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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, December 7, 2012, at 11 a.m.

## Senate

THURSDAY, DECEMBER 6, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

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

Let us pray.

God of wonder, beyond all majesty, You alone are worthy of our praise. Stay with us, bringing Your grace and gladness to brighten our lives. Lord, remove our sins from us and cleanse us with Your spirit, emancipating us from fears about what tomorrow may hold.

Continue to direct the steps of our lawmakers, keeping them from eleventh-hour decisions that bring unintended negative consequences. Remind them that the cost of indecision may be much higher than they anticipate.

Purge them of the things that increase discord, that in unity they may serve You with faithfulness. We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:45 today. During that period of time, Senators will be allowed to speak up to 10 minutes each. It is certainly not mandatory, but we would like that time to be used for speeches of our retiring Senators.

At 11:45 a.m., the Senate will move to executive session to consider the Walker and Berg nominations, both district judges from Florida and Michigan, respectively.

At approximately 12:10 p.m., there will be up to three rollcall votes: first on passage of the Russia trade bill, and

then on confirmation of the Walker and Berg nominations. We expect only two rollcall votes as we hope the Berg nomination will be confirmed by voice.

### MIDDLE-CLASS TAX CUT

Mr. REID. Mr. President, we Democrats have been saying for more than 4 months it is time for the House to pass a middle-class tax cut, which we approved here in the Senate in July. As the days until the country goes over the fiscal cliff tick by, more and more Republicans have joined our chorus. They realize the Republican leaders' unwillingness to compromise sooner has put them in a real bind. So reasonable Republicans are asking their House leadership to allow a vote on the Senate-passed legislation. What was once a trickle has become more of a flood.

Last week, Republican Representative TOM COLE said it was time to give middle-class families certainty that taxes won't go up by \$2,200, on average, on January 1.

Then TIM SCOTT, Republican, a conservative Republican from South Carolina, admitted the Senate's middle-class tax cut would surely pass the House since it will take only 26 moderate Republican votes to ensure passage.

I don't agree with columnist David Brooks—on occasion I don't agree with him, perhaps most of the time I don't agree with him—but no one can ever dispute the brilliance in writing of this columnist for the New York Times. He is a great journalist. He writes so well

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



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and explains things so well. I have great admiration for him.

He wrote yesterday, "Republicans have to realize that they are going to have to cave on tax rates." That is the way it is, "they are going to have to cave on tax rates."

Then on Tuesday, the day before yesterday, the senior Senator from Maine, OLYMPIA SNOWE, urged House Republican leaders to end the suspense for middle-class taxpayers. They shouldn't have to wonder, Senator SNOWE said, whether "we will ultimately raise taxes on low- to middle-income people." I assure them, we won't raise taxes on the middle class and the poor. That is what OLYMPIA SNOWE said.

On Wednesday, Senator SUSAN COLLINS joined her colleague from Maine, agreeing the idea of ending the suspense for the middle class "has merit."

Yesterday it seemed every practical Republican left in Washington was suddenly willing to say out loud what we have known for weeks: The only remaining option is for the House to pass the Senate bill. Dozens of House Republicans signed onto a letter urging Speaker BOEHNER to take the last exit before the cliff.

Neither President Obama nor Democrats in Congress have been ambiguous about our proposal to provide economic security for 98 percent of American families and 97 percent of small businesses, while asking the wealthiest 2 percent to contribute a little more to stop this runaway debt.

Now even a dyed-in-the-wool conservative such as Senator COBURN from Oklahoma has endorsed the Democratic approach. Here is what he said:

I know we have to raise revenue. I would rather see the rates go up than eliminate tax credits and deductions that benefit the middle class.

He has been heavily involved in everything that has happened the last several years in Washington dealing with what to do with the debt. When he joins in, that is significant, so it is apparent how this will end. The only question is when will it end. How long will Speaker BOEHNER make middle-class families wait for relief, and how long will he force the financial markets to wait for certainty? The longer he delays, the greater the risk to our economy.

So, JOHN BOEHNER, who is my friend, I urge you, you don't have to listen to me. Listen to your own caucus. Listen to prudent members of your own party and around the country. We can argue whether to give more unnecessary tax breaks to the wealthy tomorrow. We can discuss responsible ways to reduce our deficit next week. We can reform our Tax Code next year, but we must give economic certainty to the middle class now, today. Democrats agree, Independents agree, the majority of Republicans agree, and the American public agrees by a huge margin. Even dozens of CEOs from major corporations, whose personal taxes would go up under our plan, emphatically agree.

I have been saying for weeks the only people who aren't on board are the Republicans in Congress, but now even they are crying out for compromise. I only hope my friend JOHN BOEHNER is listening.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE FISCAL CLIFF

Mr. MCCONNELL. Yesterday afternoon I came to the floor and offered President Obama's proposal on the fiscal cliff to show that neither he nor Democrats in Congress are acting in good faith in these negotiations.

With just a few weeks to go before a potentially devastating and entirely avoidable blow to the economy, the President proposed a plan that members of his own party won't even vote for. So I think it is safe to say at this point that the President actually isn't interested in a balanced agreement, he is not particularly interested in avoiding the fiscal cliff, and he is clearly not interested at all in cutting any spending.

What the President is interested in, as we learned yesterday, is getting as much taxpayer money as he can, first by raising taxes on small businesses that he believes are making too much money, and then on everybody else. This is not so he can lower the debt or the deficit but so he can spend to his heart's content. For months the President has been saying all he wants is to raise taxes on the top 2 percent so he can tackle the debt and the deficit.

However, yesterday he finally revealed that is not his true intent. By demanding the power to raise the debt limit whenever he wants by as much as he wants, he showed what he is after is assuming unprecedented power to spend their dollars without any limit at all.

This isn't about getting a handle on deficits or debt for him. It is about spending even more than he already has. Why else would he demand the power to raise the debt limit on his own? And by the way, why on Earth would we ever consider giving a President who has brought us 4 years of trillion-dollar unchecked deficits the au-

thority to borrow? He is the last person who should have limitless borrowing power.

Look, the only way we ever cut spending around here is by using the debate over the debt limit to do it. Now the President wants to remove that spur to cut altogether. Of course, it gets in the way of his spending plans. Well, I assure you it is not going to happen. The American people want Washington to get spending under control, and the debt limit is the best tool we have to make the President take that demand seriously. The American people want us to fight to cut spending. It is a fight they deserve and a fight we are happy to have.

#### UNANIMOUS CONSENT REQUEST

Mr. President, I indicated to the majority leader that I was going to propose the following consent. I am prepared to ask for consent to allow the Senate to vote on the President's debt limit proposal. I would ask this either as an amendment to the Russia PNTR measure we will vote on this afternoon or as a freestanding bill, if that is preferred. Therefore, I now ask unanimous consent that it be in order to vote on an amendment, which is the President's debt limit extension proposal that I just described, prior to the passage of the Russia PNTR bill today.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader.

Mr. REID. Reserving the right to object, I have been thinking how best to describe what has been going on here on Capitol Hill the last couple of weeks.

Every morning I get up, the first thing I read is the sports page. I am disappointed in the sports page from the Washington Post. It is not nearly as good as it used to be, and the New York Times is not very good either, but I read them. There is always some good news on the sports page. Then I go to the front page to get some of the bad news. I follow sports no matter what it is—basketball, football, baseball, whatever it is—and I have watched very closely.

It is not one of my favorite teams, but it is really fun to watch the New York Jets. Coach Ryan has a problem. He has three quarterbacks: Sanchez, Tim Tebow, and he has a guy by the name of McElroy. He can't decide who their quarterback is going to be. That is the same problem the Republicans are having. Romney is gone, but he is still in the background. We have MCCONNELL and we have BOEHNER. Who is the quarterback, Mr. President? Who is the quarterback?

My friend talks about the trillions of dollars of debt. We just had an election. The people overwhelmingly know why we have this debt. The polling right before the election showed that the vast majority of the American people realized the debt was caused by George Bush. That is a fact.

We will have another jobs report out tomorrow. We had a little problem because of what happened with Hurricane

Sandy, but we still have created about 100,000 new jobs. Private sector job growth has been significant. We are approaching—let's see, it must be about 4 million jobs now that have been created. That doesn't nearly make up for what was lost during the Bush years, but we are making progress.

People in America realize we can no longer have the top-down economy the Republicans so loved during the Bush years and what they wanted to create again with Governor Romney.

I would be happy to take a look at the proposal my friend the Republican leader has shown us if we could come up with something like we did when they created this other furor by refusing to increase the debt, where we had an ability to come here and have a couple of votes to determine if we were going to increase it. If that is what they want to do again, I would be happy to seriously take a look at that and report to the White House and my caucus, but until then I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The minority leader.

Mr. McCONNELL. Mr. President, my friend indicates that there is some confusion about who the quarterback is on the Republican side. Of course, that is quite common when you don't have a White House. But there is no doubt about who the quarterback is on the Democratic side. The quarterback on the Democratic side is the President of the United States. Unfortunately, he keeps throwing interceptions, and we are moving backward and backward and backward away from the goal line. We have \$4 trillion in annual deficits, and my friend from Nevada still wants to blame that on George Bush? And now the President is asking for unlimited—unlimited—authority to borrow whenever he wants to for whatever amount he wants? If the majority leader supports that proposal, I would hope we could work together and get a vote on it to give his Members a chance to express themselves as to whether they think that is a good way forward for our country—to give this President or any other President unlimited authority to borrow as much as he wants at any time he wants from the Chinese or anybody else. That is the question.

Mr. REID. Mr. President, of course, as I said, I will be happy to look at the proposal by my friend, but the President doesn't want to do anything other than what we have done before, and that is where we are now, and that is why I would be happy to take a look at his proposal, because if it is what we did last summer, I would be happy to take a look at that and move forward.

Mr. President, it is not only we Democrats, but we have a long line of Republicans who, as I outlined early on, are recognizing that we need to immediately make sure the middle class and the poor are taken care of without their taxes being increased. We have Representatives COLE, SCOTT; David Brooks, a columnist from the New

York Times; Senators SNOWE, COLLINS, and COBURN; and a long list of Republicans saying let's move on.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time from 10 a.m. to 11 a.m. reserved for speeches by retiring Senators.

The Senator from Colorado.

#### EXTENDING TAX CUTS

Mr. UDALL of Colorado. Mr. President, I would like to associate myself with the majority leader's remarks. We do need to extend the tax cuts for the middle class as soon as possible. That is clearly the message the American people sent on November 6 in the nationwide election we held.

I also wish to respond to the comments and the conversation between the two leaders over the debt ceiling limit. It is important to recognize that when we raise the debt ceiling, all we are doing is keeping faith with what Congress has already appropriated, what Congress has already made clear we would spend on behalf of our country in all the various ways the Federal Government operates. We cannot afford to have a situation such as we had August before last where we dallied and literally shot our economy and ourselves in the foot by not extending the debt ceiling. We saw the rating agencies lower our national rating for the first time in history. There is a way to do this, to have a mechanism in place so we never again get in a situation where the debt ceiling becomes a point of contention and literally hurts our economy.

So, again, I want to say that the majority leader is on track. Let's extend these middle-class tax cuts right now and bring some certainty and help our economy grow. The majority leader is on point when he shared the numbers. I think we have seen about 5 million jobs created after approaching literally the great recession when President Obama first took office. So let's get that job done.

#### WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I have come to the floor this morning, as I have for many mornings, to talk about the wind energy industry and the importance of tax credits. And this is another job I want to see us get done as soon as possible—to extend the wind production tax credit. It expires in less than a month.

This tax credit has been vital for job creation and for our American manufacturing. Literally, the PTC—the production tax credit—has encouraged the creation of tens of thousands of good-paying middle-class jobs, and it has led to millions in capital investment in States such as Colorado. In fact, 48 States have a wind energy industry presence. Along with the capital investments, what we have seen is the development of thousands of megawatts of clean renewable wind power. And if we let this PTC expire, the stakes are very high.

I have come to the floor 24 times to speak to the importance of the PTC and the benefits it provides for families and businesses in every State across the Nation. I am here because the wind PTC is a critical investment in and a downpayment toward a clean energy future—a future at risk if we don't act and act soon. It is not too late to act. It truly isn't. And to give us more motivation, to point out what is at risk, I wish to focus today on the State of Minnesota and direct my remarks to their wind energy industry.

Minnesota, as we know, is the Land of 10,000 Lakes. Although Minnesota's namesake may be its water, it has become a leader in the wind energy industry and a compelling example of the positive effects the PTC can have in a State. Let me share some numbers to make the point.

As of 2011, Minnesota ranks fifth nationally for the most installed wind capacity, with over 2,700 megawatts, and it trails only Illinois, Iowa, California, and Texas. You can see all the blue areas on the map. Those are areas in which there is installed wind operations. In fact, wind energy meets 12.7—I will round that up to 13 percent of the State's energy needs. This ranks fourth among all States. That means they are powering through the wind energy industry the equivalent of 770,000 Minnesota homes, and that number is going up. It is growing.

We know through our two colleagues from Minnesota that Minnesotans take pride in everything having to do with Minnesota, and well they should. And they are taking pride in being in the forefront of wind power growth. Since 2003 Minnesotans have purchased 1 billion kilowatt hours of energy through Windsource, which is Minnesota's voluntary green power program. It means over 20,000 residents and about 240 businesses pay a little extra on their electric bill to support wind energy and show their commitment to a clean energy economy. I know this works because we have a similar program in Colorado. Excel also has a presence in Colorado, and they offer Windsource to Coloradans.

Now, Minnesota's prominence as a wind power State has been aided by the fact that it also has a successful wind manufacturing industry, and those manufacturing facilities in Minnesota have created hundreds of good-paying jobs and new investments. Federal incentives, including the PTC, have

played a crucial role in making Minnesota the wind leader it is today.

If that isn't enough, I want to highlight further the substantial benefits this crucial industry has had on Minnesota.

No. 1, the wind industry accounts for 3,000 good-paying jobs for hard-working Minnesotans, including jobs at the State's 16 wind manufacturing facilities. You can see all these green circles, and those green circles are where those manufacturing facilities are located. The workers at these plants and the facilities themselves help supply and maintain wind projects that contribute \$7.6 million annually in property taxes. Those projects, in fact, provide local communities with funds to help improve schools, roads, and all the other crucial services local governments provide.

Furthermore, Minnesota's strong manufacturing industry has supported rapid growth in the wind capacity of the State. Let me share those numbers with you. In 2011 the State added 542 megawatts of wind power capacity, the fourth-most of any State. So extending the PTC is crucial to continuing Minnesota's growth in wind energy and making progress toward a clean energy economy. In fact, the Minnesota utility, Northern States Power, will have close to 1,900 megawatts of wind in their energy portfolio by the end of 2012. And listen to this: In 2011 the utility got more electricity from wind than it did from natural gas.

I know many of us understand what the future could hold, based on what experts are telling us, and we know that wind and natural gas will be partners going forward.

There is a synergy between wind and natural gas. This stands out as an important milestone for Northern States Power. This company's investment in wind energy has helped reduce carbon dioxide emissions by an estimated 3.1 million tons. So the leadership of companies such as Northern States Power demonstrates that when we invest in clean energy, we are creating jobs and strengthening our energy security at the same time.

I want to close with a couple of comments more broadly. Minnesota is not alone in its success, but these gains and the thousands of jobs that the PTC supports are at risk if we don't act. During the summer and the fall work period, we saw the effects of not extending the production tax credit. Companies such as Vestas in Colorado announced layoffs and pulled back capital investments.

It is pretty simple. Production tax credit equals jobs. We need to pass it as soon as possible. Enough is enough. If we don't extend it, we are going to see a very significant continuation of these job losses.

So let's find a way forward. Let's work together. Let's extend the PTC. The longer this extension is delayed, the quicker success stories from States such as Colorado and Minnesota could

disappear. We simply cannot let this happen. Let's extend the PTC as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

#### RUSSIA PNTR

Mr. BLUNT. Mr. President, I am pleased the Senate is considering a critical bill this week to establish permanent normal trade relations with Russia. I should have borrowed my friend's sign that says "PTC Creates Jobs," which may very well be an accurate equation, but PNTR also will equal jobs. We can compete given the opportunity to compete, and that is what these trade relationships are all about. This legislation overwhelmingly has passed the House. It is going to have strong bipartisan support in the Senate, and I believe it will pass today and needs to pass today.

Russia joined the World Trade Organization in August of 2012. Since that time, our exporters—U.S. companies—have not been able to take full advantage of the fact that they have this new way to get to the Russian market because we haven't granted permanent normal trade relationships to Russia.

Since all the other major WTO members already have that permanent relationship, they have had a real advantage since August of last year, as they can move forward immediately and compete and make agreements that American companies can't make. American companies are the only companies losing market share after Russia joined the World Trade Organization—and not because they are not as competitive. But until we do what we need to do here today, they will be working at a real disadvantage.

In addition to securing a level playing field for American companies, we also need to replace the Jackson-Vanik policy with something that, frankly, has now more real-world potential and real-world understanding. Russia is clearly not the Russia of Soviet days, but we still have reasons to be concerned about individual freedom of expression in Russia. We need to express that concern. That is why I am in support of a portion of this bill that Senator CARDIN and Senator KYL have fought for during this whole discussion and now have in this bill, in the House bill—the portion where we look at the terrible treatment and ultimate death of Sergei Magnitsky.

This provision will ensure that those who were complicit in those activities and in his ill-treatment and death don't get a free pass. It sends messages to other countries that while we want to trade with them, we also want to continue to speak strongly for the rights of individuals, no matter where they are, to speak up against their government.

