team 6, let alone the other troops that would not be paid. Social Security benefits would not be paid. Just think of that. Medicare bills would not be paid. Think of that.

These programs would all be in danger if we were to default, and a positive vote here would cause default. We are voting on a motion to disapprove. That would hurt the families and seniors who rely on these programs I just mentioned.

We need to do all we can to help these families make ends meet, not put their jobs and paychecks in danger. There is no doubt that we need to work together to reduce the deficit. Everybody agrees on that. We need to work together to get it done. Clearly, we need to make changes to both revenue and the spending sides of the budget. That is clear.

We need to do so in a way that doesn't put jobs and economic growth at risk. We need to do it, obviously, in a fair and balanced way. That is why the people in our States sent us here.

As we do that, we can't refuse to meet our country's obligations. There have been many efforts to reduce the budget deficit, whether it was the Biden deficit commission, the so-called supercommittee, and the many budget proposals we talked about—Bowles-Simpson and Rivlin-Domenici—and we are getting closer and closer and we are going to get the job done.

As we work on that, again, we cannot refuse to meet our country's obligations, and we have to make sure we pay the bills we have already incurred. We need to show the world the United States keeps its promises. We have to show people we live up to our word.

I urge my colleagues to keep our promises and to vote no on the motion to proceed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I wish to express my disapproval of the President's request of a debt limit increase of \$1.2 trillion, which would place the total limit just below \$16.4 trillion.

The requested increase amounts to nearly \$4,000 of additional debt for every American man, woman, and child; and the total debt limit being requested works out to over \$50,000 per person. This would be a terrible burden to impose on our children.

For many in Washington, including this President, this debt limit increase is just a matter-of-fact necessity. Watching the mainstream media, many Americans might be surprised to even know that it was set to happen. But this is no small matter. This is not an inconsequential increase in the limit on Federal spending.

Federal spending is already out of control, and we all know it. Our total debt is already greater than the size of our entire economy. I will repeat that: Our total debt is greater than the size of our entire economy. The debt ceiling increase being requested amounts to nearly 8 percent of our entire gross domestic product, or GDP, and the total debt limit being requested amounts to over 108 percent of GDP. That would place us in worse shape than many of the eurozone countries currently confronting their devastating fiscal crisis.

Given the recent experience in Europe, it is disconcerting to hear repeated calls by the grow-government-at-all-costs crowd to double down on failed government initiatives to stimulate the economy by borrowing even more. Rates are cheap, they say, so let's continue riding this debt bubble as far as we can.

We should have learned from the housing bubble and the European sovereign debt bubble that bubbles pop rapidly and with great devastation. It was not long ago that the grow-government crowd was mocking concerns about indebtedness in the eurozone, taunting what they called "bond vigilantes" and saying that there was nothing there to see. Interest rates will not go up. Don't worry. Rates are low, so borrow and spend.

We know how this story ends. It was not long ago that we saw the housing market participants, lured in by the promise of an ever-bigger "McMansion," being told: Don't worry. Rates are low and housing prices never fall. The government backs your mortgage, so there is no risk.

As outsized and highly speculative activity took place in the housing and financial sectors, Federal regulators ignored all warnings, failed to use their existing authority to promote safety and soundness and, frankly, failed to do their jobs. To date, it is difficult, if not impossible, to come up with a single name of a regulator who lost a job. In fact, many in the top slots got pro-

motions. Meanwhile, everything bad that exists in the housing market and in mortgage finance is blamed on the evils of private business. That is a great way to deflect regulatory failure, but a terrible way to get private activity back into the housing arena.

The fact is, the housing bubble was caused by too much borrowing and the folks who egged it on. The results were not pretty. Global investors struck against mortgage-backed securities issued in the United States, leading ultimately to a precipitous global strike on financial intermediation and massive government bailouts of financial institutions.

The experience with the housing bubble caused by mortgage debt is being replicated with the explosion of sovereign debt. The bond vigilantes did strike against profligate eurozone countries, and they precipitously demanded higher and higher interest rates to protect lenders from risks of default. This effectively shut entire countries out of the debt market. Entire countries face an inability to borrow at rates they can sustain. Absent an ability to roll over debt, those countries have been forced quickly and violently into fiscal restructuring, immediate austerity, and sometimes even partial default.

The President's most recent request to take on more debt follows the same bubble pattern that we know will lead to devastation and losses. I, for one, don't wish for us to continue flirting with catastrophe by encouraging bubbles with the fools' gold that because rates are cheap we should borrow more.

We are on the edge of the cliff, and it is time to carefully but deliberately take a few steps back. Rates may be low today, but they can turn on a dime. When they do, the outsized Federal Government we currently have will suddenly be exposed as unaffordable. When that day comes, our creditors can go on strike as quickly as they have in Europe.

Last summer we got a taste of what is to come when we received the first downgrade of U.S. sovereign debt in history from a major credit rating agency. Americans can never be allowed to forget that this downgrade occurred under, and because of, this administration's fiscal stewardship. We cannot risk what are likely to be further downgrades in the near future by raising the debt limit.

It is time to resist the siren song of cheap credit and put our focus back on the job at hand, which is to allow the private sector to create jobs and to get rid of the \$1 trillion-plus deficits of the Obama Presidency, to get rid of our mountain of debt that surpasses the size of our entire economy, and to bring the size of our Federal Government back to its historical norms.

Federal outlays as a share of our entire economy averaged 18.6 percent over the past 40 years. Under the current administration, Federal outlays represent 25 percent of GDP in 2009, 23.8

percent in 2010, and were estimated to have been 25.3 percent in 2011. The current administration has engineered a Federal Government where outlays represent 25 percent—one-quarter—of our entire economy. The last time Federal spending represented such a large share of our economy was back in 1946 as the world began rebuilding after the ravages of World War II.

I guess this is what one of my colleagues meant when he said the other day that America is in good shape. Economic and job growth remain weak, but Washington and the government jobs it funds is doing just fine.

The administration likes to talk about economic fairness—about the haves and have-nots. But ultimately the people in the best shape in this economy are those who owe their livelihoods to the Federal Government and Federal taxpayers. When the 99 percent are being taxed to fund and fuel an ever-growing Washington bureaucracy, we have what the President might call economic justice.

There is no end in sight. After Federal spending spiked in World War II as the entire Nation mobilized to defeat the axis powers, it quickly ratcheted down, with Federal spending averaging 16.5 percent of GDP in the 10 years that followed. Yet with President Obama, the ratchet only moved in one direction, up.

Equally of interest is the behavior of Federal spending relative to the size of the economy in those Clinton years, which many look back on as the golden age of fiscal correctness. While Democrats focus solely on the existence of budgetary bliss despite higher tax rates under Clinton, they typically fail to mention how the budgetary bliss was generated. It is difficult to deny the facts, which include a reduction in Federal outlays relative to GDP from 21.4 percent in 1993 to 18.2 percent by 2001, a 3.2-percentage point reduction.

During those years government receipts relative to GDP did rise from 17.5 percent to 19.5 percent, a 2.0-percentage point increase. But it is impossible to deny that the budget bliss was largely generated by reducing the share of the economy accounted for by Federal spending. Of course, my friends on other side of the aisle pledge allegiance to tax-and-spend economics. They wish to maintain a Federal Government where spending amounts to one-quarter of the size of the entire economy. To them, Federal spending and big government are not problems; they are virtues from which good things trickle down from government to preferred classes of people.

They decry that a deep recession has caused government receipts as a share of GDP to fall below 15 percent and argue in panic that the decline is proof that taxes must be raised, while refusing to acknowledge that the non-partisan Congressional Budget Office projects that revenues as a share of GDP will rise with economic recovery. Federal revenues have averaged 18 per-

cent of GDP over the past 40 years. They are projected by our Congressional Budget Office to reach nearly 19 percent of GDP in 2013, 21 percent in 2021, and 23 percent by 2035 under current law. That is what they say.

Even under the CBO's so-called alternative fiscal scenario, CBO puts revenues as a share of GDP at around 18.4 percent, higher than the long-run average. Congress and the President should focus on the things they are capable of controlling.

Mr. President, Federal revenues come from the economy, and as the economy recovers, CBO expects revenues to recover and rise above historical norms relative to the size of the economy. The President and his allies are putting the cart before the horse. They want to increase revenues by raising taxes. But the real way to increase revenues is to promote economic growth.

Federal spending is something that Congress and the President have full control over, however. Every Federal dollar spent counts because Congress and the President decide to spend it. Our deficits and debt are on an unsustainable path because of unsustainable spending. Yet with this debt limit increase, the President and his allies are confirming they are comfortable with our government consuming an ever-increasing share of the economy.

The President has made clear before that in the name of class warfare he is comfortable raising taxes regardless of whether those tax hikes generate revenues or decrease deficits and debt. With his latest proposal to tax the so-called rich, he has shown again he is willing to ignore the fact—the clear fact—we have a spending problem not a revenue problem.