Normalizing trade relations with Russia is also an important move to my State and, I assume, all our States.

I know in Missouri we exported \$86 million to Russia in 2011, and exports are up 6 percent already from that year since we started 2012. Worldwide, Missouri exports more than \$12.3 billion in goods and services—or at least we did in 2010—and almost half of that was exported to countries where we have free-trade agreements. We need to continue to do that. Nearly 300 Missouri companies supported 32,000 jobs that were driven by exports. So 32,000 people in Missouri have jobs because of trade, and a lot of that trade is in our hemisphere.

I want to come back to that in a minute. I am concerned on the Russian agreement that Russia has failed to agree to bring its animal health and food safety measures in line with the WTO agreement on the application of sanitary and phyto-sanitary measures, called the SPS agreement. I am going to continue to monitor this situation to ensure that American agricultural exports—and pork would be a good example of this—don't face market access barriers in Russia.

Free trade has to be fair trade. Free trade doesn't work if it is not fair trade. If it is fair trade and free trade, American workers and American companies can and do actively and positively compete all over the world. In fact, we have a little bit of trade imbalance these days, and I think we should be concerned that 57 percent of it is in energy. If we become more energy self-sufficient, we could easily reduce our trade imbalance by 50 percent. If we just got North American energy as our focus for energy, we could only be more secure, and we would also have a better trade relationship.

This legislation we are dealing with today, the Russia PNTR, builds on the progress we made last year with the passage of the three free-trade amendments. Many of us on this side worked closely with our friends on the other side and the White House to get these long negotiated deals passed. In the 6 months since our free-trade agreement with South Korea took effect, trade between our two countries has increased by over \$30 billion—a \$30 billion increase in 6 months.

As we are trying to figure how to grow our economy, the export world and free trade is one of the places we can have the most speedy application of what we do to grow our economy. Thirty billion dollars in Korea alone.

American exports to Columbia have increased 20 percent since that free-trade agreement took effect. The ratification of the Panama Free Trade Agreement just went into effect a few weeks ago, but that enables American firms to fully participate in the economic opportunities that will occur with the expansion of the Panama Canal and the continued growth of that economy. What happens there is critical to us.

This agreement, I have said already, has passed the House and I think it will pass the Senate today. There are other

things we can and should do. We need to work with the President, and the President should be working with Republicans and Democrats who are friends of trade to do several things. One would be trade promotion authority. We used to call this fast track. This is where the administration can negotiate an agreement, and then the House and Senate either vote yes or no on that agreement. It is the only way to get agreements done in the world we live in today.

Right now, the administration has no realistic way of passing trade agreements through the Congress. The President needs to work with Congress so that we will give him the authority. He needs to ask for it, and he needs to want it so we can have these agreements. This gives our trading partners the confidence they need to make the concessions that you make in negotiation and know that the agreement is going to be the agreement. It is either going to be that agreement or no agreement at all.

Since the TPA lapsed in 2006, we haven't negotiated a single new free-trade agreement. If that doesn't tell us how important it is that we move back to a way to get these agreements done, I don't know what would.

Second, the Trans-Pacific Partnership. These negotiations seem to me to be languishing right now and need senior administration attention in order to gather the steam they need. A strong Trans-Pacific Partnership is the most effective way to consolidate our leadership in that part of the world.

At a time when China is aggressively moving into east Asia, we also need to look at the Philippines. Senator INOUE and I have a bill that would strengthen our relationship with the Philippines called the SAVE Act. I would like to see the administration work with the two of us to see what we could get done to have that relationship that has been so strong and has lasted so long become even closer as we figure out how to trade with that economy in a way that makes them more stable and closer friends of the United States. Frankly, we will benefit, our workforce will benefit from that agreement.

There is a Trans-Atlantic Free Trade Agreement that puts us in a better situation to trade with the European Union. This should be one of the easiest agreements we have ever done because we have two mature economies trying to trade with each other. The normal negotiations about labor and environment and other things that sometimes take so long in these agreements, frankly, shouldn't take long. The Presiding Officer has spent a lot of time with our NATO partners, and they would be the same partners that would be our EU trading partners if we will move forward there.

Finally, we need fresh trade policies with the Americas. We now have trade agreements with six countries that were part of the Dominican Republic

CAFTA agreement with Mexico, Canada, Panama, Colombia, Chile, and Peru, and we have a trading preferences agreement with Haiti. But we really need to look to see what we can do to trade in this hemisphere, improve our economic relationship with the South American giant country and giant economy of Brazil.

Your best trading partners should be your neighbors. Certainly, Canada and Mexico have proved that. When we send Canada \$1, they traditionally send us back somewhere in the neighborhood of \$1. Right now it is about 91 cents. In our trade with Mexico, Mexico now sends us back, a year ago probably—and this number continues to grow—75 cents. That is why on the energy front, when we deal with them, it makes a difference. So they have proven that your neighbors should be your best trading partners.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BLUNT. I ask unanimous consent for an additional 30 seconds.

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

Mr. BLUNT. We need to expand the economic partnerships to our neighborhood. The Western Hemisphere needs more attention. Trade makes sense for America. Trade creates jobs. Trade creates opportunity. I am glad we are voting on this trade agreement today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

#### TRIBUTES TO DEPARTING SENATORS

##### OLYMPIA SNOWE

Ms. COLLINS. Mr. President, many of our colleagues will be leaving us at the end of this Congress, and I wish to take time this morning to pay tribute to some of my colleagues, particularly those with whom I have worked most closely. Of course, I must start with my colleague and friend from Maine, OLYMPIA SNOWE.

In ancient Sparta, there was a saying that roughly translated as this: It seems all the world knows what is the right thing to do, but it is only the Spartans who will do anything about it.

As my friend, colleague, and senior Senator from Maine, OLYMPIA SNOWE, ends her service in the Senate, I rise to pay tribute to this descendent of that legendary civilization. Olympia is a true leader who has always devoted her considerable intellect, energy, and commitment to doing what was right for Maine and for America. OLYMPIA SNOWE has dedicated her life to public service: 18 years in the Senate, preceded by 16 representing Maine's Second Congressional District, plus 5 in the Maine legislature adds up to a remarkable record of commitment to our Nation and the great State of Maine.

But that span of nearly four decades tells us only part of the story, for

OLYMPIA has truly set the gold standard for public service. From the State house to the U.S. Capitol, OLYMPIA has built an outstanding reputation as an informed, thoughtful, and effective legislator. She can always be counted on as a leader with integrity who pursued solutions and who had no interest in just scoring partisan political points. It is OLYMPIA's character that has made all the difference.

The private acts of public figures can tell us a lot about their character, so I wish to share with my colleagues this morning a story about OLYMPIA SNOWE that I witnessed personally. There was a Republican fundraiser going on one night and I was arriving late, driving up in a car. People were streaming out of the fundraiser and each of them was passing by a man who was on crutches, with only one leg, clearly destitute, clearly down on his luck, who was asking for money. Everybody but OLYMPIA SNOWE passed him by without a word, as if he were invisible. OLYMPIA went over to this destitute man on crutches, with one leg, and she not only handed him some money but she took the time to talk with him. I think that tells us so much about who OLYMPIA SNOWE is—her kindness to this individual, when everyone else was passing him by, her kindness to him when no one was watching, her kindness to him was a private act that told all of us so much about her character.

With her retirement from the Senate, OLYMPIA SNOWE will join the pantheon of great leaders our State has produced: Margaret Chase Smith, Ed Muskie, George Mitchell, and Bill Cohen. All of them, similar to OLYMPIA, exemplify the principle that public office is a sacred trust.

OLYMPIA's inspiring record of service is but part of an even more inspiring life story. Several times, from childhood on, OLYMPIA has been visited by tragedy that would have caused most people to become discouraged, disheartened, and negative. But each time OLYMPIA rose, transcended her personal tragedy, and was more determined than before to succeed and to contribute to a better life for others. Her well-deserved popularity among Maine people transcends party lines and is testament to her strength and her spirit.

The people of Maine and America are grateful for her many years of service. I am grateful for her leadership and her friendship. I know OLYMPIA SNOWE will continue to influence national policy for many years to come.

JOE LIEBERMAN

Mr. President, we have a tradition in the Senate of referring to our colleagues on the Senate floor during debate as "my friend from this State" or "my friend from that State," and oftentimes the word friend just means colleague. But there is a fellow Senator whom I call friend in the truest sense of the word. That person is the senior Senator from Connecticut, my dear friend Senator JOE LIEBERMAN.

When JOE LIEBERMAN announced earlier last year that he would not seek reelection to the Senate, he called himself a lucky guy for having had the opportunity to serve his State and his country. I would contend it is we in this Chamber and the people throughout Connecticut and across our Nation who are the ones who are truly fortunate for JOE LIEBERMAN's lifelong commitment to public service, including his 24 years in the Senate.

For more than a decade, it has been my privilege to serve with JOE as the leaders of the Senate Homeland Security and Governmental Affairs Committee. Regardless of who has been chairman and who has been ranking member, ours has been a partnership. Indeed, I will never forget when I was losing the chairmanship because of the change in control, JOE leaning over to me and saying: Don't worry, SUSAN, all that will change is that you will pass me the gavel.

It was typical of his thoughtfulness and generosity, and it is not coincidental that ours is the only committee in the Senate where we do not sit with Republicans on one side and Democrats on the other but instead are interspersed because we recognize, given our important mandate, that we must work together in a bipartisan and, indeed, a nonpartisan way.

During the time JOE has been the chairman and that we have worked together, the committee has established a well-deserved reputation for bipartisanship, for thoroughness, and—most important—for getting things done. I know the American people have been so frustrated with the gridlock that has prevented action on so many issues facing our Nation. For the most part, we do not see that kind of stalemate on our committee and that is a tribute to the leadership of JOE LIEBERMAN. That reputation for our committee—of accomplishment and bipartisanship—is the work of many hands, but JOE LIEBERMAN's fingerprints are all over it. JOE has always based his leadership on his unwavering belief that the great challenges America faces—such as combating terrorism, putting our fiscal house in order, and defending freedom—transcend party lines.

The success our committee has achieved in helping to safeguard our Nation is the result of that nonpartisan—some might say independent—spirit that guides him. Those successes are many, from the landmark Intelligence Reform and Terrorism Prevention Act to providing the tools that strengthen our first responders, to our extensive investigations into the flawed response to Hurricane Katrina, the fatal communication failures in the Fort Hood terrorism case, and our current scrutiny of the attacks in Benghazi, JOE LIEBERMAN has always put country first. His actions are guided by deeply held principles and aim toward progress. He has demonstrated his willingness, time and again, to risk his political career to do what he believes is right for America.

JOE brings the same dedication to everything he does. Working with him on the Armed Services Committee, I know firsthand how devoted he is to our men and women in uniform and the deep respect he has for their service and their sacrifice. His leadership in bringing about the repeal of the discriminatory don't ask, don't tell law was nothing short of extraordinary, and it gives me great personal pride to have assisted him in achieving that important victory for justice. It was vintage JOE LIEBERMAN. He did what was right. He never gave up. He got the job done.

Throughout his many years of dedicated service, JOE has demonstrated the kind of character America needs and the American people deserve. It is not by coincidence that the PowerPoint slide show I present to students throughout Maine includes a photograph of Senator JOE LIEBERMAN at work. The young pupils of today who will be the leaders of tomorrow could have no better role model than this leader of intelligence and integrity.

A wonderful fringe benefit of working so closely with JOE for so many years has been the opportunity I have had to get to know his wonderful wife Hadasah. She is a person who also demonstrates remarkable strength and compassion. Her devotion to community service spans a range of issues, from advocating for women's health and breast cancer research to providing women with opportunity through microfinance programs.

The integrity and decency JOE brings to public service stands on the unshakable foundation of his deep faith. It is telling that his retirement announcement included these wise words from Ecclesiastes: "To everything there is a season, and a time to every purpose under heaven."

In closing, I offer my dear friend this traditional Jewish blessing: "May you live 120 years."

While none of us expects to attain the longevity achieved by the prophet Moses, I am confident the gratitude of the American people for the service of Senator JOE LIEBERMAN will be everlasting.

JOE KYL

Mr. President, in reflecting on Senator JON KYL's service to this institution and to our Nation, I am reminded of these words by Abraham Lincoln. He said:

Character is like a tree and reputation like a shadow. The shadow is what we think of, the tree is the real thing.

JON KYL is the real thing. During 18 years in the Senate, preceded 8 by in the House, JON has built a reputation that is a perfect image of his character. National magazines have named him one of America's 10 best Senators, one of the world's most influential people, and one of our Nation's hardest working lawmakers.

His unanimous election in 2008 as our Republican whip and his recognized leadership on the great challenges of our time throughout the Senate reflect

the esteem in which he is held on both sides of the aisle. These accolades confirm what we who have had the privilege of working closely with JON know from experience. He is intelligent, he is informed, and he is fair. He is dedicated to the people of Arizona and exemplifies the principles that are the foundation of our Constitution and of our country.

Of all the words that have been used to describe JON KYL, these five describe him best: As good as his word. JON has been an invaluable ally in the great challenge of defending America against terrorism, a challenge he recognized and worked hard to address long before the terrorist attacks of more than a decade ago.

As the leader of the Judiciary Committee, he worked hard to strengthen our intelligence capabilities and was at the forefront of one of the most crucial antiterrorism issues, tracking, exposing, and cutting off financial networks that bankrolled terrorism. Combating this financing was one of our earliest and greatest antiterrorism successes, although work continues today, and it was JON KYL who played a key role.

Arizona, similar to Maine, has a long international border. The American people fully understand the importance of borders that are close to our enemies as they remain always open to our friends. JON is dedicated to providing those who protect our borders with the personnel, the training, and the technology so America can continue to welcome with compassion those seeking a better way of life while turning away those who would do us harm.

As a member of the Finance Committee, JON KYL has been one of the Senate's most diligent fiscal watchdogs. He has a sharp eye for wasteful spending. He is dedicated to reining in deficit spending, reforming our Tax Code, and making government more accountable.

JON KYL understands the challenges that confront America, and he also empathizes with the challenges that confront American families. His record is one of strong advocacy for our most vulnerable citizens, including victims of crime, children, and our seniors.

JON often compares his work in the Senate to that of a teacher. Whether addressing constituents or colleagues, he strives to educate with facts, with evidence, and with the truth. None of us has ever heard JON try to win an argument by belittling or berating an opponent. It is simply not in his character to do so.

It has been said that a politician thinks of the next election and a statesman thinks of the next generation. This statesman from Arizona expresses his philosophy of government and the obligation of government leaders this way:

We owe future generations the chance to live their dreams, to be successful, and—most important—to achieve true happiness by their own efforts.

Senator JON KYL's commitment to the security of our Nation, to fiscal responsibility, and to helping those in need have earned him a reputation that is worthy of his character.

The people of Arizona and America are grateful for his service. I am thankful for his guidance over the years and for his friendship. We wish him all the best in the years to come.

Mr. President, there is one more tribute I would like to give this morning if there is time remaining. Could the Chair inform me if we are under a time agreement.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

RICHARD LUGAR

Ms. COLLINS. Mr. President, in his 36 years of service in the Senate, RICHARD LUGAR has established a reputation as an extraordinary leader on such issues as foreign relations, national security, energy policy, agriculture, and economic growth. He is the Senate's most senior Republican and the longest serving Member of Congress in Indiana's history.

Senator LUGAR has established a well-deserved reputation as a true statesman. At a time when the coarsening political discourse across our Nation and in Congress is a growing concern, DICK LUGAR is a shining example of civility and mutual respect we must regain if our Nation is to meet the challenges that lie ahead.

Thirty-six years in the Senate is a part of DICK LUGAR's long time of service. After attending Oxford University as a Rhodes Scholar, DICK volunteered for the U.S. Navy in 1957, eventually serving as an intelligence briefer for the Chief of Naval Operations. As the two-term mayor of Indianapolis, beginning in 1968, he was a trailblazer in unifying local government, setting his city on a remarkable path of economic growth and prosperity as well as efficiency. As mayor, he served three terms on the U.S. Advisory Commission on Intergovernmental Relations and as president of the National League of Cities. It is evident DICK LUGAR always rises to the top of any organization because his colleagues recognize his extraordinary capability and his outstanding leadership.

DICK's life experiences and character have served the people of Indiana and our country so well. He has been the leader in reducing the threat of nuclear, chemical, and biological weapons. What better tribute or legacy could anyone leave the world than to reduce the inventory of these dangerous weapons. The bipartisan partnership he forged in 1991 to destroy these weapons of mass destruction in the former Soviet Union has resulted in the deactivation of more than 7,500 nuclear warheads that once were aimed at the United States.

As chairman of the Agriculture Committee, DICK LUGAR has led the way for reforming our Federal farm programs and has promoted research advancements and increased export opportuni-

ties that have generated higher net income for America's family farms. Through the Lugar Energy Initiative, he has combined his foreign policy and agricultural expertise to promote policies to spur economic growth.

In the dark days following the attacks of September 11, 2001, Senator LUGAR set forth a set of principles to guide our Nation in these difficult times. The Lugar doctrine calls upon the United States to "use all of its military, diplomatic and economic power—without question—to ensure that life threatening weapons of mass destruction everywhere are accounted, contained and hopefully destroyed."

In addition, the Lugar doctrine asserts that America should encourage democratic institutions and decrease reliance on foreign energy sources.

These accomplishments, and so many more, stem from a profound intellect combined with character. There is nothing I love more than to hear DICK LUGAR give a tutorial on any country in the world, and he can talk knowledgeably and teach us about any country in the world. That is the depth of his experience, his knowledge, and his expertise.

DICK has also always been a voice of reason in the Senate. No matter how bitter the debate, he has always stood by his values and engaged in thoughtful discussions that result in solutions. That is why his advice has so often been sought by Presidents, military leaders, Cabinet Secretaries, Governors, and so many of his colleagues, including me.

As DICK LUGAR returns to the private life he left behind so many years ago, his advice will continue to be sought after and I hope heeded. His knowledge and insight will still be valued, and the example of his decency and civility he has set throughout his life should guide us all. The people of Indiana and America are grateful for his service, and I am so grateful for his friendship and guidance over the years we have served together.

The PRESIDING OFFICER. The Senator from Virginia.

FAREWELL TO THE SENATE

Mr. WEBB. Mr. President, as our office is winding down from my Senate term beginning this week, the field offices in Virginia ceased their functioning, and it is going to be my pleasure later on today to host a lunch for all my staff and to thank them for the work they have done. I just want to take this opportunity to talk about why I have said so many times since I came to the Senate that my greatest legacy will be the work of our staff.

When I first came to the Senate, people were asking: Will you be remembered for the GI bill if you get it done—which we did—or maybe some great transportation project or something of that sort? I said: No, the most important thing a leader can do is to bring good people around him or her and to work them to the full extent of their capacity and then to provide them the

opportunity to grow professionally in the spirit in which we have worked together.

It is not going to surprise the Presiding Officer or anyone else when I say the greatest learning experience for me in that regard was when I served as a rifle platoon and company commander in the U.S. Marine Corps. When we were in training to go to Vietnam, we got a lecture from a battle-hardened lieutenant colonel who fought as an enlisted marine in World War II, rifle platoon commander in Korea, and then as a battalion commander in Vietnam.

One of the things he said to us was, You may carry a side arm, you may carry a 45 pistol, you may carry an M-16 rifle, but a Marine officer is only successful if he fights with his marines. It is the same concept here. A person is no better as a leader than the people he or she leads. We worked hard on our staff for 6 years to find the most talented people in America, to work them to their full capacity, to instill in them my personal views of the principles of leadership and the philosophy of governance which are at the core of what I wanted to bring to the Senate, and I believe we did that.

We started with Paul Reagan and Kathy Wilmoth. Paul Reagan, my chief of staff, is a veteran with 25 years of Democratic politics and governance inside Virginia. He worked for Congressman Rick Boucher. He worked for JIM MORAN as his chief of staff. He worked for two other Members of Congress, and he had been the communications director with MARK WARNER when he was Governor. We were what some people would call the political odd couple early on. Paul was a master of every detail inside Virginia politics. My experience for many years had been on the national level of policy. We worked very hard to screen every single applicant to make sure these were people who met the standards we were trying to put into place.

Kathy Wilmoth, in my view, is something of a legend here. She became our office director. She knows every Capitol Hill policeman. She probably knows every person sitting here working on the Senate floor. She is an absolute gold star administrator. Before she came to work for us, she worked for Senators John and Lincoln Chafee. When I was a 25-year-old marine, I worked on Senator John Chafee's staff when he was Secretary of the Navy. I know I am biased, but I would challenge anyone to rebut that we have had the best run staff on Capitol Hill.

We set up a communications shop. We had Jessica Smith and Kimberly Hunter, two very talented and invaluable communicators, who understood the job was not simply to respond to media requests but to proactively explain what we were doing, what our purposes were, what our goals were, and what the philosophical approach we were taking happened to be to local and national media rather than simply entertaining interview requests and those sorts of things.

On the State level, we were able to have Conaway Haskins and Louise Ware. They set up the State administrative structure. We were constantly able to listen and respond to the needs and to the opinions of people throughout this extraordinarily complex demographic jurisdiction that is the Commonwealth of Virginia.

Sometimes we forget about what happens on these phones in our offices when we are off in our meetings. The people who have run our phones and have done our casework at times have astounded me. We go back to the votes on health care reform. We know all the debates that were going on here. We took a count in our office, and we received—just in our office—226,000 pieces of advice just on health care reform; in fact, a total of 300,000 pieces of communication on that debate of which approximately 50.1 percent of the people who called in to us may have been happy with the eventual vote that I took. But I could walk out of the office when that was going on and I could see the young people on those phones and see how battered they often were, from the advice which, quite frankly, wasn't always pleasantly given.

With respect to casework, I had the great pleasure and unique experience when I was 25 years old, on the Secretary of the Navy's staff, of how to do casework. It opened my eyes to how many people there are in this country who simply don't know how to open the door to get their needs solved by the government that has set its requirements on them. I did this for John Chafee when he was Secretary of the Navy, and I did it for John Warner when he was Secretary of the Navy. I strongly emphasized to the people who handled our casework what an important job it was they were doing.

In the time we have been in the Senate, our staff has resolved more than 40,000 personal cases. More than 40,000 people who had not known, in many cases, even how to approach their government have received personal assistance that has helped them solve other problems in their lives. In fact, Andrea Trotter, JoAnn Pulliam, Debra Lawson, Gwen Sigda, and Debby Burroughs are on our staff, and each one of them resolved more than 3,000 cases during the time I have been in the Senate.

On legislative and political issues I would say that before I came to the Senate, I made promises on the campaign trail and we kept those promises. The greatest achievements, in my view, during this term were made right out of our office, not because we were responding to the suggestions of some committee work or from the executive branch saying they wanted something, but because we continually made suggestions to those committees and to the executive branch about what we thought needed to be done.

My first day in office I introduced a new GI bill. I had talked about it for years. The logic was very simple. These

people who had been serving since 9/11 deserved the same chance at a first class future as those who had served during World War II. Within 16 months, with the strong support, by the way, of Leader REID, we were able to pass this legislation, the most important piece of veterans legislation since World War II.

Most of that effort, again, came directly out of our office from the work of people on our personal staff, led by Mike Sozan, who at that time was our legislative director and has since moved on to be the chief of staff for Senator MARK UDALL.

We said during my campaign and after I got here that the United States desperately needs to reform its criminal justice system. We have 5 percent of the world's population and 25 percent of the world's prison population. If we ask the average American, two-thirds of them will tell us they feel less safe in their own community than they did a year ago. It is not a political issue. To me, it has always been a personal issue, a leadership issue. I was warned when I first started raising this issue in Virginia 7 years ago that this could actually kill my political campaign. It didn't. People responded.

So since I was not on the Judiciary Committee, we worked on this legislation to create a national commission to examine all the aspects of the criminal justice system, and we did it right out of our office, with Doug Ierley being the point person for the entire country to get this debate going in a way that it hadn't been debated before. We met in our own office with more than 100 different organizations in our conference room. We had a bill a little more than a year ago that reached the floor of this Senate.

I would ask the Presiding Officer or any of my other colleagues when is the last time they have seen a criminal justice bill endorsed by—I have two pages of organizational endorsements—the National Sheriffs Association, the Marijuana Project, the Fraternal Order of Police, the International Association of Chiefs of Police, the ACLU, and the Sentencing Project. We got a buy-in from across the philosophical spectrum for a mere \$14 million commission where we could receive the advice from the experts in this country on an issue that we have not received their advice on since the 1960s.

One of the great disappointments of my time here has been the fact that this simple, sensible piece of legislation was filibustered. We got 57 votes on it. For some reason, the people on the other side of the aisle decided this shouldn't happen. We did get four votes from the other side of the aisle. Even the National Review, which is one of the most conservative magazines in the country, said filibustering this piece of legislation was "insane."

I ask unanimous consent to have printed in the RECORD at this time the endorsers of that legislation for the historical record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CRIMINAL JUSTICE BILL ENDORSEMENTS

Innocence Project; National Sheriffs' Association; NAACP; ACLU; Fraternal Order of Police; American Bar Association; International Association of Chiefs of Police; Sentencing Project; Families Against Mandatory Minimums; National Association of VOCA Assistance Administrators; American Probation and Parole Association; National Association of Evangelicals; American Society of Victimology; Colorado Organization for Victim Assistance; International Community Corrections Association; International Organization for Victim Assistance; Mothers Against Drunk Driving (MADD); National Association of Crime Victim Compensation Boards; National Center for Victims of Crime; National Children's Alliance.

National Crime Victims Research and Treatment Center; National Organization for Victim Assistance; The Renée Olubunmi Rondeau Peace Foundation; Legal Action Center; Correctional Education Association; Middle Atlantic States Correctional Association; Mennonite Central Committee; Safer Foundation; Just Detention International; Justice Policy Institute; Law Enforcement Against Prohibition; Union for Reform Judaism; Lawyers' Committee for Civil Rights; Church of Scientology; United Methodist Church, General Board of Church and Society; American Humanist Association; National Advocacy Center of the Sisters of the Good Shepherd; Healing Communities Prison Ministry and Prisoner Reentry Project; Marijuana Policy Project; Citizens United for the Rehabilitation of Errants (CURE).

National Organization for the Reform of Marijuana Laws; Corporation for Supportive Housing; National Employment Law Project; United Church of Christ/Justice and Witness Ministries; National African American Drug Policy Coalition, Inc; American Probation and Parole Association; Women of Reform Judaism; Students for Sensible Drug Policy; The Fortune Society; Black Law Enforcement in America; Therapeutic Communities of America; National Treatment Accountability for Safer Communities; National Association of Criminal Defense Lawyers; The Leadership Conference on Civil and Human Rights; National Association for the Advancement of Colored People; National Association of Social Workers; NETWORK—A National Catholic Social Justice Lobby; Community Action Partnership; Safe Streets Arts Foundation; November Coalition; TASH—Equity, Opportunity and Inclusion for People with Disabilities; Drug Policy Alliance; American Civil Liberties Union; National Council of La Raza; National Association of Evangelicals; National Alliance of Faith and Justice; The Episcopal Church; National Gay and Lesbian Task Force Action Fund.

Mr. WEBB. We have had a lot of discussion over the last 6 years about the so-called pivot to Asia. I will say as someone who has spent a great deal of time in and out of east Asia that this pivot was heavily influenced by the actions, again, taken directly out of our office. We looked for people to come and work with us who had expertise and the intellect to work not only on the Hill, not only with Members of Congress, and not only with the State Department, but with our embassies around the world, with foreign leaders, with validators, to take a different approach and to refocus the energy of the United States on this most vital part

of the world. David Bonine, Marta McLellan Ross, Gordon Peterson, and Philip Brady were among them.

Our many visits to this part of the world sometimes included five countries in 2 weeks, traveling solely via commercial air rather than with military codel support, and included repeated meetings with the top leadership of countries such as Japan, Korea, Vietnam, Thailand, Singapore, Indonesia, and Burma, all of which represent the future of the United States in terms of trade, security, and cultural growth in the coming decades.

With respect to Burma, it was a great moment for me to be able to sit down with and see Aung San Suu Kyi, recognized by the Congress a month or so ago, coming to this country as an elected member of their Parliament. We began the change in that relationship directly from our office based on work I had begun and become interested in over a period of 6 years before I was elected to the Senate.

I am very proud to say we laid the groundwork for a historic visit in 2009 from inside our office—often, I would say, against the will and against the advice of our own State Department. We used validators. We talked to people we knew in the region. I became the only American leader ever to meet with GEN Than Shwe, the leader of the military junta, to express my belief that we could work forward and have a different relationship. We met with Aung San Suu Kyi. I hope those who had some doubts about the wisdom of opening this relationship now can see the benefits as we are seeing the political situation beginning to truly change in Burma.

We worked heavily with Japan. This is a critical yet often overlooked relationship. It involved an effort to resolve basing issues on Okinawa that don't always get the attention they deserve in the Congress but have at times absolutely paralyzed the political debate inside Japan. Ironically, I first began working on these issues as a military planner in 1974 after I left the Marine Corps and was in law school. Our staff has met—and I have been a part of most of these meetings—with more than 70 delegations from Japan, in our office, organized and conducted by our staff.

In Korea, we led an effort to bring Democratic Senators onboard to support the critical free-trade agreement that is so important not only to our bilateral relations but to the signals of the United States in that part of the world, and we began what I believe is something of a pioneering effort to get Korea and Japan to come together at the table to realize their common security interests.

As to Vietnam, I have visited and worked inside Vietnam for 18 out of the last 21 years in addition to having served there as a marine, I would say.

I fought in Vietnam because I believed in the importance of that country to our relationships in Asia. I have

spent a great deal of energy for more than 30 years now in an effort to heal the final wound of that war, which is the relationship between our Vietnamese community here in the United States and the government inside Vietnam.

We have worked in Thailand, Singapore, Laos. I was the first American Senator to visit Laos in 7 years, the first Member of Congress to visit Cambodia in 2 years when we visited Indonesia. We worked hard on the sovereignty and maritime issues in the South China Sea. We initiated and sponsored two important Senate resolutions regarding China's recent aggression in the South China Sea. Again, we initiated this from the staff members in our office.

I could go on. Let me just say that the other areas—important areas—that our staff has worked on in the past 6 years include our pioneering work in economic fairness, the need for stronger programs in the area of adult education, the efforts from inside our office to encourage a full spectrum of energy development, the preservation of Civil War battlefields, and the vital need to rebalance the constitutional relationship between the Congress and the Presidency, which I have pursued in both administrations that have been in office while I have been a Member of the U.S. Senate.

Mr. President, at this point, because I really will not have time to list all of the contributions by my staff members, I ask unanimous consent that the names and the positions of my staff members be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Kathryn M. Wilmoth, Administrative Director  
 Staff Arthur B. Scott Assistant to the Chief of Staff  
 Colin MacDermott, Assistant to the Chief of the Staff  
 Will Jenkins, Communications Director  
 Heather Fluit, Communications Director  
 Jessica A. Smith, Communications Director  
 Rafael Anderson, Constituent Correspondence Manager  
 Verna (Tina) Graham, Danville Caseworker  
 Lisa Marie Stark, Director of Scheduling  
 Melissa Bruns, Director of Scheduling  
 Carolyn D. Walser, Executive Assistant  
 Nadia S. Naviwala, Legislative Aide  
 Ann M. Vallandingham, Legislative Assistant on Veterans Affairs  
 Doug Ierley, Legislative Assistant and Counsel on Economic Issues  
 Gordon I. Peterson, Legislative Assistant for Defense  
 Ali Nouri, Legislative Assistant for Energy  
 Trent D. Bauserman, Legislative Assistant for Energy and Environment  
 Juliet M. Beyler, Legislative Assistant for Veterans Affairs  
 Courtney L. Weaver, Legislative Assistant on Energy  
 Trevor L. Dean, Legislative Assistant on Environment-Transportation  
 Marta McLellan Ross, Legislative Assistant on Foreign Relations  
 Jennifer Park Stout, Legislative Assistant on Foreign Relations  
 Ann M. Vallandingham, Legislative Assistant on Veterans Affairs

William Edwards, Legislative Assistant on Veterans Affairs  
 Maribel Ramos, Legislative Assistant on Women's Issues, Indian Affairs, Immigration  
 Patrick Day, Legislative Correspondent  
 Amy E. Hensley, Legislative Correspondent  
 Ashleigh Owens, Legislative Correspondent  
 Jacob E. Terrell, Legislative Correspondent  
 Jacqueline R. Ball, Legislative Correspondent  
 Jennifer Ann Bryant, Legislative Correspondent  
 John L. (Luke) Principato, Legislative Correspondent  
 Kyle Grantier, Legislative Correspondent  
 Nathan D. Buniva, Legislative Correspondent  
 Olivia N. Marshall, Legislative Correspondent  
 Sara Brown, Legislative Correspondent  
 Will Rosenthal, Legislative Correspondent  
 Nelson M. Jones, III, Legislative Director and Counsel on Judiciary  
 David N. Bonine, Legislative Director  
 Michael L. Sozan, Legislative Director  
 Regan Gwyn Dutton, Norton Caseworker Director  
 Gwen Sidga, NOVA Casework Director  
 Matthew Scott Lucas, NOVA Casework  
 Barrett Kinsella, NOVA Caseworker  
 Kali A. Matalon, NOVA Caseworker  
 Tuy Q. Le, Outreach Staff  
 Anne Elizabeth Hughes, Press Assistant  
 S. Logan Gibson, Press Assistant  
 Allison H. Jaslow, Press Secretary  
 Kimberly Hunter, Press Secretary  
 A. Nicholas Cohen, Richmond Caseworker  
 Hope L. Elliott-Murphy, Richmond Caseworker  
 Justin Jennings, Richmond Caseworker  
 Joann B. Pulliam, Richmond-Deputy State Director  
 Deborah R. Burroughs, Richmond-Director of Casework  
 Conaway B. Haskins, III, Richmond-State Office Director  
 Louise F. Ware, Richmond-State Office Director  
 Linda C. Williams, Richmond-State Office Manager  
 Frederick W. Hutchins, Jr, Roanoke Caseworker  
 Brittany A. Brown, Scheduler  
 Jessica Vandenberg, Staff Assistant  
 Martin Mash, Special Projects Manager  
 Cody Huffman, Staff Assistant  
 Erin Raymond, Staff Assistant  
 Gregory Willett, Staff Assistant  
 Hope W. Hurley, Staff Assistant  
 Jada Greenhowe, Staff Assistant  
 Jonathan Shields, Staff Assistant  
 Kevin Franklin, Staff Assistant  
 Liza Bray, Staff Assistant  
 Mary E. Humphreys, Staff Assistant  
 Russell M. Rivers, Staff Assistant  
 Sarah Broadwater, Staff Assistant  
 Daniel L. Gonzales, Systems Administrator  
 Joe G. Gallo, Systems Administrator  
 Andrea R. Trotter, Virginia Beach Caseworker  
 Charles F. Stanton, Virginia Beach Caseworker  
 Emily V. Mazich, Virginia Beach Caseworker  
 Jeanne S. Evans, Virginia Beach Field Representative  
 Joel R. Alvarenga, Staff Assistant  
 Michael (Mack) McGarvey, Legislative Assistant on Veterans Affairs  
 Amy Reiter, Strategic Planning Coordinator  
 Phillip F. Thompson, Executive Assistant  
 Debra T. Lawson, Roanoke Casework Director

Evan Chapman, Staff Assistant  
 Michael Mazzuto, Staff Assistant  
 Steven D. Le, Staff Assistant  
 Darryl Holt, Richmond Caseworker  
 Kimberly A. Hunter, Press Secretary  
 Philip O. Brady, Counselor

Mr. WEBB. So to my staff, a heartfelt thanks, and to each of those who have served with us, I say again, thank you for your contributions to our staff and, most importantly, to our country. And I say also again that I will continue to expect great things from you in the future. You are my legacy. Never forget that the people you might have the honor of leading as you move forward in your careers, wherever you end up, will someday become your legacy.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I want to first, of course, commend the Senator from Virginia for his great leadership here in the Senate on a whole range of issues. He has served with great distinction here, and it has been an honor for me to serve with him. So I congratulate him on the various issues he discussed and the various issues he has worked on. I have had the good fortune to work and support his efforts on many of those issues.