To tackle our spending problem, unsustainable government promises embedded in entitlement programs such as Medicare, Medicaid, and Social Security must be reformed. There is no budget analyst on this planet who does not identify entitlement reform as key to getting the Federal budget back on track. Yet over the 3 years of the Obama Presidency, there has been no plan—no plan from the administration—to deal with entitlements.

The entitlement can is simply being kicked down the road, and to deflect attention from our real fiscal challenges my friends on the other side of the aisle resort to the politics of division. Tax the evil banks and all will be equal, just, and fair, they suggest. Tax millionaires and billionaires no matter whether they are fat cats on yachts or small business owners and all will be equal, just, and fair, they suggest.

The politics of division bears no fruit. It is an economic dead end. Yet it is elevated to the top of the President's agenda to divert attention from our bloated Federal Government. The taxes on the so-called rich or on evil financial institutions or evil energy producers or evil insurance providers have been promoted in the interest of fairness and equality.

Reducing income and wealth inequality is a laudable goal. Yet my friends on the other side of the aisle have not—and I repeat, have not—proposed new tax measures to generate greater income equality through the Tax Code. The numerous permanent surtaxes on the so-called rich or on energy producers or on financial institutions have not been offered with corresponding permanent reductions in taxes for others with lesser means. Rather, they have been offered to promote more government spending and a permanently larger government. They are permanent tax hikes used to pay for temporary stimulus or taxes on business to fuel more spending or bailouts or government jobs.

Of course, no mention is made of what effect those taxes have on businesses or private sector job creation. No mention is made about the effect those taxes have on the returns on retirement portfolios of seniors, which contain stocks and bonds of the vilified banks and energy producers and insurance companies. The message to retired seniors in Sandy, UT, is clear: You have been suffering for years through near-zero returns on bonds because of Federal Reserve policy. But now you will just have to take it on the chin when the value of your pensions fall because the Federal Government needs to tax business to get more revenue for union construction jobs or stimulus or for bailouts of mortgages of speculative housing investors.

Mr. President, my friends on the other side of the aisle say they want more equality and more jobs but do not offer tax proposals that would generate more equality through the Tax Code or a better environment for job creation. Instead, they want to tax the so-called rich to get money for things such as high-paid infrastructure contractors while fighting tooth and nail on behalf of their union constituencies to retain and even expand Davis-Bacon and Contract Service Act coverage, which we know costs taxpayers money and stifles job creation. These kinds of schemes have nothing to do with equality. They have nothing to do with promoting as much job creation as possible. They have everything to do with the politics of division and with cronyism.

In the recent flurry of tax-the-rich surcharges offered by the other side, each corresponding spending idea has been clearly directed to appease Democratic constituencies—mostly unions, again—and to build up campaign season talking points that say the only thing standing in the way of Democrats' do-goodery is Republican refusal to tax some easily demonized group. This might make for good politics, but it is no way to formulate fiscal policy, and it is no way to run a country.

At first, to pay for a massive new stimulus plan of the President, the Democrats wanted to limit deductions for people earning \$200,000 or more, which in September of last year was

evidently how Democrats defined who was rich. Next came a proposed surtax of 5.6 percent on people earning \$1 million or more to pay for the President's stimulus scheme. I am guessing the earlier definition of "rich" at \$200,000 did not sit too well—or poll too well—with Democrats in high-income jurisdictions, in places such as New York and California.

Next came a surtax of 0.5 percent on those earners to give funds to States to help pay mostly union workers.

Next came a surtax of 0.7 percent on those earners to help pay for a new Fannie-and-Freddie-like, government-sponsored enterprise called the infrastructure bank.

Next came a permanent surtax of 3.25 percent on those earners for what was billed as a temporary payroll tax preference which, ironically, gives more to richer earners than it does to poorer earners and gives nothing at all to the unemployed.

Next came a long-term surtax of 1.9 percent on richer earners, again for the allegedly temporary payroll tax preference.

Mr. President, the pattern is clear. Democrats settle on their stimulus spending plan of the week, find out how much it will cost, and then find out what surtax to slap on high earners, including business income recipients. That is how we get tax proposals with rates of 5.6 percent, then 0.5 percent, then 0.7 percent, then 3.25 percent, then 1.9 percent, and who knows what is going to come next. Never mind that businesses across this country have been clear that massive uncertainty from the current administration's policies and proposals is holding back hiring, job creation, and the economy.

Given the past few months of tax rate roulette being played by the Democrats, is it any wonder families and businesses lack the confidence to take risks, make significant purchases and grow the economy?

And never mind that the Joint Committee on Taxation has told us approximately 34 percent of flow-through business income, which tends to be small business income, would be subject to Democratic surtax proposals. My friends on the other side of the aisle ask us not to mind the effect on job creators, even as the economy faces massive joblessness.

If we abide by the recommendations of the editors of the New York Times, who are in lockstep with the Democratic Party, we should not care about more taxes on businesses. Indeed, in a December 9 editorial last year, those tax policy experts told us:

For any savvy business owner, a surtax would have no bearing on hiring decisions. If new workers are profitable before tax, they will be profitable after tax, even if the employer has to pay slightly more of the profit in taxes.

This view perfectly encapsulates the understanding of the economy held by those who have never created a private sector job or worked to turn a profit.

By this view, these rich business owners would not even flinch if we increase taxes. After-tax profitability of hiring does not matter evidently, especially when we view business earners as those evil rich.

Mr. President, I know in certain circles it is fashionable to vilify business and hold the profit motive as the root cause of mega-wealth. But the notion that business decisions, including hiring, will not be affected in the least by higher taxes is truly bizarre.

The ongoing vilification of private businesses in America is shameful. Hard-working Americans who are by no definition rich, but who work in mortgage markets and real estate markets and securitization markets and in financial markets, have been hit with a blanket indictment from this administration that they are wrongdoers.

Of course, if they do wrong they need to go to jail. But my experience with the American people is, by and large, they play by the rules, seek to offer useful products to their buyers, and look only for fair rewards for their efforts. They do not deserve to be vilified by the President and painted as purveyors of tricks and traps to abuse their neighbors in order to buy yachts.

Again, anyone who breaks a law should go to jail. Any Federal regulator who fails to do their job should be fired. But the vast majority of Americans who operate and work hard and honestly in business should not be shamed for their work. It would be far more appropriate to shame lawmakers who set tricks and traps in the Tax Code in order to get more money for the Federal Government to spend while falsely selling their schemes as paths toward equality.

While President Obama seeks to take attention away from his historically record-high deficits and Federal spending that accounts for 25 percent of the economy and his jobs deficit and his congressional relations deficit by identifying some sort of "trust deficit" he has with financial institutions, it is imperative that he and Democrats in Congress do not spend the rest of this year playing election-year politics. People need jobs, and the Nation cannot afford to wait for the President and Democrats to get past November.

We need to stop the tsunami of job-crushing regulations and the runaway regulatory agencies which continually stretch their authority in order to intervene into the economy and crush job creation. We need to reduce the time needed for private sector projects to clear the forest of regulatory and permitting redtape. We need to proceed immediately with known shovel-ready, job-creating, and environmentally safe projects such as the Keystone Pipeline. Despite having cleared years of reviews and oversight and despite support from virtually all interests—including unions but excluding radical environmentalists—it is inconsistent for the President to say he cares about Amer-

ican jobs while he prevents them from being created by approving the pipeline.

While the President needs to approve the Keystone Pipeline, I wish to again express my disapproval of the administration's Federal spending pipeline.

For 3 years, the administration has lacked any serious and coherent budget plan. The administration has refused to deal seriously, if at all, with tackling unsustainable entitlement spending. It wishes to continue to practice the politics of division in order to permanently enshrine a European-sized Federal Government that absorbs over one-fourth of the entire size of our economy.

Americans do not want this oversized government. Americans do not want or need job-stifling tax hikes. Americans do not need the Federal Government running their lives and making their choices. Allowing the debt limit to rise would only serve to promote things that Americans do not want and that Americans do not need.

Therefore, I disapprove of the President's request for a \$1.2 trillion increase in the debt limit which would place the total limit at nearly \$16.4 trillion, and I urge my colleagues to similarly disapprove.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I first wish to thank the Senator from Iowa for allowing me to move in front of him; and I ask unanimous consent that at the conclusion of my remarks he be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I speak immediately following the Senator from Iowa.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me say to Senator HATCH and his remarks, there has never been anyone I can recall who has been so relentless in trying to stop all this deficit spending whom I associated with and served with in the Senate.

One month ago we were standing here trying to pass a balanced budget amendment to the Constitution and Senator HATCH was right in the middle providing leadership. We wanted that to be a reality.

My activity with the balanced budget amendment goes all the way back to the 1970s, when then-Senator Carl Curtis was trying to preratify an amendment to the Constitution. I was a State Senator at that time, and we were the first State to preratify the Constitution. So we know it has been a real uphill battle. It has been very difficult.