#### WORK TO BE DONE

Mr. BINGAMAN. Mr. President, I wish to take a few minutes to speak about what needs to be done before we leave town, before we shut down this session of the Congress. In my view, Congress needs to do five things before the end of the year to head off difficulties for our economy.

First, as many have said, the House needs to take up and pass the middle-class tax cut—a bill that was already passed here in the Senate. That is the first item. That has been given a lot of attention.

Second, both Houses of Congress need to head off most if not all of the scheduled sequester. I hope we are able to do that.

Third, Congress should pass the tax extenders bill that was reported out of the Senate Finance Committee this summer, and that is going to be the subject of most of my comments this morning.

Fourth, the Congress should repeal the SGR. This is the law that governs the rates of reimbursement to providers under the Medicare Program. Unless we repeal that law, we will have to once again patch the law, as we have done for many years now, with a so-called Medicare doc fix. I think the time has come to go ahead and repeal the law.

The fifth item I want to mention is that Congress needs to give the President the power to raise the debt ceiling. At the same time, Congress should retain Congress's right to disapprove of that increase. But Secretary Geithner

has made a proposal to the Congress that I believe makes good sense. It is based upon the arrangement that was agreed to that Senator MCCONNELL had put forward in the 2011 debt ceiling crisis that we all lived through.

Obviously, this is a significant to-do list. I do not intend to speak about all of these items. I would like to focus my remarks on the need for Congress to pass the extenders package of tax provisions. I think this has gotten too little attention. It deserves to be dealt with as a major component of the response to the so-called fiscal cliff. This is, in fact, the Family and Business Tax Cut Certainty Act of 2012.

While I hope the negotiations to avert the fiscal cliff are successful, in my view, we should not wait for a grand bargain in order to finish our work on this important tax extender legislation.

Tax extenders are different from the other fiscal cliff issues for three basic reasons. Let me describe those reasons.

First, tax extenders are much less contentious than the other end-of-year problems that need to be resolved. The tax extender bill on the Senate calendar has strong bipartisan support. In August the Finance Committee approved it by a large margin. We had support from six Republicans, including the ranking member, Senator HATCH. All 13 Democrats supported it. I believe many more Republicans will vote for this legislation if it is brought up for consideration here in the Senate.

The bill consists entirely of tax cuts. It should not be difficult to get Senators to vote for tax cuts, right before Christmases especially. Most of these tax cuts have solid bipartisan support. Many of these tax cuts will help the economy and will help the middle class. For example, the bill includes the deduction for tuition expenses, which is a \$4.2 billion tax cut for college students and their families. It includes the deduction for State and local sales taxes. This is a \$4.4 billion tax cut, mainly for people who live in States that do not have an income tax, States such as Alaska and Florida and Nevada and Tennessee and Texas and South Dakota and Washington and Wyoming. It includes an increase in the section 179 expensing limits. This is a \$2.4 billion tax cut for small businesses. And it includes an extension of the production tax credit for wind energy. This is a tax credit which has bipartisan support. It has helped create thousands of jobs.

The production tax credit for wind energy is a vital component of our Nation's energy policy. Its extension is crucial to taking advantage of our domestic energy resources and fostering a vibrant and globally competitive industry.

In just the several short years the wind industry has enjoyed this production tax credit, wind installations have grown immensely and manufacturing facilities have grown to where today

we have over 400 of these manufacturing facilities that have sprung up around the country. The United States now has over 50,000 megawatts of wind capacity and the wind resources to grow that industry substantially more.

My home State of New Mexico has the 10th best wind resources in the country, and has built close to 800 megawatts of capacity. While traditional fossil fuel plants use significant amounts of water to generate electricity, wind facilities use almost none—meaning that by promoting the development of wind power, we can conserve even more of that precious resource.

The production tax credit for wind is set to expire in 3 weeks, as these other provisions are as well. With it, tens of thousands of jobs will be lost. In fact, most wind-related companies have already begun to lay off employees. Orders for new turbines and gearboxes have fallen off significantly, and new wind installations are expected to decline dramatically in 2013 unless Congress takes action.

Uncertainty comes from many places for those who are in the business world. Congress should not continue to add to that uncertainty. Instead, we should extend the production tax credit for wind and extend the other expiring provisions passed by the Senate Finance Committee on a bipartisan basis.

A second reason the tax extenders are different from other issues related to the fiscal cliff is that we have a tax extenders bill that has already been voted on in committee. By contrast, none of us know how the disagreements about the Bush tax cuts or sequestration will be resolved. Those negotiations are yet to conclude. But the tax extenders bill has already been negotiated in the Finance Committee. The committee agreed to omit provisions costing billions of dollars. It modified other provisions to make them work better or to scale back on them. The Finance Committee approved this bill by a vote of 19 to 5.

That level of support means the Family and Business Tax Cut Certainty Act, or something close to it, is the tax extender bill the Senate is likely to pass this year. Six Republicans voted for it in committee. We would need just one more Republican vote to overcome a filibuster.

Some Senators believe tax extenders should only be approved as part of a plan to do comprehensive tax reform. I would agree that each tax extender and each tax expenditure should be examined again during comprehensive tax reform. Each should be made permanent or phased out based on that review. But realistically, the Congress will not make those decisions before the end of this year. Tax reform will take the better part of a year to accomplish or perhaps even longer. We will need to pass an extenders bill before then, and we have one before us today that is worthy of being passed.

A third reason we should pass the tax extenders package now and not wait

until the eleventh hour is that waiting could force the IRS to delay the tax filing season by 10 weeks or more for millions of Americans. In fact, we are at the eleventh hour. I should amend my comments to make that point very clear. This need for the IRS to delay the tax filing season is because the bill extends many provisions that expired at the end of 2011. They need to be extended for 2012 before people file their tax returns beginning in January of 2013. After Congress acts—if it acts—the IRS needs weeks to finalize tax forms and instruction books and to program computers to process the returns.

The IRS tells us that the alternative minimum tax, which is part of this tax extender package, would cause the biggest delay in the filing of new returns because of the number of tax credits and deductions that interact with the alternative minimum tax.

In 2010, when Congress waited until December to patch the alternative minimum tax, 10 million taxpayers had to delay their filings the next year. In 2007, after another eleventh-hour patch, 13 million taxpayers were delayed. Both the patches in 2007 and 2010 were enacted in December. So if we do not patch the AMT—alternative minimum tax—until January, the consequences will be even more severe.

At some point, IRS would have to choose between two options.

Its first option is to postpone the filing season for anyone who could be subject to the AMT and hope that Congress enacts a patch. Between 30 million and 60 million people would have to wait to learn how much tax they owe or whether they will get a refund.

The second option is for IRS to proceed with the filing season without the AMT patch. This option is even worse. It would mean 28 million more taxpayers would be subject to the AMT, and they would have to pay \$98 billion more in tax for 2012. These are middle-class Americans. Without the patch, the AMT will apply to individuals who earn more than \$33,750 in 2012 and couples who earn more than \$45,000. Without the patch, 46 percent of couples filing joint returns would owe alternative minimum tax, instead of six percent if we enact the patch.

This would be a disaster for the middle class. This is the risk we are taking if we delay passing tax extenders.

I urge my colleagues to take up and pass this important legislation, send it to the House so they can do the same, and send it to the President before this Congress finishes its work.

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

#### RUSSIA AND MOLDOVA PNTR

Mr. GRASSLEY. Mr. President, in this day and age, there is simply no denying that our economy is very much a part of a global economy and affected by it. Gone are the days when businesses relied solely on growing their

customer base for domestic markets. Today, 95 percent of the world's consumers live outside the United States, and we are producing for those consumers as well as domestic ones.

One action that would help our economy improve at a faster rate would be to increase trade opportunities overseas for American businesses and farmers. Increased trade helps create jobs, increase incomes, and expand opportunities for innovation.

As we have seen over the course of history and also repeating what President John F. Kennedy often spoke about, free and fair trade helps all boats rise;

That is to say, countries willing to lower their trade barriers and allow fair and competitive trade will see growth in their economies.

However, history also shows even among nations with good relations, trade disputes still arise. That is why we need a forum to settle international disputes such as the World Trade Organization does. The WTO allows American businesses a place to take complaints against unfair trade barriers and have a judicial result.

For 19 years Russia has worked toward entry into the World Trade Organization. Now they are in the World Trade Organization. I support Russia being in the World Trade Organization. As the world's eleventh largest economy with over 140 million citizens, it is obviously an important market for U.S. businesses and farmers looking to expand their overseas markets.

Some of Iowa's heavy equipment manufacturers are already exporting millions of dollars of equipment to Russia.

Agricultural equipment manufactured in facilities all around Iowa is being used by Russian farmers as they look to increase their agricultural efficiency and productivity.

The World Trade Organization accession process afforded us an opportunity to address Russian tariffs against our products. In the accession agreement, Russia has agreed to lower its tariffs for these construction and agricultural equipment products. That obviously means increased exports and an increase in good American jobs.

By far the largest percentage of Iowa exports to Russia consists of grains, meats, and other agricultural products being produced by Iowa's farmers. Russia's accession into the WTO has been an important issue for our pork producers, for our cattlemen, and for our grain farmers. Iowa's farmers are some of the best in the world. They are truly helping to feed the world. Expanding opportunities in overseas markets is vital to the future of American agriculture. Russia has been and I think will continue to be an important market for our farmers. But it does not come without its challenges.

Russia has repeatedly raised barriers to the U.S. imports based upon restrictions not supported by sound science. So now I am going to tell you about

some problems I have with Russia, even though I want Russia to be in the WTO and I want this legislation to pass so it can be fully implemented.

I will share some things we have problems with regarding Russia. Let us take pork exports as an example. In 2008, U.S. pork sales to Russia totaled over 200,000 metric tons. Since that time exports have fallen nearly 60 percent due to Russia's reduced import quota and questionable sanitary and phytosanitary restrictions. I am pleased our trade negotiators were able to negotiate a satisfactory tariff rate quota for our pork. But this administration under President Obama has fallen short in its obligations to stand with U.S. farmers on these sanitary and phytosanitary standards; in other words, standing up for using sound science instead of some illegitimate reason for keeping our products out of Russia.

I have communicated time and again what I expected of this administration because they have to negotiate for us. In June 2011, I led a bipartisan letter with Senator NELSON of Nebraska and 26 other Senators to Ambassador Kirk requesting his negotiators follow the steps we have taken during consideration of past WTO accessions. I referred to China and Vietnam as examples for this administration to follow. When these countries joined the WTO, we used these opportunities to obtain firm sanitary-phytosanitary commitments from those countries that went beyond the WTO sanitary-phytosanitary agreement. In particular, we obtained further commitments in areas of meat inspection equivalence.

In addition, in June of this year, I sent another bipartisan letter with Senator NELSON of Nebraska and 32 other Senate colleagues to President Obama again laying out our request that he stand for American farmers and demand more of the Russian Government on sanitary-phytosanitary issues which would very much benefit our agriculture products going into Russia.

As we know, this administration did not use the accession process to fully address these crucial issues so they have to be addressed outside of this process where we do not quite have the leverage we would otherwise have. That is why I requested language that is in this legislation to require our trade negotiators to keep working with these unfair trade barriers and report to Congress on their progress. Our farmers are some of the very best in the world. We cannot allow their products to be discriminated against based upon arbitrary nonscientific and unjustifiable reasons.

In addition to the concerns I repeatedly raised on sanitary-phytosanitary issues, there are other issues at stake with Russia. It is a shame that we are handling this bill in a lameduck session when time is so limited. This bill should have been debated at a time

when the Senate could more fully evaluate the current course of our relationship with Russia.

Russia continues to cause challenges in regard to Syria, Iran, and other regions of the world where the United States and our allies are trying to do what is right in the name of human dignity and also in the name of national security. I am concerned with Russia's own human rights issues. That is why I am very glad the Magnitsky provisions are in this bill.

As ranking member of the Senate Judiciary Committee, I remain troubled by the lack of progress Russia has made on protecting intellectual property rights. Furthermore, Russian officials need to step up their efforts in combating cyber crimes. There continues to be a large number of cyber attacks that originate from within Russia's borders.

All that being said, I realize having Russia in the WTO is a very positive step. One of the goals of international trade is to build upon relationships between nations. Having Russia in the WTO fold will hopefully benefit our nations as we work together on so many issues that concern us, plus, as I have stated before, having the WTO forum available to help our businesses and farmers when disputes arise is important.

I have said I want Russia in the WTO. I have said there are good opportunities for us there. I just spoke as to why I think there are problems with Russia that need to be worked out. President Putin is not going to pay any attention to what I say, but I want him to know these are issues of the re-Sovietization of the country and I do not like it. I favor this bill; I favor working with Russia. But they are becoming more of a problem. I look forward to hearing from our trade negotiators in the not too distant future on their progress in getting Russia to remove the unjustifiable barriers to our agricultural products.

Furthermore, as President Obama looks toward other trade initiatives in the future, I hope this accession process will be a lesson. This process could have been better, in other words, using the leverage the United States has during these accession negotiations to get a lot of these disputes settled as we did with China and Vietnam that we have not fully done with Russia.

The President has called on Congress to pass this legislation for some time. But his lack of consultation with Congress and disregard for the concerns raised by this Senator and other Members has only served to delay this whole process. We cannot keep approaching trade issues in this fashion. This administration needs to have real and substantive consultation with Congress.

Furthermore, when there are opportunities to stand for American businesses and farmers against unfair trade barriers such as the sanitary and phytosanitary issues in Russia, the

President needs to seize that opportunity the same way it was seized in the case of Vietnam and in the case of China's accession.

I yield the floor.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### THE FISCAL CLIFF

Mr. NELSON of Florida. I want to speak to the issue that is beginning to considerably irritate the American people, and that is they cannot believe that in Washington the two parties cannot get together to come to an agreement on avoiding the fiscal cliff. It is as if some are in denial that there was an election and the President won reelection, and that a whole bunch of us won reelection to the Senate and to the House. It is as if the ideological rigidity is still as rigid and doctrinaire and that the lessons people were telling us about bipartisanship, that they demand bipartisanship—it is as if the parties and their leaders did not understand that is what the American people were demanding.

And here as the drumbeat grows louder, we approach December 31 and falling off the fiscal cliff. There is an easy fix, whatever your ideology and your approach. It can be hammered out next year when we are doing major things such as a rewrite of the IRS Tax Code, and all that that can portend in producing revenue, by making the Code more streamlined and in the process get rid of a lot of the underbrush and loopholes, and utilize that revenue to lower rates. But that is for another day after long deliberation on reforming an issue that has gotten so complicated it is out of control, and that is the Tax Code. You cannot do that in the next few days. That is what needs to be done in the committee process of the Congress.

What easily can be done is recognize that the President won, produce revenue with the upper 2 percent paying a little more, and eliminate the sequestration, which is \$1 trillion of cuts over the next 10 years that were never intended to go into effect after the original \$1 trillion which a year-and-a-half ago went into effect. This sequestration was intended to be the meat cleaver hanging over the heads of the supercommittee to get them to come to a bipartisan agreement.

Of course, a year-and-a-quarter ago, they deadlocked six to six and thus that is why we are facing this sequestration—\$½ trillion of cuts in defense, \$½ trillion of cuts in nondefense discretionary spending. Most everybody thinks they should not go into effect. So let us, for right now, before December 31, help eliminate the sequestration. Let's reintroduce all of the tax

cuts for 98 percent of the American people, and then let's prepare, in a deliberative way, to reform the Tax Code and go about the process of streamlining and cutting spending as the new Congress unfolds. That is what I wanted to share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to address the same subject and I certainly share the views of the Senator from Florida that we have got to solve this so-called sequester problem because, as the Secretary of Defense has said, it would be disastrous for the Defense Department to take another \$½ trillion hit to its budget after already committing to do so.