I think it is important, though, and one thing that hasn't been said in this debate is why we have this deficit and why we have this debt. It is important

for people to understand, and I know most people don't. But to overly simplify it a little bit: The debt is the responsibility of the President. It is not the Republicans, it is not the Democrats, it is not the House, it is not the Senate; it is the President who puts together a budget every year.

We have a President who put together his first budget, and the Obama first budget had a deficit of \$1 trillion; the second budget he had in 2011 was \$1.3 trillion; then, last year, his budget deficit was \$1.1 trillion. But if you stop and think about what has happened in the past, that 2011 deficit was going to be much more than that because they have now upgraded that to \$1.65 trillion. So we are talking about a President who is going to have in excess of \$5 trillion in deficit, in the 4 years he has been in office, by his own budgets.

I remember back in 1996, when President Clinton came out with the first \$1.65 trillion budget and I was outraged that we couldn't sustain that kind of spending. Yet that was to run the entire country of the United States of America, and this is just the deficit alone.

So it is estimated the President will have presided over \$14 trillion in spending by the end of the year. By then, our national debt will be over \$16.3 trillion, making this President accountable for increasing the national debt by about \$6 trillion.

That is more debt than all Presidents, from George Washington to George W. Bush, combined—one President, in a 4-year period.

Over the last couple years, the President has been warned and warned and warned that we have to do something about it. He has ignored these warnings and instead went after the single largest contributor to the deficit and to debt that this government is having; that is, government-sponsored health care. He did this with the passage of ObamaCare, a bill he talked about was going to be fiscally responsible. In reality, the bill will increase the Federal expenditures by \$2.5 trillion in the first 10 years following the law's full implementation. After that, it will only skyrocket.

Their own estimate on ObamaCare is, after the first 10 years, it will go up \$4.4 trillion in addition to the \$2.5 trillion.

We are talking about trillions, and every time I hear a projected cost, I know it is going to be a lot more than that. I recall back in 1967, when the House Ways and Means Committee projected what Medicare was going to cost. Medicare was put in, in 1966, and they said by 1990 Medicare was going to cost \$12 billion. Guess what happened. In 1990, it wasn't \$12 billion; it was \$110 billion—10 times more than what they were expecting. So I know this is going to cost a lot more than the \$4.4 trillion they are projecting after the first 10 years.

The President convened groups, gangs, commissions to figure out, Why is our Nation going so far in debt? We

are going in debt because we have a President whose budget reflects over \$1 trillion of deficit each year, and that is for four budgets. They talk about forming those commissions; they come out with recommendations. Some of the recommendations, by the way, were good, but the President rejected all those recommendations. In fact, I would say the only cuts he is willing to go along with are cuts that are in our national security spending. He has decimated our military, and right now we are looking at a reorganization that is going to be an even more difficult situation to recover from after this President is gone.

By the way, when the President says he inherited deficits, it is interesting that when President Bush went into office, he took over a military that had been cut down during the Clinton administration by about 40 percent. That was back during the euphoric chant that the Cold War is over and so we don't need to have a military anymore, and so they did that. Right after that, of course, we know 9/11 came. So President George W. Bush did have deficits. His deficits averaged \$240 billion a year for 8 years. Add that and it is \$2 trillion. But this President, in 4 years, will have done nearly \$6 trillion—three times as much as President George W. Bush did in 8 years.

So we still have the problems. Unemployment is ticking around 8.5 percent, the labor market is very weak, the regulatory train wreck, and the regulations right now. People have talked an awful lot about the deficit spending. That is what we are talking about this morning. I don't want to confuse this issue, but I wish to tell you the over-regulations we are having—here we have a President who is now trying to invoke a cap-and-trade through regulation that he was not able to do through legislation. There is another cost that would be somewhere in excess of \$300 billion, not once but every year. So the regulations, the train wreck is on its way. It is alive and well, and we have to do everything we can to try to stop it.

So they came up with a deal. They said: Let's put together something where, over a period of 10 years, we are going to try to come up with \$1.5 trillion. Keep in mind, that is over 10 years when this President does that much in deficit each year.

So the first phase of this grand program they had was to increase the debt limit by \$900 billion to the current level of \$15.2 trillion. It was matched by discretionary spending cuts—or it was supposed to be—in the same amount. Then the supercommittee went to work to find \$1.5 trillion. Keep in mind, we are supposed to have \$1.5 trillion to reduce as a justification for increasing the debt limit, which we did before, and that was over a period of one decade. So they are trying to find \$1.5 trillion over 10 years that this President has been accountable for increasing the deficit, the same amount,

every year—or what will be every year—for the 4-year period. But because we all know it failed, we are facing additional automatic spending cuts of \$1.2 trillion. In exchange for this, the President is going to be allowed to increase the debt limit by \$1.2 trillion to a staggering level of \$16.4 trillion.

That is a lot of money, and it is hard for people to understand. I think the best way to explain it is, what he is doing is he is administering an increase in the debt of more than this country has sustained since the country's beginning.

In the President's first State of the Union Message, he promised to cut Federal deficits in half by the end of the first term, but we know what happened.

Before we agree to an increase in the debt limit, I think they are going to have to have some kind of reforms that actually reduce spending to levels that can put our Nation in a fiscally sound position.

If we are serious about this and want to do something about the debt, want to do something about the deficit, do you know how we can do it? It would be very simple. All we would have to do is repeal ObamaCare. That is all we would have to do. As already mentioned, the law is a fiscal nightmare, and it hasn't started yet. But as things stand, our \$15 trillion debt is weighing us down, and now the President wants the authority to add another \$1.2 trillion to it. We can't allow this to happen.

I know the President thinks he has us over a barrel. What he has done now three times in a row, and he is planning to do it again, is say: If you don't do something about increasing the debt limit, we are going into default. He talks about the horrible results that are going to happen. But when would that end if we don't have any sincere effort to stop the spending of the Obama administration?

Here is the last chance we have—the first chance we have is this resolution of disapproval that will be voted on. If we can do this, then that is going to shock the President into knowing he has to be fiscally conservative. I am not speaking on my behalf. I am speaking on behalf of my 20 kids and grandkids who are going to have to pay for all this fun we are having.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

RECESS APPOINTMENTS

Mr. HARKIN. Mr. President, as the chairman of the Health, Education, Labor, and Pensions Committee, I wish to respond to some of the shrill rhetoric and outright misinformation regarding President Obama's recent recess appointments to the National Labor Relations Board and to the Consumer Financial Protection Bureau.

When all the political grandstanding is done, at the heart of this dispute is the ability of these two agencies to carry out their congressionally mandated functions. One is charged with

defending the rights of consumers and the other defending the rights of workers.

Republican partisan obstruction and filibusters prevented confirmation of nominees to lead both these agencies, which would have prevented their legal authority to act. With the rights of millions of American workers and consumers on the line, the President did what was his duty to preserve the functioning of two critically important agencies—agencies that are essential cornerstones of our efforts to rebuild and restore our struggling middle class.

At a time when our Nation is engaged in serious soul-searching about the demise of the middle class, the missions of the Consumer Bureau and the Labor Board have become particularly essential. These agencies are tasked with the vital responsibility of standing for consumers and workers against Wall Street and powerful corporations.

Indeed, the true significance of the debate over the President's recess appointments is not about legislative or secure power or the meaning of a pro forma session, but the true significance is about whether we will let the powerful and well connected use the political process to rig the system or if, instead, we will enact and enforce laws that will give workers and consumers a fighting chance at a decent middle-class life.

As a centerpiece of the Dodd-Frank bill to rein in the recklessness on Wall Street, the idea behind the Consumer Bureau is simple. We need a cop on the beat, looking out for the best interests of consumers who use financial products, as we have regulators looking out for the financial health of banks, as we have a Food and Drug Administration, the FDA, looking out for the safety of food and drugs for consumers or the Consumer Product Safety Commission that looks out for and protects our kids from harmful toys.

A strong Consumer Financial Protection Bureau will ensure that consumers are not lured into debt through hidden fees. It will simplify disclosures and reduce paperwork so consumers are not faced with mountains of paperwork they cannot understand. It would oversee providers of consumer credit such as payday lenders—which for years have acted similar to banks but without facing any kind of bank regulation.

Additionally, as student debt surpasses credit card debt as the largest source of consumer debt in America, the Bureau can play a critical role in helping families better understand the increasing challenges of financing a college education as well as bringing some sanity to the private student loan marketplace.

Despite these laudable goals, Republicans refused to confirm Richard Cordray, the President's nominee to lead the agency, unless the President would agree to water down the law and weaken consumer protections. Forty-four Republican Senators served notice

they would not confirm anyone to the position of Director unless structural changes were made to the Bureau that would effectively gut its ability to stand for consumers. When the President refused, they filibustered and prevented an up-or-down vote on this nomination, leaving the consumer bureau unable to fully interpret and enforce the law.