We have required under our Budget Act that the Defense Department reduce spending by about \$487 billion over the next 10 years. To add another ½ trillion to that would, in fact, as Secretary Panetta said, be disastrous. So I appreciate the comments of my colleague.

Let me speak to the President's proposal specifically that was made at the beginning of the so-called negotiations here. His offer would increase taxes by more than \$1.6 trillion on individuals, on investment income, small businesses, under the estate tax, farms and estates, and American energy producers.

As President Reagan said many years ago, if you tax something, you get less of it. When you have to pay more taxes to engage in certain activities, you tend not to engage in those activities.

What is happening now in the market is a perfect example. A lot of people are of the view that capital gains taxes are going to go up, so they are selling their shares of stock or property now in order to pay the tax on the gain at the lower rate this year rather than the higher rate next year.

Tax rates should not be a factor in business decisions that are made. At least, raising taxes, as we will see in a moment, is a very big wet blanket on economic activity and economic growth. When we are in a situation where economic growth is clearly less than 2 percent, it is not the time to raise taxes. As the President himself said almost exactly 2 years ago, when we decided to extend the tax policy that is currently in effect and had been for many years before that, to allow tax rates to go up would be—and this is his quotation—"a blow to the economy."

So if it was true then, it is even more true today because the GDP growth is less today than it was 2 years ago when he made that correct comment. But the result of his proposal here to raise taxes by \$1.6 trillion would, in fact, reduce the economic growth, would result in fewer jobs, would result in less investment and, therefore, slower growth in many major sectors of the economy.

To show you how unserious his offer was, when the Republican leader yesterday asked unanimous consent to have a vote on it, he said, well, the President made his offer. I have put it into legislative language. Let us have a vote on it. The Democratic leader said, no, we don't want to do that and he objected, and it is clear why, because not only would it not receive Republican votes, it wouldn't receive Democratic votes.

In particular, let us understand why. A lot of our colleagues here on both sides of the aisle appreciate the impact on small business from raising tax rates. That is why there is a lot of difference of opinion on the Democratic side, as well as the view on the Republican side that this is not the right way to raise revenues if you were going to do it. You don't raise it on the backs of small business. The plan the President has proposed would hit small businesses directly.

Why is that the case? Because unlike corporations, which pay their taxes as corporations—they pay the 35-percent corporate rate—individual rates are the basis under which most small businesses pay their taxes. These are so-called flowthrough entities. Most of the small businesses, owned by an individual and maybe a couple members of his family—for example, your local plumbing business or air conditioning business, whatever it might be—pay their taxes as individuals.

When you raise the top individual rate or the second marginal rate or you raise capital gains rates or the estate tax rates, you are directly hitting those small business people. They employ millions of Americans. In fact, about a quarter of all workers today are employed in small business.

Over half, about 53 percent exactly, of this so-called flowthrough income is the money these small businesses earn. So when you raise the top two brackets, rates, or you raise the capital gains rate, for example, you are directly impacting these small businesses' ability to capitalize their businesses to hire more workers, to buy another pickup truck or whatever it might be. That is why we have said if you want to raise more tax revenues, there is a better way to do it than by raising the rates that would directly apply to these small business people.

Let me put this in perspective for you. According to the Office of Management and Budget figures, government spending has exceeded 24 percent of the GDP since 2009. That is well above the historical average, so we are spending way more than we ever have. But, according to CBO, tax revenues, the money the government brings in, are projected by 2016 to exceed 18 percent of GDP to get to 18.6 percent of GDP by 2022. That is above the historical average of revenues. So we are spending way more than our historical average. Also, in a relatively short period of time our revenues, because of the economy, as well as our tax rates,

will produce more than the average revenue to the Federal Government.

It is clear we are bankrupt, not because we are not going to have enough revenues but because we are spending too much. The question is, is it fair to send small businesses the bill here for this excessive spending?

Even if we did believe President Obama would dedicate new revenue from tax increases to help pay down the deficit—and I don't believe that—new revenue extracted from the top two brackets would only fund the government for about a week, a little less than a week. So that is clearly not the answer.

When the President says, well, we need to ask the wealthy to pay a little more, let us parse that for a second. You are not asking them to do it; if you pass the law, the IRS will come after you if you don't. This is not a pleasant request. This is the IRS saying you have to pay more money to the U.S. Government, and the President always likes to say, a little more.

Well, it is not so little if your tax rate now goes up to almost 40 percent. If you are a small businessman and you have to pay 40 percent to Uncle Sam, you are probably not going to be able to grow your business. You might not be able to stay in business. You certainly are not going to be able to hire more people. That is not little to them. It is little to funding the U.S. Government.

What the President says these small businesses and others are going to have to pay, as I said, only funds the government for a little less than a week. It doesn't solve our deficit problem. It doesn't begin to solve our deficit problem.

Have you heard the President talk about reducing spending? No. He doesn't want to talk about that. It is as if he says the whole answer to our problem here is to ask the wealthy to pay a little bit more.

Well, in terms of the Federal budget, it is a little bit more. It is not going to help very much. Where are you going to get the rest of the savings? That is what we ought to be talking about here.

Then, as I was talking about before, it is how you do it that matters a lot. He should stop pursuing tax rate increases, as I said, and revisit the comments he made a year ago. Here is what the President said. "What we said was give us"—to "give us"—that is a nice way of saying we are going to make you pay more in taxes. "Us," I gather here, is the U.S. Government.

What we said was give us \$1.2 trillion in additional revenues, which could be accomplished without hiking taxes, tax rates, but could simply be accomplished by eliminating loopholes, eliminating some deductions and engaging in a tax reform process that could have lowered rates generally while broadening the base.

He is right about that. If you want to get \$1.2 billion or 800 billion, which is the offer the Speaker of the House has

made, in new tax revenues, you can do that without touching tax rates. What you could do is to put a cap on the amount of money the wealthy people in this country receive in the way of deductions for various things that they do, the taxes they pay to State and local government. They have got a big mortgage on a second home or something such as that. You could limit the amount of money that can be taken in special exemptions and credits and deductions and receive that revenue that way rather than by raising rates. The President said so. He is right.

Speaker BOEHNER is saying, all right, Mr. President, you won the election, you want more taxes, we are willing to do that. We don't want to do it, we think it will hurt the economy, but we are willing to do it.

But to minimize the damage on the economy, at least do it through eliminating these loopholes, these so-called deductions, credits, and special provisions. Don't try to do it by raising tax rates because that directly hits the small businesses you are trying to help create jobs right now.

Here is what small businesses care about. They spend a lot. As I say, you have a dad, his two sons, maybe mom does the accounting for the firm and so on; they have to be concerned about the estate tax. Those small businesses spend a lot of money trying to plan around paying the estate tax. On January 1, if we don't do anything, there is only \$1 million exempted. If you have a small business with a bunch of trucks and equipment and the like, you are going to have far more than \$1 million in assets in the business. The same thing for a farm.

What happens is that rate goes up to 55 percent. The amount exempted is only \$1 million. So everything above \$1 million you are paying 55 percent on.

I can personally tell you the stories of small business people in Phoenix who have had to sell their business because they didn't have the money to pay the taxes. The business, the one I am thinking of right now, a printing company, is out of business now. It used to employ 200 people. It used to make a lot of contributions to charity in our community. No more. They are out of business. The employees are gone. The contributions to charity are gone. That is what happens when you don't care about the estate tax rate. So we should care about that. It shouldn't have to go up.

On capital gains, as I said, it is the same thing. A lot of people are cashing out now because they fear there is going to be a higher rate later. For larger businesses, we see some enormous dividends being paid this month. It may not be possible to pay those dividends starting in January when the dividend rate would skyrocket—close to 40 percent if we don't do anything. These are not things that help business and job creation.

What I would ask my colleagues to think of, if you are not willing to vote

on the President's plan, at least listen to what he said a year ago when he said we can raise this tax revenue. We don't have to raise tax rates. We can do it by closing some of these loopholes.

He was right about that. If we are going to have to raise revenues, I would suggest that is the way to do it—at all costs avoid raising tax rates, which would, as he said a year ago, be a blow to our economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATIONS OF MARK E. WALKER TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA AND TERRENCE G. BERG TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida, and Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate, equally divided and controlled in the usual form.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, today the Senate will finally be allowed to vote on the nominations of Judge Mark Walker to fill a vacancy on the U.S. District Court for the Northern District of Florida and of Terrence Berg to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of Michigan. It has taken far too long for this day to come but I congratulate these nominees and their families on their confirmations.

After this vote, the Senate remains backlogged with 20 judicial nominations reported by the Judiciary Committee, including 15 nominations from before the August recess. They should be confirmed before the Senate ad-

journs for the year. If the Senate were allowed to act in the best interests of the American people, it would vote to confirm these nominees and reduce the judicial vacancies that are plaguing our Federal courts.

Senate Republicans are establishing a new and harmful precedent of stalling judicial nominees on the Senate Executive Calendar who are ready for final action by insisting that they be delayed into the succeeding year. They held up judicial nominees three years ago, they did it two years ago, they did it last year, and they are doing it again. They have found a new way to employ their old trick of a pocket filibuster. They stall nominees into the next year and force the Senate to continue work on nominees from the past year for the first several months of the new year. They delay and delay and push other confirmations back in time and then cut off Senate consideration of any nominees.

By way of example, last December, Senate Republicans refused to confirm a single nominee before the end of the year. It then took us until May of the following year to confirm the 19 nominees they stalled from the previous year's Calendar, and we achieved that only after the Majority Leader was forced to file cloture on 17 nominees. The fact is that the Senate has been allowed to confirm only 19 nominees who were reported this year by the Senate Judiciary Committee. That is by far the lowest total for a presidential election year since 1996, when Senate Republicans, who were then in the Majority, would only allow 17 of President Clinton's nominees to be confirmed.

These delays in filling judicial vacancies are harmful to our Nation's courts and to the American people they serve. The Senate should be taking action on all the pending nominees so that we can make real progress for the American people and reduce the damagingly high number of judicial vacancies. Federal judicial vacancies remain near 80. By this point in President Bush's first term we had reduced judicial vacancies to 28. There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. And there are still currently near 80 vacancies today.

Those who argue that it would be "unprecedented" to confirm long-stalled nominations because they have delayed them into this lameduck session are wrong. They say that because there were no lameduck confirmations in 1984, 1988, 1992, 1996, 2000, or 2008, we should therefore not confirm these nominees, and we should allow nearly a dozen judicial emergency vacancies to remain unfilled. They have omitted some important facts. What they fail to acknowledge is that they have delayed action on 17 of these nominees since before the August recess. In 1984, 1988, 1992, and 1996—the first four of

their purported examples—there were no lameduck sessions. Those are not precedents supporting their contentions seeking to justify their current obstruction.

In 2000 and 2008, in keeping with Senate tradition, the Senate had done its job and had confirmed all pending nominations and cleared the Calendar. There were no pending judicial nominees to be given a final confirmation vote by the Senate in those years. Those are not precedent for the current Republican obstruction. Following the example from those years would have meant confirming all the nominations reported before the August recess long before this post-election lame duck session.

The fact is that from 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is the precedent that Senate Republicans are now breaking. According to the non-partisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lameduck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including three circuit court nominees, in the lameduck session after the elections in 2002. I remember, I was the Chairman of the Judiciary Committee who moved forward with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006. In 2006 that included confirming another circuit court nominee. We proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, including five circuit court nominees.

That is our history and recent precedent. Those who contend that judicial confirmation votes during lame duck sessions do not take place are wrong. I urge them to reexamine the false premises for their contentions and I urge the Senate Republican leadership to reassess its damaging tactics. The new precedent they are creating is bad for the Senate, the Federal courts and, most importantly, for the American people.

Moreover, arguments about past Senate practices do not help fill long-standing vacancies on our Federal courts, which are in dire need of additional assistance. Arguments about past Senate practice do not help the American people obtain justice. There are no good reasons to hold up the judicial nominations being stalled on the Senate Executive Calendar. A wrong-headed desire for partisan payback for some imagined offense from years ago is no good reason. A continuing effort

to gum up the workings of the Senate and to delay Senate action on additional judicial nominees next year is no good reason.

It is past time for votes on the four circuit nominees and the other 15 district court nominees reported by the Senate Judiciary Committee. When we have consensus nominees before us who can fill judicial vacancies, especially judicial emergency vacancies, it is our duty to the American people to take action on those nominations. Doing so is consistent with Senate precedent, and it is right. Let us do our jobs so that all Americans can have access to justice.

Today, we will vote on two consensus nominees who were stalled for months for no good reason, and are finally receiving a vote. Judge Walker is nominated to fill a judicial vacancy on the U.S. District Court for the Northern District of Florida. He has served as a state court judge since 2009, and previously spent 10 years in private practice. After law school he clerked for Judge Emmett Ripley Cox on the U.S. Court of Appeals for the Eleventh Circuit and Judge Robert L. Hinkle on the U.S. District Court for the Northern District of Florida. The nonpartisan ABA Standing Committee on the Federal Judiciary unanimously rated him well qualified—its highest rating. Judge Walker's nomination has the bipartisan support of his home state Senators, Democratic Senator BILL NELSON and Republican Senator MARCO RUBIO.

Terrence Berg is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Eastern District of Michigan. Since 2011, he has served on detail in the Professional Misconduct Review Unit, in the Office of the Deputy Attorney General at the U.S. Department of Justice. He previously served as interim U.S. Attorney and First Assistant U.S. Attorney in the Eastern District of Michigan and has received many awards for his service as a Federal prosecutor. After graduating from law school he clerked for the Honorable Anthony A. Alaimo in the U.S. District Court for the Southern District of Georgia, and has spent most of his career as a Federal prosecutor. His nomination has the support of his home state senators, Senator LEVIN and Senator STABENOW.

The Judiciary Committee reported both nominations by voice vote—Judge Walker was reported six months ago, and Mr. Berg was reported five months ago. After the Senate is finally allowed to confirm them, we need to move on to consider and confirm the rest of the nominees who have been stalled on the Senate Executive Calendar so that all Americans will have better access to justice.

I ask unanimous consent to speak on my time, without delaying the vote, as in morning business on another critical matter.

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

#### VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I have spoken on this subject many times on the floor. The people who are affected by violence against women have wondered why the Congress has delayed so long on the Violence Against Women Reauthorization Act, the bill we passed here in the Senate. If someone is a victim of violence, that person can't understand such delays. So I think it is time for the Senate and the House to come together to pass the Leahy-Crapo Violence Against Women Reauthorization Act. The other body needs to do what we did overwhelmingly in this Senate.

Earlier this week, I read in the Burlington, VT, Free Press the story of Carmen Tarleton. She is a woman from Thetford, VT. Thetford, VT, is a small, quiet, beautiful little town in our State.

Five years ago, Carmen's estranged husband broke into her home, he beat her with a baseball bat, and he poured industrial strength lye on her, severely burning a great deal of her body and nearly blinding her. Her doctors said she had suffered the most horrific injury a human being could suffer. Today she is still disfigured and continues to experience pain from these injuries of 5 years ago. She is currently awaiting approval for a procedure that could help her get a face transplant. Despite this, Carmen is courageously sharing her story in a book that she has written called *Overcome: Burned, Blinded, and Blessed*.

Stories such as Carmen's remind me that every day we do not pass VAWA more people are suffering.

I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press,  
Dec. 3, 2012]

#### LYE ATTACK VICTIM WRITES OF FORGIVENESS (By Lisa Rathke)

MONTPELIER, VT.—While Carmen Tarleton lay in a hospital bed, burned, beaten and disfigured by her estranged husband with injuries that doctors called “the most horrific injury a human being could suffer,” she had vivid dreams.

In one of the most memorable, dozens of doors stretched around her. “Life is a choice,” a voice said. And then the words appeared one at a time in white across a dark movie screen: LIFE IS A CHOICE.

Tarleton carried that lesson with her through her ongoing, daunting and remarkable recovery after her ex broke into her Thetford home five years ago, beat her with a baseball bat and poured industrial-strength lye on her, burning most of her body.

Tarleton, who at age 44 continues to undergo surgeries and awaits a possible face transplant, has written a book that will be published in March called “Overcome: Burned, Blinded and Blessed.” She hopes it will speak to abuse victims and others.

“I think I can help a whole bunch of people, not just domestic violence people,” she said in a recent interview with The Associated Press. “I think I can help a whole bunch of people wherever you are in your life.”

Despite her suffering, she says she's in a better place than she was before the attack.

“I'm so much more blessed than I was then,” she said.

The book starts with Tarleton's decision at 28 to move across the country from her native Vermont to Los Angeles, with her two children in tow, to work as a nurse at a UCLA hospital. There she met Herb Rodgers, whom she eventually married. The family moved back to Thetford, where her marriage started to unravel—in part over Rodgers' dishonesty, Tarleton said.

Tarleton recalls what she now says was a premonition. One evening when she was about to leave for her night shift at the hospital, her 12-year-old daughter was sobbing in bedroom. When she asked what was wrong, her daughter said, “Something really, really bad is going to happen to you.”

Eight months later, it did. Rodgers is serving a minimum of 30 years in prison for the June 2007 attack.

When she set out to write the book three years later with only limited vision in one eye, she stalled when it came time to explain what Rodgers had done to her that night. She had to coach herself through it.

“Alone at my magnifying machine, I felt physically ill with what I was doing,” she wrote. “The experience of reliving that night, trying to capture every detail as vividly as I remembered it, was sickening. Halfway through, I let my pen drop and rushed to my bedroom, the edges of my limited vision blackening.”