As a consequence, Americans across the country were left in limbo, with limited ability to stand up to big banks and financial scam artists. Leaving the Bureau so powerless was unacceptable, so the President had no choice but to use his constitutional authority to ensure that this critical agency can continue to perform its legislatively mandated mission.

The ramifications of Republican obstruction were even more dire at the National Labor Relations Board, where the impending loss of a quorum of members meant the Board would become totally inoperable if the President did not step in to fill the vacancies. Similar to the consumer bureau, the NLRB, as it is known, is a government agency tasked with standing up for working families. In its very text, the very text of the law that created the Board, it established that the policy of the United States is to encourage the process of collective bargaining. Senator Robert Wagner of New York, the act's author in 1935, explained that collective bargaining would increase the purchasing power of American workers and therefore aid our national recovery from the Great Depression. This law was one of the cornerstones of a new American economic policy that created the largest middle class in history, gave rise to the economic boom that transformed America and the world, and brought economic security and a better life to generations of Americans.

Unfortunately, not everyone agrees with this mission. Some very powerful interests think that a few at the very top should have a monopoly power in our economy; that they should be able to set all the rules. These interests have lined up allies in Congress to wage a relentless crusade against the National Labor Relations Board. In all my years in public office, I have never seen anything like it.

Last year, Republicans in the House held at least eight hearings, specifically addressing the NLRB. They passed two bills to amend the National Labor Relations Act to strip workers of their rights. Republican elected officials have tried to defund the agency. They have threatened the professional credentials and livelihoods of non-partisan career employees and even called on a Republican board member to resign, in order to incapacitate the agency. On the campaign trail, Republican Presidential candidates have raged against the National Labor Relations Board and its employees.

What are the great crimes these dedicated public servants at the NLRB are

supposed to have committed? First, they started a new initiative to make sure workers are aware of their rights under law. In April of this year, employers will have to post a notice about National Labor Relations Act rights on the office bulletin board, next to other longstanding notices about the minimum wage, workplace safety, and other basic worker protections. This hardly seems to be an unreasonable burden.

Second, the NLRB prosecuted a case against a company that allegedly retaliated against its employees for going on strike. I spoke at length about this case last year, on numerous occasions, on the floor of the Senate because there was so much misinformation about it. While the case was brought against a powerful company and became very controversial as a result, prosecuting retaliation cases is unquestionably a necessary and important part of the NLRB's responsibility. After all the fire and brimstone and all the threats from Republicans against this agency and the Governor of a certain State, as has happened in the past, this dispute was resolved by the company and the union. It has happened so many times in the past without us having to do a thing about it.

Third, the National Labor Relations Board enacted a rule to standardize timelines for national elections. Under the act, after workers petition for an election, the NLRB holds a hearing to decide who should be in the bargaining unit and who should not be. In recent years, many employers have started flooding that hearing with frivolous litigation to stall the elections for months or even years, while arguing or appealing over every minor detail their lawyers can imagine. The NLRB decided to fix this problem and make sure workers get a vote in a reasonable period of time. The Board said workers should vote and then, if necessary, the ballots would be sequestered while the litigation drags on over certain peripheral issues. The new rules do not encourage union organization and they do not discourage it; they just give workers the ability to say yes or no in a reasonable period of time. Workers should not have to wait until innumerable lawsuits, one after the other, are disposed of before they even get a chance to vote.

In response to these eminently reasonable and fair proposals, Republicans have attempted to shut the Board down by blocking all nominations. Senator GRAHAM of South Carolina vowed publicly to block all nominees to the labor board, even if it meant the agency would cease to function. In his opinion, Senator GRAHAM said, "The NLRB as inoperable could be considered progress." To the thousands of American workers every year who rely on the NLRB to enforce the law and defend their rights, that must sound pretty cold-blooded, a direct attack on middle-class Americans.

In practice, disabling the NLRB would mean American workers would

have nowhere to turn if their rights are violated. Thousands of American workers are fired every year for trying to organize a union in their workplace—their legal right, by the way. With the labor board out of commission, these workers might never get their jobs back. If an employer or a union refused to adhere to a contract, there would be no NLRB to resolve the dispute.

The labor board also ensures that unions do not step outside the law in their interactions with workers or employers. Those cases would be stuck in limbo too. Perhaps that is why a senior counsel to the National Federation of Independent Business told the Congressional Quarterly that “to have the Board totally shut down would be a travesty.”

The President averted this travesty by appropriately exercising his recess appointment authority. Indeed, the President showed restraint by only appointing nominees to agencies that would lose their ability to function due to Republican obstruction. Acting to ensure the continued smooth functioning of government under these circumstances is a President’s—whether it is President Obama or any other President—constitutional responsibility. As constitutional scholar Laurence Tribe has explained, the Constitution considered the possibility that congressional squabbles would lead to paralysis and determined:

The Constitution that has guided our Republic for centuries is not blind to the threat of Congress’s extending its internal squabbles into a general paralysis of the entire body politic, rendering vital regulatory agencies headless and therefore impotent. Preserving the authority the President needs to carry out his basic duties, rather than deferring to partisan games and gimmicks, is our Constitution’s clear command.

Again, I say, if my colleagues do not like the National Labor Relations Act or Dodd-Frank, they can introduce a bill and try to get support to change the law. Of course, Republicans know such a bill would fail miserably. Instead, they are trying to short-circuit the process laid out by the Constitution to pass legislation. Under their theory, under the Republicans’ theory, just 41 Senators could effectively repeal an existing law by simply denying an up-or-down vote on the President’s nominees. Think about that. We pass a law by majority vote. It might even get through; of course, overriding a filibuster with 60 votes. The President signed it into law. A couple years later, the minority says we want to change it. We do not have the votes to change it, but we can block a nominee, nominees to the agency, and effectively shut down the agency with only 41 Senators. That is what is going on here. That is what is going on.

President Obama took a bold but necessary step. Stepping in to protect ordinary Americans from the consequences of congressional dysfunction is hardly an intrusion on Congress’s authority. It is the essence of leadership.

I might point out I think facts will show that the last President before

President Obama, President Bush, exercised his authority to appoint recess appointees 171 times. I think President Obama is right now around 20 or 21, something like that.

Since President Obama was elected, Republicans have openly stated their No. 1 goal is not to govern or legislate; their No. 1 goal is to prevent the reelection of President Obama. Republicans in Congress may have the luxury of playing these political games but any President does not. Americans are counting on this President to do what is right for the middle class and that is unquestionably what he did by making these recess appointments to these two vital consumer protection agencies, the Consumer Protection Agency and the National Labor Relations Board.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I am going to speak about the debt disapproval resolution that is before us because I feel so strongly it is time to send a strong message to the President and give the people of America some comfort that we are not going to continue to raise the debt ceiling again and again without doing something that shows we understand the crisis we are in and that we are going to take the steps necessary to whittle down our debt and do the responsible thing. However, I do want to respond to what has just been said about the recess appointment of Mr. Cordray, the Director of the new consumer agency, which was done by the President when Congress was out of session, depriving Congress of the ability to advise and consent to this appointment.

I think to put it in the context where it is proper, it is very important to know that this consumer agency was created by a Democratic President who had complete Democratic control of Congress and gave this agency unprecedented power—unprecedented in that the agency has no congressional oversight. None. We don’t control the budget. In fact, no one controls the budget of this new agency that was created with complete Democratic control of Congress and the Presidency.

This agency was created in the Dodd-Frank bill with no oversight by any entity whatsoever other than the Democratic President who signed the bill that was given to him by the Democratically controlled Congress. So Mr. Cordray is now the head of an agency without congressional approval, and Congress has no control over its budget, and we now have the possibility of a burgeoning new Federal bureaucracy that is going to put more regulations on probably the most overregulated industry in America today, which is the banking industry.

If you talk to anybody out there trying to get capital in a small business, they will tell you that the banks are being hamstrung. So now we are going to give them more regulations that are

going to put a freeze on their capability to make consumer small loans. The banking industry has plenty of regulation, and the Comptroller of the Currency does a good job. Certainly the FDIC has done its job in trying to make sure that the reserves are met for banks to be stable because we are not going to be bailing out banks.

I heard the President of the United States talking at his State of the Union Message. I heard him say: We are going to go through this government, and we are going to cut back on regulations because we know regulations can hamper the ability of our small businesses to get up and get out there and hire people and make a profit. We think profit is good because we think profit makes people able to hire more people and get this economy going.

So there is a constitutional issue at stake where the President just decided that Congress was out of session and appointed Mr. Cordray. In any other instance, Congress would have some say because we would be able to set a budget for the agency and we would be able to curb some of its overreach if we feel that it is there; however, not this agency because there is no congressional oversight of this agency.

So we are in a position where we have Mr. Cordray—and let me say there is nothing personal against Mr. Cordray, but there is a lot that is wrong with Mr. Cordray being appointed by the President rather than being confirmed by the Senate, which is in the law. There is a problem when there is no congressional oversight whatsoever that would be able to curb the overregulation that we suspect is going to happen in this agency.