It took her two days to write it. It was scary, but it was what she wanted to do, she said.

She talked out the rest of the book and recorded it. She hired Writers of the Round Table Press to write it all down, including dialogue she had recalled.

“I was paying attention, because some of it I couldn't forget if I wanted to,” she said.

She writes about facing Rodgers in court, how she dealt with being blind and disfigured, her pain, the help she has received from her community, family and friends, and how she came to forgive the man who maimed her so she could get on with her own life.

“That's where I feel people get stuck because we don't have a segment of our society that says just because this terrible thing happened to you it doesn't have to ruin the rest of your life,” she said. “And I want to be the example of that because it doesn't.”

Publishing the book was a no-brainer for Writers of the Round Table Press, which helped Tarleton write it, said vice president David Cohen.

“Taking that kind of experience and turning that energy into something positive and wanting to go out there and effect change with as much as she had to overcome, to me was just striking,” Cohen said.

As she awaits approval for a procedure that could help her get a face transplant, she looks forward to feeling well enough to speak publicly again about her ordeal to help others. She has had several recent surgeries to install a catheter in her chest and was sick last winter with hyperthyroidism.

“When life gives you a big negative situation like I'd been through, if you can get through that, you can really find all of the blessings and all of the positive things that can come out of that,” she said. “And I found so much that I would not go back.”

Mr. LEAHY. Mr. President, the distinguished Presiding Officer was a strong supporter of this bill—the Violence Against Women Reauthorization Act, as many of our colleagues were on both sides of the aisle. We tried to keep this a nonpartisan bill—even beyond

bipartisan, a nonpartisan bill—because certainly my experience has been that violence occurs not because a woman is a Republican or a Democrat or an Independent. Violence against women occurs in all stratum, in all categories.

Senator CRAPO and I put together our bill after listening to victims and the professionals who work with them every day. We did not want provisions in our bill included to score political points. They were there to address the urgent needs of vulnerable victims. That was the one thing we wanted. This wasn't a Democratic or Republican bill, this was to address vulnerable victims.

One key provision in our bipartisan bill would allow tribal courts limited jurisdiction to consider domestic violence offenses committed by non-Indians against Indian women on tribal lands. On this, I relied on the experiences of Senator CRAPO and others who come from States where there are tribal lands. As we went into this and talked to the leaders of various tribes from around this country, I heard that violence against Native women is not only appalling, as we knew, but it has become an epidemic. It has been reported that almost three in five Native women have been assaulted by their spouses or intimate partners. Much of the violence is committed by non-Native Americans—non-Indians.

Federal and State law enforcement may be hours away and lack the resources to respond to these cases, while tribal courts lack jurisdiction to consider these cases. So what happens? The perpetrators are, in effect, immune from the law. The worst part about it is they know they are immune from the law. So the jurisdiction provision in the Senate Leahy-Crapo bill would be a significant step toward addressing this horrific problem, but it would also ensure that no abuser is above the law. As the President said yesterday in a speech to the Tribal Nations Conference: "With domestic violence so prevalent on reservations, we're pushing Congress to restore your power to bring to justice anyone—Indian or non-Indian—who hurts a woman."

Even though our tribal provision is limited and guarantees comprehensive rights, House Republicans have objected to it. So I come to the Senate floor to report to my colleagues what I hope is a breakthrough on this issue in this important bill. Two conservative House Republicans, with leadership positions in the Republican House majority, have introduced a reasonable, middle-ground position regarding tribal jurisdiction.

Representative ISSA of California and Representative COLE of Oklahoma have introduced the Violence Against Indian Women Act, H.R. 6625. Their cosponsors include Republicans from North Carolina, Minnesota and Idaho. They all have tribes within their states and are concerned about the violence our Senate bill is trying to combat. The Issa-Cole bill includes a provision that al-

lows defendants to remove a case to Federal court if any defendants' rights are violated. This modification should ensure that only those tribes that are following the requirements of the law and providing full rights can exercise jurisdiction, and that defendants can raise challenges at the beginning of a case.

Some in the House Republican leadership have expressed a "just say no" approach to any grant of tribal jurisdiction, but the House Republican leadership should give serious consideration to this Republican proposal so we can move forward and protect thousands of victims, non-Native Americans and Native Americans.

The National Congress of American Indians has sent a letter and urged Senator CRAPO and me to take a serious look at the Issa-Cole provisions. We are. I have consulted with Senators on both sides of the aisle regarding this proposal so we can find a way forward. I urge the House Republican leadership to do so as well.

I ask unanimous consent to have printed in the RECORD a copy of the NCAI letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS  
OF AMERICAN INDIANS,

*Washington, DC, November 30, 2012.*

Hon. PATRICK J. LEAHY,  
*Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.*

Hon. MICHAEL D. CRAPO,  
*Dirksen Senate Office Building, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND SENATOR CRAPO: The National Congress of American Indians (NCAI) is pleased to hear that serious efforts may be under way to resolve the impasse between the Senate and the House on the Violence Against Women Reauthorization Act (VAWA). Enhancing the safety of Native women is one of NCAI's highest priorities, and we support immediate passage of a strong, inclusive VAWA bill that contains key protections for Native women, including those contained in Section 904 of the bipartisan Senate VAWA bill that passed earlier this year (S.1925).

Section 904 takes small but historic steps to overcome the systemic barriers that prevent equal access to justice for Native women by giving tribes limited authority to prosecute domestic violence and dating violence at the local level. NCAI commends the two of you for your leadership on this provision. We strongly support Section 904 as it stands in S.1925, but we understand the legislative process. A reasonably modified version of Section 904 would be vastly preferable to the current situation on tribal lands.

Tribes understand and support protecting the rights of criminal defendants. That is why we support reasonable improvements to Section 904 that would further achieve those ends. For example, tribes are currently urging consideration of a removal provision like that in the bill recently introduced in the House of Representatives by Representatives Darrell Issa and Tom Cole. The provision in the Issa/Cole bill would give criminal defendants in tribal court the right to remove prosecutions to federal court for consideration of any constitutional infirmities. It is a concept based loosely on the recently enacted 28 U.S.C. 1455—a federal procedure currently on

the books (and sponsored by House Judiciary Committee Chairman Lamar Smith) that permits federal removal of state court criminal cases. We urge you to take a serious look at the Issa/Cole proposal in the coming days.

It is the strong hope of tribal leaders that Section 904 will rarely need to be used, but there are several reasons why this provision is so critical. First, it would create a very important and much needed deterrent that is currently lacking, given the absence of tribal jurisdiction over non-Indian domestic violence offenders. Second, serious offenses will most likely continue to be referred for federal prosecution because tribes are far from eager to incur the costs of additional prosecutions and incarcerations. And third, given the long history of the inadequate federal response to crime in Indian country—particularly in misdemeanor-level domestic violence cases—it is imperative that tribal governments have the tools to intervene early and often to protect Native women and prevent the escalation of violence.

Under the current scheme, non-Indian perpetrators in Indian country are often shielded from accountability at the expense of the safety of Indian women. Section 904 would help reverse this trend. This provision is essential to the safety of Native women, and NCAI cannot support any VAWA bill that does not contain some form of it (see attached NCAI Resolution #SAC-12-038). Should you have any questions or need additional information please contact myself, John Dossett, or Katy Tyndell at 202-466-7767 or [jdossett@ncai.org](mailto:jdossett@ncai.org), [kyndell@ncai.org](mailto:kyndell@ncai.org).

Sincerely,

JEFFERSON KEEL,  
*President.*

NATIONAL CONGRESS OF AMERICAN INDIANS  
The National Congress of American Indians  
Resolution #SAC-12-038

Title: Support for Immediate Passage of the VAWA Reauthorization with Tribal Criminal Jurisdiction Provision Intact

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, violence directed at American Indian and Alaska Native women continues at epidemic levels on many Indian reservations and communities, and is culturally, legally and morally an impermissible state of affairs; and

Whereas, Alaska Native women are especially vulnerable to this type of violence and the current system of justice in Alaska fails to adequately protect Alaska Native victims of sexual and domestic violence; and

Whereas, the NCAI has consistently supported key changes to the Violence Against Women Act (VAWA), last authorized by Congress in 2005 for a six year period, the reauthorization of which Congress has been considering since 2010; and

Whereas, one of the key provisions of the reauthorization has been the restoration of

Tribal jurisdiction over non-Indian perpetrators of violence directed at Native American women that occurs within the boundaries of an Indian reservation; and

Whereas, this VAWA tribal criminal jurisdiction provision has bipartisan support in both chambers of Congress; and

Whereas, recent actions in Congress failed to reauthorize VAWA, with the House citing, among other things, the restoration of Tribal jurisdiction as a stumbling block to reauthorization; and

Whereas, the longer the stalemate regarding reauthorization of VAWA continues, the larger the number of Native American and other women who will lose their lives and their health because of acts of violence directed at them by men who do not believe they will be prosecuted for their criminal acts: Now therefore be it

*Resolved*, That the NCAI will not support a VAWA reauthorization bill that does not contain some form of the tribal criminal jurisdiction provision that would give tribes authority to prosecute all persons who commit domestic violence on tribal lands; and be it further

*Resolved*, That the NCAI calls on Congress to immediately pass a final Violence Against Women Reauthorization Act that includes some form of the Tribal criminal jurisdiction; and be it further

*Resolved*, That the NCAI urges Congress to include specific protections for Alaska Native victims of sexual assault, domestic violence, dating violence, and stalking in any final VAWA reauthorization bill; and be it finally

*Resolved*, That this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21–26, 2012 in Sacramento, California, with a quorum present.

Mr. LEAHY. Mr. President, already, eight House Republicans have endorsed this approach in a letter to Speaker BOEHNER urging passage of our VAWA legislation with this compromise. I am reaching out to them and to members of both parties in both houses of Congress asking them to consider how we can bridge differences and get VAWA reauthorization legislation enacted to meaningfully address the brutal violence on tribal lands.

I remain committed to finding solutions to all the areas of contention between the House and the Senate on VAWA. We ought to be able to pass legislation that includes provisions addressing the violence on tribal lands and the need to protect immigrant women and those who have not had access to services because of their sexual orientation or gender identity. I believe we can find acceptable versions of the Senate bill's new protections for students and other key provisions. I am reaching out to the House Republican leadership. I look forward to their seizing this opportunity provided by these senior House Republicans to work with me and Senator CRAPO and the 68 Senators from both parties who voted for the Leahy-Crapo VAWA bill last April. If we can complete our work and send this bill to the President be-

fore we adjourn this year, he will sign it. Because with every day, every week, every month that goes by there are more horrific accounts of domestic and sexual violence. Whether it is a victim in Thetford, VT, or Kansas City, we owe it to them to come together to find a compromise.

I have said this before several times: I still have nightmares from the domestic violence crime scenes I saw as a prosecutor in Vermont. I became a prosecutor at a time when many of the laws were changing—search and seizure laws, Miranda laws, and so forth—and I would go with the police to crime scenes to give them advice on what the new laws might mean. A lot of times those scenes were at 2 or 3 o'clock in the morning. Many times we would see battered women, sometimes women no longer alive. I had nightmares from those. But I remember the police never asked: Is this an immigrant? Is this woman gay or straight? Is this woman Native American? They just wanted to stop the crime from happening again, and this legislation would give them a lot of tools so they can do that. The thought that our inaction could lead to more scenes such as those I saw would be tragic.

Congress must act now to protect victims of rape and domestic violence. I am optimistic we can move together now that several House Republicans support a compromise position on tribal jurisdiction. I look forward to hearing from the House Republican leadership.

Mr. President, I know we are going to vote at 12, so I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me first thank Senator LEAHY and members of the Judiciary Committee for the hearing they held on Terry Berg's nomination for the U.S. District Court for the Eastern District of Michigan. I know how hard Senator LEAHY works to get these judges and their judicial nominations to the floor, and we are deeply appreciative for all the efforts over all the years—indeed, may I say decades—of my good friend Senator LEAHY.

I think every member of the Judiciary Committee who had the chance to read the record or to be there during the hearing will agree Mr. Berg is an outstanding nominee for our district court bench. I will not go through all his background. Mr. Berg's qualifications are extraordinarily impressive. He will make an excellent addition to the Eastern District Court. He is going to serve with great distinction, and all of us—and I know I speak for Senator STABENOW as well in terms of strongly supporting this nomination—thank our colleagues for bringing this nomination to the floor and for the strong support it got in the Judiciary Committee.

Mr. LEVIN. Mr. President, Terrence, or "Terry" Berg, whom the President has nominated to the federal bench in the District Court for the Eastern Dis-

trict of Michigan, received a "Well Qualified" rating from the American Bar Association Standing Committee on the Federal Judiciary. He graduated from the Georgetown University Law Center, and then went on to clerk for U.S. District judge. His career has been dedicated to public service. Since 2003, he has worked at the United States Attorney's Office for the Eastern District of Michigan where he has worked on various cybercrime issues, has supervised criminal, civil, and administrative divisions, and has handled a full fraud case docket, including theft of trade secrets, mortgage fraud, health care fraud, corporate fraud and other white collar crime cases. During this time, he received the Assistant Attorney General's Award for Distinguished Service and the Director's Award for Superior Performance in a Managerial or Supervisory Role.

Prior to that service, Mr. Berg worked for the Michigan Attorney General where he established and supervised the State's first computer crime prosecution unit. He also served at the U.S. Department of Justice here in Washington as a Computer Crime Fellow. He has also served as an adjunct professor at the University of Detroit Mercy School of Law and the Wayne State University Law School.

Mr. Berg has served on the Catholic Lawyers' Society Board of Directors, American Constitution Society and the State Bar of Michigan Committee on Judicial and Professional Ethics and has published numerous articles on cybercrime.

Mr. NELSON of Florida. Mr. President, I wish to congratulate Judge Walker on his confirmation vote today. He has been waiting patiently since he was voted out of committee in June, and the Northern District of Florida will be well served by his confirmation.

A Florida native, Judge Walker was born in Winter Garden.

He received his bachelor's degree from the University of Florida where he graduated first in his class.

He earned his law degree at the University of Florida as well.

He has clerked for Justice Stephen Grimes of the Florida Supreme Court and Judge Robert Hinkle of the Northern District of Florida.

He served as an assistant public defender of Florida's Second Judicial Circuit from 1997 to 1999, before then spending a decade in private practice where he specialized in civil litigation and criminal defense.

And since 2009, he has had an outstanding record as a circuit judge, living in Tallahassee.

We have another district judge nomination pending on the Senate calendar as well.

Judge Brian Davis would fill a judicial emergency for the Middle District of Florida, and I urge my colleagues to take up this vote as soon as possible.

I hope the Senate can work to eliminate the backlog of nominees pending on the floor.

Even nominees with the support of both home State Senators are being held up.

The high level of judicial vacancies across the country puts at risk the ability of all Americans to have a fair hearing in court.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to consideration of H.R. 6156, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we will soon be voting on whether to establish permanent normal trade relations—otherwise known as PNTR—with Russia and Moldova and to update human rights legislation on Russia.

We have to take many difficult votes in this Chamber, but this is not one of them. In fact, this is a rare opportunity to pass a good bill on which we all can agree.

PNTR is good for U.S. jobs. Russia is a fast-growing market. When Russia joined the WTO in August, it opened its markets to the other 155 members of the WTO who have PNTR with Russia. PNTR will give U.S. farmers, ranchers, businesses, and workers new opportunities in Russia and new jobs at home.

Our competitors in China, Canada, and Europe are now taking advantage of these opportunities because they have PNTR with Russia. They already have it. We are the only WTO member missing out on these opportunities. If we now pass PNTR, we could level the playing field and compete. If we compete, we will win. We will sell more

beef, we will sell more aircraft, we will sell more tractors, and we will sell more medical equipment. Our banks and insurance companies will grow. PNTR will give our knowledge industries greater protections for their intellectual property, and our farmers will have new tools to fight unscientific trade barriers. If we pass PNTR, American exports to Russia are expected to double in 5 years. This bill has strong enforcement provisions to help ensure that American farmers, ranchers, businesses, and exporters get the full benefit of PNTR. This bill has strong human rights provisions. Senator CARDIN's Magnitsky Act punishes human rights violations in Russia and helps to address the corruption problems Russia now faces.

In July, the Finance Committee voted unanimously, 24 to 0, in favor of PNTR legislation. Last month, the House of Representatives passed the PNTR legislation now before us with 365 "yes" votes. Now we need to act to pass this bill that supports U.S. jobs. Let's take advantage of this opportunity to take a good vote on a good bill. I urge my colleagues to vote in favor of giving U.S. workers and businesses a chance to compete and vote in favor of the PNTR.

I thank my colleague from Utah, Senator HATCH. He is a great person, and we have worked very closely. The two of us have worked together, and we made a good team to get this legislation passed.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Utah.

Mr. HATCH. Madam President, I want to praise the distinguished chairman of the committee. He has done a wonderful job, and, of course, he has been a pleasure to work with.

This bill marks an important step forward in our relations with Russia and Moldova. Once this bill is signed into law, our workers, job creators, and farmers will be able to take full advantage of Russia and Moldova's accession to the WTO.

The bill includes strong enforcement provisions to ensure that Russia lives up to its international trade obligations. Finally, this bill will help advance human rights and the rule of law in Russia.

Today's vote would not be possible without the combined efforts of many dedicated public servants. First, I would like to thank the staff at the Office of the U.S. Trade Representative. Many of them toiled for years to bring Russia and Moldova into the WTO, often at great personal sacrifice.