This is not the end of this subject. Today we are going to be voting on the increase in the debt limit by \$1.2 trillion. What do we already have on the books for debt? It is \$15.2 trillion, which is a figure that is now equal to or more than our gross domestic product. We are not talking about Greece, we are talking about the United States of America. We should be the beacon of economic stability in the world, and we are here to raise the debt limit without so much as a plan to curb spending or to look at the entitlement reforms we know are necessary because we cannot cut enough spending in the discretionary accounts to actually do what we must do to whittle down a \$15 trillion debt because the discretionary accounts are approximately 30 percent of the total expenditures of our country.

The major responsibility this country has in defense is getting ready to be shredded by this administration, while we have a new consumer agency that has unfettered budgetary authority. Where is our perspective here? We are talking now about 30 percent of the budget that we spend, the spending in our country, being discretionary accounts, and we are hearing today that the President is going to cut enormous numbers out of our defense budget, but

at the same time we hear very little talk about entitlements, which are the automatic expenditures we cannot control. If the President were to lead, he would be going into the entitlements and providing some solutions and some leadership. The Republicans have said repeatedly: We will work with you on entitlements because we know it is hard.

I have introduced legislation—along with Senator KYL—that would begin the process of shoring up Social Security and saving our system. In fact, it is called the Defend and Save Social Security Act, and it would cover a 75-year shortfall without raising taxes and without cutting core benefits. Anyone in our plan who is 58 years of age or older would not be affected at all. However, starting in 2016, under our bill, the normal retirement age would start to increase 3 months each year for normal retirement. So if you are 58 or above, it would not affect you at all. If you are 57, you would retire 3 months later. If you are 56, you would retire 6 months later. That would begin to put us on a much more accurate table of when people are actually living and retiring. The actuarial tables show that people are healthier now than when Social Security passed, they work longer, they want to work longer, and we need to make the actuarial tables match today's standards of health and work.

In addition, my bill would propose a very modest change in the annual cost-of-living adjustment. We would begin the cost-of-living adjustment if inflation is over 1 percent, and at that point we would factor in whatever the inflation rate is. So it would be a minor adjustment in the cost-of-living adjustment, but we would never go into the core benefits, nor would we tax anyone any more than they are being taxed right now. That is how we can address this in a gradual way and give our Social Security system the ability to stay solid and secure for 75 years.

We have not heard the President of the United States talk about correcting something as solid and necessary as Social Security. We have not heard anything from him about helping to solve the Medicare problem, which is a different issue, but clearly it must be addressed because we are going into deficits every month, every week, and every day on Medicare.

The missing ingredient—and what the President has said in his State of the Union and what actually needs to happen—is entitlement reform. Republicans have said: We will work with you on tax reform that will produce more revenue with a fairer, flatter tax system, and one that will make our businesses and corporations more competitive. If we put our corporations at a better competitive position in the world, then they are going to hire more people. If we can do that with the President, we can make a difference in this debt and the deficits. However, all I am hearing is kind of a class warfare argument. It just seems old and stale

because I think the American people are smarter than that. I think the American people know that if businesses are hiring and if we can get an economy that is robust and strong with more people working, everybody is going to do better, and that is what we all want.

Raising taxes, which is the only option the President seems to care about, is not what we ought to be doing in a recession. You can dance around it, but if this is not a recession, then I don't know what it is with millions of people not working and almost a 9-percent unemployment rate. I don't know what the definition of "recession" is by the economists, but I think that when millions of people are not working and the unemployment rate is about 9 percent, that is a time when you don't want to increase taxes and increase the burden on businesses with a health care plan that is out of control. It is freezing hiring.

It is not rocket science, and it is time we got together with the President of the United States. He is the elected leader of our country, and we don't need partisan rhetoric and campaign speeches. What we need to do is look at the real capability we have to do something about this deficit; that is, cut domestic spending in a reasonable way, address entitlement reform, which we can do, and for heaven's sake, tax reform that creates a fairer, flatter tax and gives our corporations the ability to compete globally would be a step in the right direction.

I hope we reject his request. Let's not increase the debt limit. Let's sit down and get to work on bringing the debt down so we will never go beyond \$15 trillion in debt for our country and our future generations.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Senator DURBIN of Illinois be the next Democratic speaker.

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

VOTING LAWS IN FLORIDA

Mr. NELSON of Florida. Mr. President, Senator DURBIN, the chairman of the Civil Rights Subcommittee of the Judiciary Committee, will convene a hearing of the subcommittee in Tampa tomorrow afternoon at 1 o'clock for the purpose of reviewing Florida's new election law that was passed a year ago by the Florida Legislature. It is what has been characterized by this Senator and others as a voter suppression law. Interestingly, there is a pattern in about 14 States that has changed the election laws to make it harder to vote, harder to register to vote, and harder to have one's vote counted as they intend. It is rather extraordinary that in this year of 2012 we would be concerned about the right of access to the ballot and the right to vote, which

is a cherished constitutional right and one which is under assault in this country at this moment, especially in my State of Florida.

Let me give my colleagues some particulars. The new election law, for example, has changed the voting registration requirements for those who sign up to register others—in other words, third parties—such as the League of Women Voters. The League of Women Voters had been registering voters in Florida under the old law that was on the books for decades. That law gave them, once they registered the voter—took the information—10 days to turn it in to the county supervisor of elections. That law had been on the books for decades.

Last year the Florida Legislature—signed into law by the Governor—changed that time period to 48 hours and the penalties that accrue go up to \$1,000 for the person who is registering the voters and does not turn in those names within 48 hours. Therefore, the League of Women Voters in Florida, which has been doing this as a civic duty, has stopped registering voters. They are not going to take the chance that their members would be fined up to \$1,000.

Now, doesn't that sound like something exactly the opposite of what we should be doing? We should be encouraging people to register to vote, which is what the League of Women Voters has been doing according to their civic duty for years. It is happening before our eyes. But there is more.

College students, young people, got excited about politics in the last Presidential election and voted in record numbers compared to what they had been doing before. But the Florida Legislature changed the law. Now, if a college student who has not been registered before suddenly gets interested and goes down to the Supervisor of Elections Office and registers to vote for this year's general election, and they arrive on election day and they are asked to show their identification, and they pull out their driver's license—the likelihood is their driver's license is the address of their parents where they have grown up. If that address is in a different county from the county they registered in, they will not get a ballot; they will get a provisional ballot.

We know from the last Presidential election in 2008 in Florida only half of the provisional ballots were counted. Is this what we want to do to encourage young people to get excited and interested in their government, to get there on election day and get a provisional ballot instead of a regular ballot? I don't think so. But it is happening right underneath our noses. That is one of the reasons the Judiciary Committee is coming to Tampa tomorrow. We are going to flesh this out with a whole bunch of witnesses. But, unfortunately, there is more.

After the debacle in the 2000 Presidential election in Florida where we

saw mistake after mistake after mistake—and all too painfully we know the results of how that election played out—to the credit of the Florida State government, they made it easier to vote. They created early voting. They created what was the old absentee ballot, where a person had to swear they were actually going to be absent from their place of voting on election day, and they made that easier by having the vote by mail. They set early voting—and it has been the case for years now—14 days prior to the election.

It was so successful in the last Presidential election that fully 40 percent of the entire general electorate voted before election day. So one can imagine the process was a lot more orderly and there were less lines when 60 percent of the electorate turned out on election day between 7 a.m. and 7 p.m. Of course, the 40 percent who voted early, many of them have jobs, and it wasn't convenient for them to get to the polls. So they could do it at their convenience and they could do it on the weekend. Some of them, such as single moms who had to arrange to get a babysitter, could do it at their convenience. Indeed, many minorities found it convenient when they could not get away from work to vote early.

So the Florida Legislature changed the law, and it was signed into law by the Governor, constricting that 14 days to 8 days. Then a very interesting change took place. Instead of early voting going all the way up to and including the Sunday before the Tuesday election, they constricted that so the last day of the 8 days is now Saturday. Guess who has voted in record numbers after church on the Sunday before the Tuesday election, record numbers: African Americans. So they will not be able to go and vote on the Sunday before the Tuesday election because of the new law in Florida.

Now, those who passed this new law said it was to cut down on fraud. Yet they have no example—and I am looking forward to asking some of the witnesses tomorrow to make the record complete—no example of any increase in fraud in the last decade of which these election laws were passed after the 2000 Presidential election to make it easier to vote. So what we have is a pattern in over 14 States, including our State, of what I have just described, which is the law is one of the most onerous and one of the more distinct voter suppression laws that has been enacted. Why? Is it for partisan reasons?

If we restrict young people, if we restrict minorities, if we make it more difficult for women, particularly single moms, does that suggest a pattern of restricting certain voters and making it more difficult because of partisan reasons? I think it is pretty clear. This is happening in America in the year 2012 when, in fact, the Constitution tells us that one of the most cherished opportunities—we even went through a civil war and then we went through the

civil rights movement in order to guarantee the right of access to the ballot, and we had to knock down poll taxes and all kinds of impediments for people to vote. We have gone through all of that experience since the 1850s and here, right under our noses, we are having these kinds of voter suppression laws enacted.

There is a three-judge panel that is now considering this law in the District of Columbia. There is also an examination under the Voting Rights Act of 1965 in the five counties that are watched counties under that act in Florida as to whether their civil rights have been eclipsed. I am certainly hopeful that the court and/or the Civil Rights Division of the Justice Department will look behind this smoke screen of so-called fraud as to what is really the motivation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.J. Res. 98.

Mr. COBURN. And the amount of time that has been allocated by the majority leader and under the unanimous consent agreement?

The PRESIDING OFFICER. The Republicans have 8 minutes remaining.

Mr. COBURN. I understand that, but what is the total amount of time that has been allocated to H.J. Res. 98?

The PRESIDING OFFICER. The time until noon is equally divided.

Mr. COBURN. So the total amount of time is less than 2 hours today that we are going to discuss this resolution; is that correct?

The PRESIDING OFFICER. Slightly more than 2 hours.

Mr. COBURN. Thank you. I ask unanimous consent to speak on the resolution for 20 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how many minutes does the minority have remaining?

The PRESIDING OFFICER. The minority has 7 minutes remaining.

Mr. NELSON of Florida. How much time does the majority have remaining?

The PRESIDING OFFICER. The majority has 24 minutes remaining.

Mr. NELSON of Florida. Would the Senator consider 15 minutes, given the inequity of the time?

Mr. COBURN. Well, actually, that was my whole point. We are going to spend a little more than 2 hours to raise the debt limit by \$1.2 trillion, and we can't give a Senator 20 minutes to talk about it?

Mr. NELSON of Florida. Mr. President, is there a consent order that was entered into yesterday?

The PRESIDING OFFICER. There was a unanimous consent agreement yesterday.

Mr. NELSON of Florida. And the minority has 8 minutes remaining?

The PRESIDING OFFICER. The Senator now has 6½ minutes remaining.

Mr. COBURN. Mr. President, I am asking for unanimous consent to speak on this issue, a \$1.2 trillion raise in the debt limit, for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator will proceed.

Mr. COBURN. Mr. President, I come to the floor aghast that we have entered into a unanimous consent agreement to spend less than 2½ hours talking about raising the debt ceiling another \$1.2 trillion—\$1.2 trillion.

We passed the Budget Control Act that raised the debt limit to \$15.2 trillion. The President has requested another increase in the debt limit of another \$1.2 trillion. We passed the Budget Control Act that didn't cut spending. There is no absolute reduction in spending. We didn't eliminate one program. We didn't do one oversight hearing on the waste, fraud, and abuse in the Federal Government from the time of August, when we passed that, until now. No wonder America is disgusted with Congress.

On September 7, the debt limit was increased from \$8.9 trillion to \$9.8 trillion. In July of 2008 the debt limit was increased to \$10.6 trillion, and in October to \$11.3 trillion, in February of 2009 to \$12.1 trillion, in February of 2010 to \$14.3 trillion, in August of 2011 to \$14.7 trillion, in September of 2011 to \$15.2 trillion, and now we are going to raise it to \$16.3 trillion.

I did not vote for one of those. The reason is a debt limit does not mean anything in this country, because every time we come up to the debt limit, what we do is just pass it rather than do what the American people have asked us to do.

Little has changed in Washington in the last 5 years. We have argued, debated, and lamented over how to rein in the Federal Government's costs and the out-of-control spending. All the time that was going on, we were on a spending binge, spending money we do not have on things we do not need. Even though we knew we had to borrow more money, Congress has done nothing to avoid raising the debt limit—nothing.

We did not do oversight of Federal programs. We did not eliminate one duplicative program. We did not eliminate any spending in the Tax Code.

We hear all the Members of Congress and the President talking about how we have to change stuff. We did not do anything on that which would generate more revenue, fair revenue to the Federal Government. We did not work to save Medicare. We did not work to save Social Security. Instead of fixing the problem, we made it worse. We increased the deficit. We funded ineffective programs. We wasted money on

silly projects. We funded duplication. We approved \$1 trillion in more spending for next year—all of which will essentially be borrowed on the backs of our grandkids and our kids.

Let me give some examples of what we spent money on last year.

We spent \$75,000 to promote the awareness that Michigan raises Christmas trees. We spent \$113,000 for video game preservation. We spent \$550,000 for a documentary about how rock music contributed to the collapse of the Soviet Union. We spent \$48,000 for the second annual Hawaii Chocolate Festival. We spent \$350,000 to support an international art exhibit in Venice, Italy. We spent \$10 million to remake “Sesame Street” for Pakistan. We spent \$35 million on our own party conventions, and we spent \$764,000 to figure out how students use mobile messaging devices for social networking, which they already know how they do it.

In February of last year, GAO brought us a wonderful report. It showed thousands upon thousands of programs that are duplications. The majority leader of this body voted against both attempts I made to take advantage of that and eliminate waste and duplication. He never once instructed committee chairmen to go find this duplication and eliminate it to save our children, to save our country, and we did not do any better on our side of the aisle. The fact is, we did not do anything. Of the thousands of things we could have done, we did nothing to lower our deficit, cut the waste or eliminate duplication.

We have known about this significant \$100 billion gold mine of savings from the GAO report for over 1 year now, and we have done nothing—zero. America should be disgusted with Congress because what we care about is party power, not fixing the problems of this country.

Just this week, the GAO reported—an additional report; and next month we are getting the second third of the Federal Government on duplication, and it is going to have another \$100 billion identified as waste—we have 209 separate Federal programs to advance science, technology, engineering, and math education—209 programs, of which most of them overlap one another.

We have put amendments on the floor to say: We want every agency to tell us of all the programs. It is defeated. They vote against it because they do not want to know what all the programs are. The only way we eliminate the duplication is to make the agencies show us what they are doing. That goes down to defeat. Why? Because we do not want to do the hard work of living within our means such as every family and every business in this country does. We ignore the realities. We are in la-la land on who can win the next election.

We have done nothing about the \$9.5 billion in government benefits that

have been paid to people who earn more than \$1 million a year in this country. We have done nothing about that since that report came out. Government benefits from unemployment insurance to student loans, \$9.5 billion a year, and we have done nothing—zero. We could have done it. We could save money. We have done nothing.

Real Americans—everyday Americans—understand the way we get out of our problems is through sacrifice and prioritizing what is important for our country. We lack the leadership in this body to do that.

A veteran who served our country in a time of war wrote me a letter about our current financial situation. More than nearly anyone I come in contact with in Washington, this regular citizen from the middle of the country understands the problem, and he understands what is needed to fix it.

DEAR SENATOR COBURN:

I'm a retired military member and Veteran, deployed four times during my career—having spent years of my life in some very dangerous places, away from home, and in tough conditions. I am very familiar with shared sacrifice. In all those days away, my sole purpose was to be prepared and ensure my Soldiers were ready to deploy and return alive. In our current situation, it's easy to feel like we're (as a country) going into battle unprepared against an economic, financial enemy of political gridlock and no compromise [no leadership]; with two political parties vying for the next election.

I'm well aware that many proposals currently out there would potentially affect me. However, I'm willing to work hard now and be part of a solution which solidifies our country's future versus robbing my kids and grandkids from the same opportunities our great country [offered me].

Please inform your colleagues—there are more people like me awaiting leadership and good decision making than there are left and right side uncompromising voters. These times call for briefings to the American people, not speeches. These times call for members of congress to stand together and [to brief us on our unfunded liabilities]—and to show how sacrifice now can lead to renewed prosperity later.

Sincerely,

ROBERT BOUDIETTE, Jr.,
Lawton, OK.

I am embarrassed for us that we fail to meet the very standard we ask of the people who serve this country.

So rather than give a speech, let me give a briefing. We have done nothing to fix the 100-plus programs in surface transportation. We have done nothing to eliminate the duplication in the 82 Federal Government programs for teacher quality. We have done nothing to consolidate the 88 economic development programs. We have done nothing to consolidate the 80 different transportation assistance programs. We have done nothing to eliminate the 56 financial literacy programs. We have no business teaching anybody financial literacy when we do not even have it ourselves. We have done nothing to consolidate the 47 job training programs. As a matter of fact, we heard the President say he wanted to add to it. Homeless prevention and assistance,

20 programs we have done nothing to consolidate; the food programs, disaster response and FEMA, and there are hundreds more. Yet we have done nothing.

Shouldn't we come together as men and women, Americans—not Democrats and Republicans—and say we are going to do what we can do to assure the future of this country and quit thinking about the next election? We ought to be doing what is needed. It is called making priorities. We could save \$50 billion if we got together and said: OK. Every committee is going to do oversight, eliminate duplication, and eliminate fraud. We have a bill with 37 cosponsors to eliminate the fraud in Medicare—37. It is bipartisan. We cannot even get it to the floor to vote on it to make sure CMS eliminates some of the \$100 billion a year in waste and fraud at CMS in terms of Medicare. That is how we save Medicare. But yet we cannot get it to the floor. So when we do work together, we are blocked or impeded from having a vote where we have bipartisan consensus.