I also would like to take a moment to thank my colleagues for all of their hard work in helping to craft this bill. An open and transparent dialogue was critical to our success. And I would particularly like to again express my appreciation to all the Republican members of the Finance Committee who worked with me and my staff in good faith to develop a strong enforcement package which will address many

of the concerns we all have regarding our bilateral trade relations with Russia.

Finally, I would like to thank my friend and colleague, Senator BAUCUS, and his wonderful staff because he and his staff have had a great willingness to work with us to make sure our concerns were addressed in the bill. At the conclusion of my remarks I will provide for the RECORD a list of names of staff members from both our offices.

The process we undertook in the Finance Committee is emblematic of how the Finance Committee should work. It is my sincere hope this will be a model for future legislation. Working together, I am confident we can continue to develop policies to grow our economy through international trade and, hopefully, help advance the rule of law around the world. This is a good package that deserves our strong support. I urge all of my colleagues to join me in supporting this bill.

I believe we have to do more in the international trade world. Earlier, due to the efforts of the distinguished chairman, Senator BAUCUS, and his staff and my staff, we were able to get the Korean, Colombian, and Panamanian treaties through. These were steps in the right direction for all of these years, and to have this happen is going to be a wonderful thing, I think, for our country and for Russia itself, and it certainly is going to help us go down the line in doing what is best for our own trade.

One of the other special things that is in this is it is going to cause Russia to have to live up to some international trade and intellectual property laws. We in this country believe in obeying those laws, and I have to say Russia, India, and China have invaded intellectual property in areas they shouldn't have. Hopefully, this type of agreement, PNTR, will help alleviate that problem.

So I urge my colleagues to join Senator BAUCUS and I in voting for this very important bill. Again, I thank staff on both sides for the wonderful work they have done and the Trade Representative in his office, as well, for the wonderful work they have done.

I reserve the remainder of my time.

#### HUMAN RIGHTS ABUSERS

Mr. MERKLEY. Madam President, we are about to take a momentous step forward in promoting human rights abroad thanks to my good friend from Maryland. Here is a bill that promotes a robust trade relationship while at the same time using this relationship to advance a very just cause: punishing past human rights abusers and inhibiting would-be human rights abusers.

Mr. CARDIN. I couldn't agree more with my friend from Oregon. As some of my colleagues know, I am the original sponsor of Sergei Magnitsky Rule of Law Accountability Act, the stand-alone bill that then became the human rights title in this combined PNTR bill. I am enormously proud of the work we have done on the bill, and I

think it has real potential to not only hold people accountable who have committed past human rights abuses, but also potentially to prevent future human rights abuses from occurring. Those who are responsible for gross human rights abuses such as torture or extrajudicial killings, whether as private citizens or within organs of the State, now know that we, our markets, and our financial system will remain closed to them if they do so. These are real material consequences.

Mr. MERKLEY. I am very glad that my friend from Maryland has drawn attention to the forward looking provisions in this bill. It is crucial that while the Secretary of State makes the initial determination as to who should be on this list of gross human rights abusers, this is not the end of the story. On the contrary, there is a continuing oversight process built into the bill, along with requirements for ongoing updates to the list of human rights abusers. In fact, the chairpersons and ranking members of appropriate congressional committees may request a written response from the Secretary of State as to whether a particular individual has met the threshold required for addition to this list. So whether a person's human rights are being violated because he or she is a dissident journalist, or a member of an ethnic minority group, or LGBT, or simply a citizen exposing wrongdoing, the perpetrators will now face real risks and real scrutiny that they did not face before.

Mr. CARDIN. That is exactly right. Those who violate the human rights of such citizens through torture, extrajudicial killings, or other gross violations of international human rights will come to our attention. And I look forward to working with my friend from Oregon to help maintain this vigilance and oversight in the years to come.

Mr. MERKLEY. As do I.

Ms. COLLINS. Madam President, I rise to speak on the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act that is currently before the Senate. As a cosponsor of Sergei Magnitsky Rule of Law and Accountability Act, I am very pleased to see this important human rights legislation move forward, and I want to commend Senators CARDIN, MCCAIN, and others who have worked so hard on this bill for getting us to this point.

The bill that we are considering today would repeal the so-called Jackson-Vanik amendment with respect to Russia, which my colleagues know tied trade relations to the right of free emigration, and replace it with a tough new law to impose sanctions on Russians deemed to have grossly violated human rights.

The bill is named after Sergei Magnitsky, a 37-year-old lawyer who died on November 16, 2009, in Matrosskaya Tishina Prison in Moscow. He was jailed in 2008 after expos-

ing a massive tax fraud by officials of Russia's Interior Ministry. While in jail, he became ill but was denied medical treatment; he was brutally beaten and left to die. This bill is clearly targeted to go after the perpetrators of human rights violations in Russia, including those involved in the death of Sergei Magnitsky, and would require the President name and sanction those individuals, subject to a waiver for national security interests. Those listed by the President could be denied visas to enter the United States and have their assets frozen by the U.S. Treasury Department.

Just yesterday the Washington Post ran a large spread detailing the current state of political affairs in Russia. I want to read an excerpt from that article:

Since his return to the presidency in March, (President Vladimir) Putin has relentlessly demonstrated his determination to quell dissent.

In an apparent attempt to scare off demonstrators, 17 protesters are being prosecuted for their part in a May 6 rally on the eve of Putin's inauguration, accused of attacking police officers. One has already been sentenced to 4½ years in prison.

A newly passed law defines treason so broadly that some Russians are afraid that even associating with foreigners could put them at peril. The penalties for slander and violations of rules governing rallies have been toughened. As of Nov. 21, nongovernmental organizations that receive money from abroad must register as foreign agents . . .

. . . One by one, opposition leaders have come under intense pressure. Alexei Navalny, the anti-corruption blogger, has been charged with bribery in a recently resurrected three-year-old case. Sergei Udaltsov, a socialist leader, has been charged with plotting mass disorder.

One of his associates, Leonid Razvozhayev, accused Russian authorities of abducting him in Ukraine, where he was seeking asylum. On Nov. 22, Russian investigators said they would not investigate the case because Razvozhayev had not presented convincing evidence that he had been spirited out of Ukraine.

In September, Gennady Gudkov, like Putin a former KGB agent, was stripped of his parliamentary seat after he aligned himself with protesters.

The article goes on to detail further acts of intimidation by the Russian Government aimed at voices of dissent. It makes clear that despite all of the talk of a "reset" in U.S.-Russia relations, this is not a regime that shares our values when it comes to democratic freedoms and other human rights.

Over the last several weeks, there have been news reports that the Kremlin has claimed this bill in some way infringes on Russian sovereignty. That is simply not the case. The bill does not require the Russian Government to take any action against human rights abusers it does not want, but it does say that those abusers may not enter the United States or access our financial system. This bill reaffirms our values, and makes a clear statement that the United States stands for dignity, respect, and the rule of law when it

comes to internationally recognized human rights.

Finally, I do want to say a few words about the trade facilitation aspects of this bill. By repealing Jackson-Vanik with respect to Russia and Moldova, this bill will ensure that U.S. businesses and their employees will be able to realize the benefits of Russia's and Moldova's membership in the World Trade Organization. With respect to Russia, these benefits include additional market access for U.S. service providers and civil aircraft; improved intellectual property enforcement; consistent science-based sanitary and phytosanitary measures; and new dispute settlement tools to enforce WTO rules.

Last year, Maine exported \$14 million worth of goods to Russia, including \$8.1 million worth of aircraft parts and \$5 million worth of cattle. Granting Russia PNTR can help cement this trade relationship by providing U.S. businesses more certainty that their investments will be protected. A Peterson Institute for International Economics study estimates that the volume of U.S. exports of merchandise and services to Russia could double from \$11 billion in 2011 to \$22 billion over about 5 years as a result of granting Russian permanent normal trade relations, or PNTR.

Additionally, the bill includes strong reporting requirements on Russia's compliance with its WTO commitments and directs the U.S. Trade Representative to develop a plan for action on areas where Russia does not live up to its WTO requirements.

I urge all my colleagues to support this bill.

Mr. JOHANNIS. Madam President, I come to the floor today in support of approving permanent normal trade relations with Russia.

Over the past several years, I have often come to the floor in favor of free-trade agreements and other efforts to expand market access for U.S. exports. This legislation is yet another one of those opportunities. This vote to repeal a 1970s trade law and recognize Russia as a member of the WTO will result in increased export opportunities for U.S. manufacturers, farmers, and ranchers. Increased exports lead to increased job creation.

Russia is the world's ninth largest economy, with a population of 142 million and a growing middle class. Russia is already a significant trading partner importing over \$10 billion annually from the United States. In just a 5-year period, Nebraska's exports to Russia increased fourfold. In fact, in 2011 alone, total exports of goods from Nebraska were valued at \$154 million.

I believe we have the opportunity to continue this impressive trend by recognizing Russia as a WTO member. A vote in favor of this legislation will level the playing field for U.S. job creators looking to take advantage of these growing export opportunities. This is especially true for Nebraska's

equipment and machinery manufacturers. My State has a reputation for producing some of the most sophisticated irrigation equipment in the world.

Acknowledging Russia's membership in the WTO will reduce tariffs on this technology from 10 percent to 5 percent—allowing U.S.-based companies to compete more effectively with others around the globe. Additionally, other agriculture equipment and machinery manufacturers in Nebraska and elsewhere will see tariffs reduced or eliminated. Currently, these tariff rates are up to 25 percent. They will eventually drop to an average well below 10 percent when Russia meets all of its WTO commitments. This is a big deal beyond any single state or sector.

Total U.S. agricultural exports to Russia are forecast at more than \$1.4 billion for 2012, and this further opens the doors of opportunity. Here is another example: As part of the WTO accession process, Russia is required to lower its tariffs on U.S. beef products to 15 percent. Additionally, Russia must allow a greater volume of frozen beef imports. The quota will nearly triple: from approximately 22,000 tons in 2010 to 60,000 tons. Meat production is a big part of our agricultural economy—in my home State and in our country—so this is noteworthy.

Now, our agricultural producers will be the first to tell you that they don't think Russia always plays fair in the world of exports. They say Russia sometimes offers unjustifiable reasons to block our products. The fact is, Russia has a less-than-stellar record on establishing predictable, science-based import standards. So our producers have not always had reasonable access to its markets.

As Secretary of Agriculture, I relentlessly negotiated with Russia and other trading partners to grant the same access to their markets for our agricultural products as we granted to their products. This seems fair, right? They should offer us the same access we offer them? But based on Russia's track record on U.S. meat exports, especially pork and poultry, I continue to have concerns. That is part of the reason I have decided we should recognize their membership in the WTO.

The WTO has been an important tool for the United States to level the playing field for our products in the international trading system. Russia will be obligated to apply international food safety standards. This should mean more certainty and predictable market access for U.S. agricultural products. And these obligations will be enforceable through the use of WTO dispute settlement mechanisms.

Integrating Russia into a rules-based trading system and providing the means to enforce those rules will further strengthen the ability of U.S. businesses to export products to Russia. But this is an area where we will need to show great vigilance. As Russia implements its trade commitments, the administration must ensure that

Russia does not revert to its old ways on trade. Further delay in repealing Jackson-Vanik would only hurt us.

On August 22, Russia formally joined the WTO after a lengthy process. Over 150 other nations have already taken action and are reaping the export benefits. The United States has been left in the dust. Until we act, we cannot enjoy the lowered tariffs, increased market access, dispute settlement process, and other benefits of Russia's membership in the WTO. Thus, we should vote to repeal Jackson-Vanik and accept Russia as a permanent trading partner.

The move ensures that American businesses are not disadvantaged and losing market share to their competitors. Russia already has access to the U.S. market, so additional delay on PNTR only hurts our workers and companies. Delaying action will only result in the delay of job creation and more lost opportunities for American manufacturers, farmers, and ranchers.

Our efficient export system, including handling, processing and distribution of our goods and agricultural products, creates millions of U.S. jobs. At a time when we face some very serious challenges in our country related to debt, deficit, and unemployment, it makes sense to unlock this door of opportunity. Thus, I support removing application of Jackson-Vanik and intend to vote for PNTR with Russia. This status would help to level the playing field for U.S. exporters.

I encourage my colleagues to consider the economic impacts of this bill on our Nation's manufactures, farmers, ranchers, and other job creators, and I look forward to voting to support normalizing trade with Russia.

Mr. HATCH. Madam President, today I wish to thank my colleagues for their support of legislation granting permanent normal trade relations to Russia and Moldova. This legislation allows U.S. businesses to take full advantage of trade opportunities in Russia and Moldova following their accession to the World Trade Organization. Legislation normalizing our trade relations with both these countries has taken years to complete. It is important to note that, while the WTO accession process opened the door for U.S. businesses to take greater advantage of trade with Russia, we have created a number of new enforcement mechanisms which, in this, will, I very much hope, hold Russia accountable for meeting their international obligations.

This process and its success would not have been possible without the leadership our chairman, Senator BAUCUS. I deeply appreciate his willingness to work with me to address the many concerns I and our colleagues on the Finance Committee had with Russia's accession package. It is truly a pleasure to be working with someone so fully committed to opening markets and securing new opportunities for U.S. workers and job creators in the international marketplace. I hope our work

together on this bill will be just the beginning of a long and fruitful partnership.

I would like to acknowledge a few of the many people who helped make this a successful process. First, I would like to recognize the efforts of the U.S. Trade Representative's Office who assisted in the very long process of assembling the Russia WTO accession. Special recognition must go to Elizabeth Hafner, Director for Russia and Eurasia; Catherine Field, Deputy General Counsel for Negotiations, Legislation and Administrative Law; Cecilia Klein, Senior Director for WTO Accessions; Stephanie Murphy, Director for Agricultural Affairs; Scott Pietan, Director for Industry Trade Policy; and Thomas Fine, Director for Services Trade Negotiations. I would also like to recognize former members of the USTR Office who dedicated many years to this process, including Dorothy Dwoskin, Matt Rohde, and Chris Wilson, who all served as former Assistant United States Trade Representative for the World Trade Organization and Multilateral Affairs, as well as the current AUSTR, Mark Linscott.

Senator BAUCUS staff was instrumental in helping us advance this process and craft today's bill. I would like to thank them for all of their efforts. In particular, I would like to acknowledge Russ Sullivan, the majority staff director of the Finance Committee; chief international trade counsel Amber Cottle; international trade counsels Bruce Hirsh and Lisa Pearlman; trade advisors, Chelsea Thomas and Hun Quach; international trade analyst, Rory Murphy; and their detailee from Customs and Border Protection, Heather Sykes.

Finally, I would like to recognize my dedicated and hardworking staff. In particular, I would like to thank the staff director of my Finance Committee staff, Chris Campbell; my chief international trade counsel, Everett Eissenstat; international trade counsels Paul DeLaney and Greg Kalbaugh; our detailee from Customs and Border protection, Richard Chovanec; our detailee from the Department of Commerce, Steven Garrett; and our international trade staff assistant, Rebecca Nasca. They worked tirelessly to help prepare this bill for our consideration, and I am grateful for their hard work and dedication.

We can all be proud of this bill. It provides significant new tools to battle corruption within Russia while at the same time enabling U.S. workers and job creators to take full advantage of Russia's membership in the World Trade Organization. I look forward to President Obama signing it into law as soon as possible.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank the Senator from Utah. He is a good man. I also thank staff who helped put this bill together. Amber Cottle, on my side, and Everett

Eissenstat, who works for Senator HATCH, worked very hard. They lead very good, trained teams, I might add. They are very talented, able folks.

I see this too as a vote to help propel us to the next level of trade expansion. One is the TPP, Trans-Pacific Partnership, which is being worked on by the United States and other Asian countries. I think it is a dramatic opportunity for growth.

Second, working with Europe, the potential free-trade agreement with Europe, there has been a lot of interest in Europe joining the United States and reducing barriers to trade. It is a great opportunity that we should take advantage of. Obviously, that raises another question, which is trade promotion authority. Next year Congress and I will work to get trade promotion authority passed so we can include these trade agreements and help American companies and, equally importantly, help American consumers because American consumers and American workers are, frankly, helped dramatically by properly negotiated trade agreements when it is in the best interests of the United States.

I thank the Presiding Officer for all she does too.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, I yield back the remainder of my time.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Under the previous order, the question is on passage of H.R. 6156.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. CONRAD) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD) would vote "aye."

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—92

Akaka	Ayotte	Baucus
Alexander	Barrasso	Begich

Bennet	Grassley	Moran
Bingaman	Hagan	Murkowski
Blumenthal	Harkin	Murray
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Nelson (FL)
Boxer	Hoeven	Paul
Brown (MA)	Hutchison	Portman
Brown (OH)	Inhofe	Pryor
Burr	Isakson	Reid
Cantwell	Johanns	Risch
Cardin	Johnson (SD)	Roberts
Carper	Johnson (WI)	Rubio
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Coats	Kohl	Shaheen
Coburn	Kyl	Shelby
Cochran	Landrieu	Snowe
Collins	Lautenberg	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Udall (CO)
DeMint	Manchin	Udall (NM)
Durbin	McCain	Vitter
Enzi	McCaskill	Warner
Feinstein	McConnell	Webb
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden
Graham	Mikulski	

NAYS—4

Levin	Sanders
Reed	Whitehouse

NOT VOTING—4

Conrad	Kirk
Inouye	Rockefeller

The bill (H.R. 6156) was passed.