I call on my colleagues—I love them dearly; I think they are tremendous individuals—we better change our vision. We better change what we have our eye on in terms of the risk to our country, the survival of our country, and it is time we come together, put partisanship aside, and say we are going to solve the problems in front of this country. We can do it. The brainpower is here. The capability is here. Let's do it.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Democratic side has 18 minutes remaining.

Mr. DURBIN. Is there time remaining on the other side?

The PRESIDING OFFICER. There is no remaining time on the other side.

Mr. DURBIN. Mr. President, I would like to ask the chairman if I could have 8 minutes or 10 minutes to speak.

Mr. BAUCUS. Mr. President, I yield 10 minutes to my colleague from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman of the Finance Committee and my friend from Utah, the ranking member of the committee.

Senator COBURN of Oklahoma, who just spoke, and I probably see so many things differently, but yet we see many things the same. He and I come to the Senate with different backgrounds, perhaps different political values in many areas, and a much different voting record. They would put us on opposite sides of the political spectrum if they described those voting records. Yet I have found, over the last several years, Senator COBURN and I have been able to agree and come together on some of the important issues which he just raised on the Republican side of the aisle, which are shared on the Democratic side of the aisle.

Senator COBURN and I served on the Bowles-Simpson Commission, a commission appointed by President Obama, to reduce our Nation's debt and deficit. I voted for the Commission report, with some misgiving over proposals but believed it moved us in the right, proper, and necessary direction.

The fact and simple fact is, the United States borrows 40 cents for every \$1 our government spends. It borrows 40 cents for every \$1 we spend, primarily after we have exhausted the savings of Americans, from foreign nations such as China, that end up buying the U.S. treasuries to fund our debt. So as we go more deeply into debt, we become more indebted to foreign countries, sovereign nations and their sovereign funds. I think that is something that needs to be addressed, addressed in a proper fashion. Where Senator COBURN and I may disagree is in the fashion that we approach it.

We are currently emerging from a recession. We know what the impact has been. Families and businesses across America have been hard hit—families and their savings, many people losing their jobs, and businesses either going out of business or cutting back.

We are starting to see the first indications of recovery—the “green shoots,” as they say. As the President said in his State of the Union Address, we lost 4 million jobs in America in the 6 months before he was sworn in and another 4 million before his proposal to get the economy moving forward was enacted into law—8 million jobs in that short timeframe out of the 14 million unemployed today.

The President started to move the economy forward working off a proposal by President Bush to deal with financial institutions—a bitter pill for many of us but, I am afraid, necessary to keep our economy stable—and then, with his investment program, to put America back to work.

These things are starting to take hold. We have seen a growth of some 3 million private sector jobs since the President's program started. It is an indication we are moving in the right direction.

I would just say to my friend from Oklahoma, when we talk about issues such as deficit reduction and spending reduction, we should speak to those issues in the context of economic recovery, to make certain that whatever decisions we make in reducing the deficit, reducing spending, raising taxes, whatever it may be, that at this point in time in our history, it is in the context of getting America back to work.

At 12 o'clock today we have a scheduled vote, and the vote is on the debt ceiling. What is the debt ceiling? It goes back to my earlier point. When we spend more than we bring in in revenue, we need to borrow it. As the need to borrow increases, the President has a responsibility to ask for authorization from Congress. It is known as the debt ceiling limit. In years gone by, it was a routine vote. In fact, if I am not

mistaken, President Reagan asked for some 16 debt ceiling extensions in the 8 years he served. For most of these, he was given permission to extend the debt ceiling on a bipartisan vote. Sixteen times in 8 years—a rather common occurrence at that time but one that we anticipated being part of the ordinary business of government. That issue has become politicized now, and there are some Members who will come to the floor and vote against extending the debt ceiling, extending the authority of the President to borrow money to keep our government functioning.

What troubles me greatly is that many of the same Senators who are going to vote against the debt ceiling voted for the spending. They voted to spend the money knowing we did not have it and now, as former Congressman Obey of Wisconsin used to say, want to pose for holy pictures—“Oh, I am opposed to the debt ceiling. I am not in favor of debt.” Really? How about your vote for the appropriations bills to fund our wars? Did you not vote for those? Did you not vote for the budget resolution which passed on a bipartisan basis which established our spending for 2 years? Did you not vote as well when it came to the continuing resolution of appropriations that had to pass both the House and the Senate?

Many of my colleagues who dutifully voted for all of this spending, knowing in the back of their minds we did not have enough money and would have to borrow to accomplish it, now will come to the floor in a few moments and are going to say: We are holier than the others. We are going to vote against an extension of the debt ceiling.

I would say to those colleagues: Do not vote for the spending if you will not vote for the borrowing because we know now they are linked together. They are one in the same. And the President is only doing what is responsible.

You know, we faced a government shutdown over this debt ceiling last year. That was one of the first ever where a serious threat was looming that we were not going to extend the debt ceiling and, in fact, would renege or basically default on America's debts around the world. The result of that would have been catastrophic. The reputation of America, its economy, and the soundness of the dollar was at stake. Thank goodness, at the last minute those who were opposing the debt ceiling relented, and they set up the process we will be addressing in just a few moments. They said: Well, on a periodic basis, the Congress will have to vote to extend the debt ceiling.

Last week, the House of Representatives said: No, we do not want to extend the debt ceiling. The same Members of the House who voted for the spending bill, the same Members who voted for the Budget Enforcement Act, the same Members who give speeches back home about how we can't turn our backs on our men and women in uniform and have to spend the money to

bring them home safely, those same Members voted against the debt ceiling. It is a totally inconsistent position. It is not honest. An honest position would be “I do vote for spending. I do not vote for borrowing.” Very few Senators, if any, can say that with a straight face. In fact, just the opposite is true.

I hope my colleagues here will accept our responsibility to extend the debt ceiling by voting no on the motion to proceed to the consideration of the debt ceiling. It is an important vote. And then I want to join and meet the challenge of Senator COBURN of Oklahoma. There are things we can and must do to bring our Nation's debt down, consistent with the Bowles-Simpson deficit commission, consistent with the work of the Gang of 6, and consistent with growing the American economy. It has to include, as the Bowles-Simpson deficit commission recommended, both revenue increases as well as spending cuts. Both have to happen.

When the President comes before us in the State of the Union and suggests increasing tax rates of those making over \$1 million a year, the vast majority of Americans say that is reasonable. It is reasonable to ask those who are well off to pay their fair share. Well, let's make that part of our conversation here. If we are serious about the deficit, let's include revenue that will not hurt working families who are struggling from paycheck to paycheck but will bring the money in to lessen our need to borrow money from overseas.

That should be part of it, spending cuts and revenue enhancement that will not hurt the economy. I think we can do that if we address it on a bipartisan basis. I stand ready to cooperate with my colleagues to achieve that. I hope they will join me in voting no against the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

BURMA

Mr. BAUCUS. Mr. President, I will speak on a different matter for about 2 minutes. I wish to compliment the senior Senator from Kentucky for his longtime work on behalf of dissidents in Burma. Very recently, he visited Burma. He met Aung San Suu Kyi, who was awarded the Nobel Peace Prize. As the senior Senator from Kentucky reported to us earlier this morning on the floor of the Senate, we as Americans are making real progress in Burma. Our sanctions in Burma are working. The government there is relenting. I have had briefings from the State Department, and while we need to retain sanctions for the time being to encourage further progress, it is undeniable that we have been seeing real progress in Burma. The dissidents, as led by Aung San Suu Kyi, are engaged in this process. Again, I want to compliment the Senator from Kentucky for his 20 years of work in this area, and I

think it is probably in large part due to his efforts that we are making progress in Burma.

Mr. President, turning back to the subject at hand, Alexander Hamilton once said:

To be able to borrow upon good terms, it is essential that the credit of a nation should be well established.

That is obvious. We have low interest rates today because so far we have been able to borrow on good terms. The good terms are that the American people and investors worldwide know the United States is a safe haven given all the consternation occurring in the world, the problems in Europe, for example, and other countries. The United States is a safe haven. Investors want to borrow on U.S. Treasuries. That is why the rate is low, the lowest in recent history. And that is essentially because our credit is good. Investors trust the United States.

It is important to also remember that this debt limit we are voting on today is not an authorization for new spending. I repeat, it does not authorize new spending. That is not what this is. It has nothing to do with new spending. It just says that we have to honor our past bills, honor our past debts. As Alexander Hamilton said, for a country to be on good terms, it is important that we honor our past debts. The credit of a nation should be well established.

I strongly urge our colleagues to vote no on this motion to proceed to disapprove because the result would be chaos. If that were to pass, it would be chaos. We would plunge ourselves back into recession, probably through that into a depression. Interest rates would skyrocket. Inflation would skyrocket. We are trying to lower unemployment rates, not increase unemployment rates. We want people to have jobs, not people not to have jobs.

If the United States did not honor its bills, if the United States did not honor its debt it has heretofore incurred, it would cause chaos. It would show we are not a creditworthy country. For that reason, I think it is a no-brainer that this bill should be disapproved and, frankly, should be unanimously disapproved.

I think every Member of the Senate wants to honor the credit of the United States of America, wants to pay the bills we incurred in the past. It is an entirely different question as to what we do in the future, entirely different question as to how much we reduce our debt, entirely different question as to how much we cut spending and increase revenues in order to reduce our deficits and our debt. That is an entirely different issue—an extremely important issue but entirely different. That has nothing—nothing—to do with this vote. This vote is only whether we honor our past debts.

Once we say yes, we are going to honor our past debts, then clearly it is imperative that this body move ahead to reduce deficits, reduce our national

debt. There has been a lot of discussion about that. We have not made as much headway as we should have. But it is important to remember that in August of last year, this Congress voted to reduce spending by \$2 trillion, \$2.1 trillion—to reduce spending by \$2.1 trillion over 10 years. Close to \$1 trillion of that was accomplished on that vote, and the other \$1.2 is part of the sequestration which goes in effect in January of next year. It is not unimportant that this body voted to reduce spending by about \$2 trillion.

So we should honor our past debts. We should reduce spending—we should reduce our budget debt and deficit. We do that by cutting spending and increasing revenue. That is a different issue. That is what we do in the future. That is what we have to work on this year and next year. But today, it is important for the world to know that we honor our commitments; the United States can be trusted; we have credit that is well established because we honor our past obligations.

I strongly urge Members of the Senate to vote no on the motion to proceed to disapproval because I think there would not be a positive outcome if that vote were to pass. I am not one who is prone to exaggeration or to hyperbole, but I might say in this case that if this motion were to proceed, we would be on the border of catastrophe.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, we are here today to debate the President's desire to take on more debt. We are here to debate whether it is a good thing to put current and future generations on the hook for the spending policies of this administration.

I believe that it is not a good thing. We should not enable this administration to spend more taxpayer dollars by increasing the debt ceiling.

We should be forcing the administration to lead, and to make the reductions in government programs and spending that everyone knows must happen if we are to remain a free and prosperous Nation.

Here is the bottom line, and it is not pretty.

Our debt today is \$4.6 trillion higher than when President Obama took office.

In his 3 years in office, President Obama has run up the three largest deficits in American history.

Three trillion-dollar deficits.

This is an enormous burden that the President is placing on American taxpayers.

He talks about fairness. Well, this debt is unfair to current taxpayers and future generations.

Yet by this debt ceiling increase, he wants Congress to give him a green light to spend more, running our debt up to nearly \$16.4 trillion.

The debt per person has increased by \$13,963 since President Obama took office.

This is unacceptable.

I will be voting for this resolution of disapproval. The debt ceiling should not be increased. The fiscal path that this Nation is on is a path to ruin. The President knows that. But instead of hitting the brakes and getting spending under control, he is slamming on the accelerator.

This is no longer acceptable.

Voting for this resolution, as the House did overwhelmingly, would make it clear that the way to address our spending problem is by reducing spending.

This resolution is worthy of our support, and I encourage my colleagues to support it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. BAUCUS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to the motion to proceed to H.J. Res 98.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

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

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—44

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—52

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

NOT VOTING—4

Chambliss Kirk
Corker McCain

The motion was rejected.

MORNING BUSINESS

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the time from 1 p.m. to 2 p.m. in morning business be reserved for the majority.

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

Mr. BAUCUS. Madam President, 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. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2012

Mr. UDALL of New Mexico. Madam President, I rise today to discuss H.R. 3801, the Ultralight Aircraft Smuggling Prevention Act of 2012, and I urge the Senate to pass this legislation today. Passing this bill will not only help to secure our southwest border, but it also affords us the opportunity to honor an incredible colleague.

I had the privilege of serving with Congresswoman Gabby Giffords in the House of Representatives, and she is the force behind this legislation. She originally introduced it in 2010, before the senseless act of violence that took place, and she won its passage. But the Senate failed to take it up.

Over this past year, we have been working with Gabby's staff, and I was honored to introduce her bill in the Senate with Senators HELLER, BINGAMAN, and FEINSTEIN. It passed by unanimous consent in December but was held up in the House because of a procedural issue. This allowed Gabby to reintroduce it in the House this week with Congressman JEFF FLAKE. Yesterday, as we all bid Gabby an emotional farewell, the House overwhelmingly passed it by a vote of 408-0.

I commend the House leadership for working to make sure this important legislation passed as Gabby's final legislative act before resigning. I want to especially say how honored I am to have worked on this legislation with her.

Like all Americans, I have watched in awe at Gabby's courage and her remarkable grace. She inspires us all. She represents the best of our Nation. Dr. Martin Luther King once said that darkness cannot drive out darkness; only light can do that. Gabby is truly a shining light to all who know her.

The Ultralight Aircraft Smuggling Prevention Act is a testament to Gabby's commitment to securing our borders from illegal activity. A new trend in drug smuggling is to fly a one-person ultralight aircraft over the border to drop drugs. Hundreds are flown across the southwest border each year. Each one can carry hundreds of pounds of narcotics.

Because ultralights are not categorized under existing law as aircraft by the Federal Aviation Administration, they do not fall under the provisions of the Tariff Act of 1930. This means a drug smuggler piloting an ultralight is subject to weaker criminal penalties than one who uses a small plane.

Ultralight presents a unique challenge for Border Patrol and prosecutors. Our legislation will close any unintended loopholes. It will give our law enforcement and prosecutors the additional tools they need to combat drug smuggling. It will also add an attempt and conspiracy provision to the aviation smuggling law. This enables prosecutors to charge people other than the pilot who are involved in aviation smuggling. It gives prosecutors a new tool to go after the ground crews who aid pilots as well as those who pick up drugs that are being dropped off in the United States.

This bill will also direct the Department of Defense and the Department of Homeland Security to establish and collaborate in identifying the equipment and technology for border protection to detect ultralights. The ultimate purpose of this legislation is to make our communities safer, and it is fitting that Gabby, from the very beginning, has been so instrumental in making it happen. I also want to acknowledge the hard work of her staff who worked on this bill tirelessly every day. Peter Ambler is one of her staff members who has been key. I know Gabby's staff is very dedicated to her, and I know Gabby's perseverance to advance her legislative priorities during her recovery demonstrate what a good public servant she is.

Gabby, we know you will be back. But until then, we wish you and Mark all the very best, and we thank you for your extraordinary service to our Nation.

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

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS APPOINTMENTS

Mr. GRASSLEY. Mr. President, I addressed the Senate recently on President Obama's recess appointments, and he did this when the Senate was not in

fact in recess. I described at length why this was an outrageous and unconstitutional power grab. However, President Obama's decision to bypass the constitutional advice and consent of the Senate is not an isolated incident by the President. It is merely the latest escalation in a pattern of contempt for elected representatives of the American people and the constitutional separation of powers. This pattern has become more apparent since the last election when public opinion turned against the direction that President Obama was trying to take the country.

When the President's party in 2009 and 2010 had an overwhelming control of both Houses of Congress, he was able to pursue his agenda with only the slightest of lip service to the objections from congressional Republicans because we were very much in the minority, and, of course, we believe we were representing millions of Americans whose views were in opposition to President Obama's views. In 2009 and 2010, President Obama could in fact govern more like a Prime Minister in a European parliament, where the leader of the party in power dictates the policy to be rubberstamped by that parliament.

Since the 2010 election, that is no longer the case. There was a tremendous voter backlash against both the style and substance of the President's agenda. A groundswell of Americans became convinced their government was out of touch, and they demanded to be heard. The President's party in the Senate is now well below the supermajority necessary to pass legislation without consulting the minority party, and that is the way it was intended for the Senate to work. Moreover, there is now a new majority in the House of Representatives trying to chart a new course based on the concerns that so many voters expressed in the last election.

Rather than accept the message of the 2010 election and the fact he is faced with a Congress that is no longer a rubberstamp, the President has decided that he does not need Congress at all. Imagine that. In fact, he has even said so.

In October, upset that Congress would not pass his latest stimulus bill exactly as he had proposed, the President launched a media campaign around the tag line, "We can't wait for Congress." Under this banner he has announced executive actions for everything from mortgage and student loans, summer jobs for youth, and new fuel economy standards.

A President being frustrated with Congress is nothing new. We all know that from history. What is more remarkable is the notion that the President, however, can act independently of Congress. "Where they won't act, I will," the President has said.

Article I, section 1 of the Constitution of the United States says:

All legislative Powers herein granted shall be vested in a Congress of the United States,