ORDER OF BUSINESS

Mr. REID. Madam President, this morning Senator MCCONNELL came to the floor. He made a serious offer dealing with the debt ceiling—one of the most important issues facing this country. As I said, it is a serious offer. I have not personally read it. My staff looked at it, and it is important enough that I would like to have a vote on it this afternoon. I need to have a caucus and explain to my troops what this is all about. If we can work something out with Senator MCCONNELL, I would like to have a vote sometime this afternoon. I do need to have a caucus. We have another vote right now, and if my Republican colleagues think there is not a chance of having a vote this afternoon—I can only do it by unanimous consent. If someone is going to object to it, they should do it now and we will arrange another time to address this issue.

So the issue is that Senator MCCONNELL has made a proposal on how we handle the debt ceiling, and we have to get permission from my Republican colleagues as to whether we can have a vote on it this afternoon at a time that would be as convenient as possible. I don't think we need a lot of time to debate it. We have done that lots of times.

Mr. MCCAIN. Madam President, how about 1 p.m.?

Mr. REID. Madam President, I know there are airplanes that people want to leave in, but this is very important. This vote will end at about 1 p.m. I scheduled the caucus for 1:30 p.m. There is no reason we couldn't start the caucus at 1:05 p.m. We can move it up.

I need some direction from my Republican colleagues. So if I hear no one

yelling no, then we will go ahead and schedule this as soon as we can this afternoon, to vote.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I know there are those on my side who would also like to have a conference to talk about this. Could we have an indication as to the timeframe of the vote?

Mr. REID. Madam President, to my friend from Texas, the conference we will have won't take very long—half an hour, maybe 45 minutes. I am sure we could finish that by 1:45 p.m. or something like that, and we could have a vote.

EXECUTIVE SESSION—Continued

VOTE ON NOMINATION OF MARK E. WALKER

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida?

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), and the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 224 Ex.]

YEAS—94

Akaka	Feinstein	McCaskill
Alexander	Franken	McConnell
Ayotte	Gillibrand	Menendez
Barrasso	Graham	Merkley
Baucus	Grassley	Mikulski
Begich	Hagan	Moran
Bennet	Harkin	Murkowski
Bingaman	Hatch	Murray
Blumenthal	Heller	Nelson (NE)
Blunt	Hoeven	Nelson (FL)
Boozman	Hutchison	Paul
Boxer	Inhofe	Portman
Brown (MA)	Isakson	Pryor
Brown (OH)	Johanns	Reed
Cantwell	Johnson (SD)	Reid
Cardin	Johnson (WI)	Risch
Carper	Kerry	Roberts
Casey	Klobuchar	Rubio
Chambliss	Kohl	Sanders
Coats	Kyl	Schumer
Coburn	Landrieu	Sessions
Cochran	Lautenberg	Shaheen
Collins	Leahy	Shelby
Coons	Lee	Snowe
Corker	Levin	Stabenow
Cornyn	Lieberman	Tester
Crapo	Lugar	Thune
Durbin	Manchin	Toomey
Enzi	McCain	Udall (CO)

Udall (NM)	Webb	Wyden
Vitter	Whitehouse	
Warner	Wicker	

## NOT VOTING—6

Burr	DeMint	Kirk
Conrad	Inouye	Rockefeller

The nomination was confirmed.

## VOTE ON NOMINATION OF TERRANCE G. BERG

The PRESIDING OFFICER (Mrs. MCCASKILL). The question is, Will the Senate advise and consent to the nomination of Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

UNANIMOUS CONSENT REQUEST—  
S. 3664

Mr. REID. Madam President, I now ask unanimous consent that at 1:30 p.m. today, the Senate proceed to the consideration of S. 3664, which is a bill regarding debt limit increases, the text of which is at the desk; that there be no amendments in order to the bill; that there be up to 10 minutes of debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to passage of S. 3664.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Madam President, reserving the right to object, what we are talking about is a perpetual debt ceiling grant, in effect, to the President. Matters of this level of controversy always require 60 votes. So I would ask my friend, the majority leader, if he would modify his consent request to set the threshold for this vote at 60?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, reserving the right to object, what we have is a case of Republicans in the Senate once again not taking "yes" for an answer.

This morning, the Republican leader asked consent to have a vote on his proposal. Just now I told everyone we are willing to have that vote, an up-or-down vote. But now the Republican leader objects to his own idea. So I guess we have a filibuster of his own bill. So I object.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. MCCONNELL. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader.

Mr. DURBIN. Madam President, what just transpired deserves a word. Senator MCCONNELL came to the floor this morning and offered a change in law that would help us avoid the kind of obstruction and the kind of showdowns that we have had in the past over the debt ceiling. In fact, the idea was not new. It was his original idea that has been the law of the land and followed. He offered and challenged Senator REID to bring this matter for consideration in the Senate.

Senator REID just agreed to it. He said he would bring this to a vote in 20 minutes, and we would decide, up or down, whether the debt ceiling problem would be resolved once and for all under Senator MCCONNELL's proposal. Then Senator MCCONNELL objected—objected—saying: No, no, we need 60 votes.

For those who do not follow the Senate, 60 votes is the equivalent of a filibuster vote—breaking a filibuster vote. So this may be a moment in Senate history when a Senator made a proposal and, when given an opportunity for a vote on that proposal, filibustered his own proposal. I think we have now reached a new spot in the history of the Senate we have never seen before.

I am going to ask the Parliamentarian to look into this. I do not think this has ever happened before. But it calls into question whether this was the kind of offer that one would consider to be good faith—if Senator REID offered a vote on it, and Senator MCCONNELL said, no, it has to be 60, it has to be a filibuster-proof vote.

Ms. STABENOW. Will my colleague, the distinguished assistant majority leader, yield for a question?

Mr. DURBIN. Yes.

Ms. STABENOW. Is it also correct, basically, if we had voted, we would have guaranteed we would not place the country again in a situation of defaulting on our bills; that we would send a message that we can work together—the fact that we were willing to accept the Republican leader's proposal and be willing to send a message that as a Senate we want to make sure we have fiscal stability, we are paying our bills, that this could be one step forward in making sure we can resolve the fiscal issues for the country? Isn't that the Senator's view of this as well; that, in fact, it would be an important message about stability?

I also have to say, I share the Senator's amazement that the leader would, in fact, object to his own proposal and now be filibustering his own proposal that we were willing to accept as a bipartisan, good-faith effort for the country. Didn't he just take us in a wrong direction?

Mr. DURBIN. Madam President, I say in response to the Senator from Michigan, the Senate Republican leader, Senator MCCONNELL, has such a strong appetite for the filibuster that we have seen 386 or 387 filibusters in the last 6 years, and now he has decided another

good idea is to propose a bill and then filibuster your own bill. I do believe that is history in the making. But that is why this appetite for the filibuster in the Senate has to change.

What an abuse, that we cannot have a majority vote on something the Republicans proposed and the Democrats were prepared to vote for. This would have been a true bipartisan measure, good news—maybe leading the news—across America. It really is unfortunate.

Mr. SCHUMER. Will the assistant majority leader yield?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. If my friend will yield, I have business here and then he will get the floor right back.

## TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 554, S. 3637.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554 (S. 3637), a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. The majority leader.

## CLOTURE MOTION

Mr. REID. Madam President, 387 is on its way. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Richard Blumenthal, Mark Begich, Jon Tester, Max Baucus, Herb Kohl, Kay R. Hagan, Barbara A. Mikulski, Tim Johnson, Mary L. Landrieu, Kent Conrad, Jeanne Shaheen, Jeff Merkley, Daniel K. Akaka, Mark L. Pryor.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

## THE DEBT CEILING

Mr. SCHUMER. Madam President, we saw what happened here—the minority leader filibustering his own bill. He should have trusted his first instincts. Imagine if we would have passed the minority leader's resolution: The markets would have been jubilant, stocks

would have gone up, one of the great specters hanging over our economy—that we would not raise the debt ceiling—would have been greatly mitigated in terms of damage and danger. We could move on to the real issues of dealing with the fiscal cliff and dealing with our debt situation and not have a debt ceiling hanging out there as a diversionary but dangerous issue.

But for some reason—inexplicable—the minority leader, the Republican leader, changed his mind. Now he said on the floor, well, important measures deserve 60 votes. But when he brought it up earlier, he acted as if he was in favor of it. He was offering it. Now, of course, he is saying, no, he is going to object to his own resolution. I wish he would reconsider.

Again, using the debt ceiling as leverage, using the debt ceiling as a threat, using the debt ceiling as a way to achieve a different agenda is dangerous. It is playing with fire. Yet, with the opportunity to take that off the table, reassure the markets, the minority leader blinked. I do not know why. It is hard to figure out the strategy that he is employing. But we would hope on this side of the aisle—and I think I speak for all of us—that he would reconsider and, perhaps, early next week let us vote on his own resolution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### FACING CHALLENGES

Mr. HOEVEN. Madam President, today I would like to speak on several important issues pending before the Senate—issues that I believe are related.

I want to speak first about the recent proposal to change the rules of the Senate with a simple majority vote.

Second, and related, I want to talk about the need for consensus and bipartisanship to address our Nation's pressing challenges; specifically, the fiscal cliff that we face.

We must, and in fact we can, find consensus and agreement. We have done it before. We have done it in building a good solid farm bill which actually found \$23 billion in savings toward the deficit. We did it in passing a strong highway bill that will strengthen our Nation's infrastructure. We did it most recently this week in working through a large and complex Defense authorization bill that will keep our Nation safer and more secure in these perilous times.

It will take more of this kind of cooperation and consensus building to address the very real and substantial challenges facing our Nation today. That is why I am deeply concerned

about a proposal floated recently by some Members of the majority regarding the rules of the Senate. They propose to change the nearly 100-year-old Senate rule that requires a two-thirds majority to change the operating rules of the Senate.

Our colleagues in the majority are proposing to use a simple majority vote to make the change. That is the issue here. The issue is the manner in which they plan to do it. Once the precedent of changing a rule with a simple majority vote is established, 51 Senators could change the rules to suit their own convenience. In other words, they want to break the rules in order to change the rules.

That would be a big mistake. That would be, as the majority leader himself said in his own book, the death of the Senate. Votes that require a supermajority serve a very valuable function in the Senate. They encourage consensus, they encourage bipartisanship, and they make certain that the minority has a voice in the lawmaking of this body.

In recent history, both Democrats and Republicans have held the majority. In fact, it was not that long ago that the Democrats themselves were adamantly opposed to changing the rules of the filibuster. They argued that doing so could bring an end to a century-old tradition of bipartisan consensus building in the Senate and diminish the influence of minority voices. The reality is, we are now at a point in our history when bipartisanship and consensus is exactly what we need.

Laws passed by a narrow majority will only fuel greater partisanship and greater divisiveness. We need both parties working together so that when we are done we can say, this is a plan the American people can agree on. That is the kind of approach we need to address the economic challenges that are posed by the fiscal cliff. We need bipartisanship and we need consensus building.

With bipartisan consensus, I believe we can avert the fiscal cliff looming before us and put our Nation on a sustainable fiscal path. To do anything less could put our Nation and our future at risk. In little more than a month, nearly \$400 billion in tax increases will combine with sequestration; more than 100 billion in mandatory across-the-board spending cuts over 1 year, to drag our Nation over the so-called fiscal cliff.

What those tax increases mean to the average American family of four earning \$50,000 a year is over \$2,000 in higher income taxes. Add to that expiration of the alternative minimum tax patch new taxes mandated by the Federal health care bill, and the reinstatement of the death tax, which will impact the next generation of farmers, ranchers, and small business owners, and Americans will see the largest tax increase in the history of our country.

If all of this happens, the Congressional Budget Office predicts the Na-

tion's economy will shrink next year, and the unemployment rate could rise again. In other words, we go back into recession. I believe we can avoid the fiscal cliff and address our massive deficit. But that requires doing three essential steps: reforming our Tax Code, reforming entitlement programs, and better controlling our spending. We can get additional revenue by reforming our Tax Code. That means closing loopholes and limiting deductions.

By closing loopholes and limiting deductions, we can make the Tax Code simpler and fairer to stimulate growth in our economy. Markets get the kind of certainty they need to invest, to grow, and to hire. It is a growing economy, a growing economic base that creates more jobs and revenue, not higher taxes.

The simple fact is we must make America a great place to do business again. Our progrowth strategies in my home State of North Dakota have broadened our economic base and raised revenue without raising taxes. That has resulted in the lowest unemployment rate in the Nation, growing personal income, and, rather than a deficit, a budget surplus.

In addition to progrowth tax reform, we also need to start a fair and thoughtful process to reform entitlement programs. If we do not, they will not be sound and solvent for future generations. For example, Medicare's Hospital Service Program is in serious financial trouble. In a report this spring, the Medicare trustees cautioned that the trust fund that covers the program's hospital services will be depleted and consequently insolvent by 2024.

The fact is, we can accomplish entitlement reform in a way that does not change programs for people at or near retirement, yet ensures that those promises will be there for our children and grandchildren down the road when they need them. Republicans and Democrats should be able to come together, as should older and younger Americans, because thoughtful entitlement reform is in everybody's interests.

Finally, we need to control our spending. Our Federal deficit for the fiscal year 2012 was \$1.1 trillion. Our national debt is now more than \$16 trillion. That is unsustainable. More revenues from tax reform and economic growth, combined with entitlement reform and controlling spending, will reduce our deficit and our debt. There is no question we can do it. For example, we can help make a downpayment on our deficit reduction right now by passing the farm bill we put together in this Chamber.

The farm bill version we passed with broad bipartisan support in the Senate would save \$23 billion over 10 years. The House version, which has been passed out of committee and is now pending on the floor, would save \$35 billion. Passing a good farm bill can be part of the solution for the fiscal cliff.

The reality is, solving our Nation's fiscal problems is achievable. We can find real budget savings in a far more thoughtful way than doing it through sequestration: Reforming our Tax Code, reforming entitlement programs, and better control of our spending will work.

Add a measure of good-faith bipartisanship and we can get our Nation growing again. We can get people back to work. For the sake of our country, we need to do it and we need to do it now.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS DARREN M. LINDE

SPECIALIST TYLER J. ORGAARD

I rise today to honor the lives of two North Dakota soldiers who were killed in action on Monday, December 3, in southern Afghanistan while serving in support of Operation Enduring Freedom. SFC Darren M. Linde and SPC Tyler J. Orgaard were both members of the North Dakota National Guard assigned to the 818th Engineer Company.

Their unit had been tasked with an important but dangerous mission. They were conducting a route clearance operation when their vehicle struck an IED on Monday, fatally injuring both men and wounding SPC Ian Placek, who is currently undergoing medical treatment in Germany. We pray for his full recovery.

Today we honor the lives of Sergeant First Class Linde and Specialist Orgaard. Our thoughts and our prayers are with their families and their friends as well.

Sergeant First Class Linde of Devils Lake, ND, led a distinguished military career since enlisting in North Dakota National Guard in 1990. During the course of his career, he served with the North Dakota National Guard as well as the United States Army and the Montana National Guard. He earned several recognitions for his valor, including the Bronze Star Medal, Purple Heart, Army Commendation Medal, and Army Good Conduct Medal. Since 2009, he worked as a full-time instructor with the North Dakota National Guard's 164th Regional Train Institute, Camp Grafton Training Center in Devils Lake.

Sergeant First Class Linde was a devoted and selfless leader as well as a committed family man. He enjoyed spending time with his family and friends. He is survived by his wife Adrienne and four children.

Specialist Tyler Orgaard of Bismarck, ND, joined the North Dakota National Guard shortly before his 2001 graduation from Bismarck Century High School, where he was a member of the Century Patriots wrestling team and began competing in the Impact Fighting Championships. He was passionate about training in mixed martial arts. His family and friends knew him to be an extremely disciplined, hard-working man who served his country with great pride.

This was Specialist Orgaard's first overseas deployment. For his com-

mendable service, he has been awarded the Bronze Star Medal, Purple Heart, Army Good Conduct Medal, and the National Defense Service Medal.

Specialist Orgaard is survived by many loving friends and family including his parents, Josephine and Jesse Orgaard. For the service and sacrifice of these brave men, we offer our thanks. We pledge to honor their lives through our commitment to supporting our troops and veterans and by remembering their lives of service.

My wife Mikey and I also join our fellow North Dakotans and Americans in extending our deepest sympathy to the families of Sergeant First Class Linde and Specialist Orgaard. We recognize that these men have made the ultimate sacrifice in defense of our Nation. We will remain forever grateful for their selfless service and commitment to defending the principles of liberty and justice that continue to guide our country.

May God bless and continue to watch over their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

TRIBUTE TO SENATOR DEMINT

Mr. GRAHAM. Madam President, I wanted to be recognized for 10 minutes to talk about the decision by Senator DEMINT to leave the Senate next year. But I wish to say to my friend from North Dakota, all of us have in our prayers the loss of our soldiers there and all of the soldiers who have been in a tough, long, hard war.

I met with JIM DEMINT this morning. To say I was stunned is an understatement. JIM indicated to me that he will be retiring from the Senate next year and taking over the presidency of the Heritage Foundation, one of the great conservative think tanks here in Washington.

My reaction for the people of South Carolina is: You have lost a great, strong conservative voice, someone who has championed the conservative cause and represented our State with distinction, sincerity, and a great deal of passion. On a personal level, I have lost my colleague and friend. JIM and I have known each other for almost 20 years now. I think we have done a pretty darn good job for South Carolina, at times playing the good cop, the bad cop, but always trying to work together. What differences we have had have been sincere.

That is the word I would use about Senator DEMINT. He sincerely believes in his causes. He is a conservative voice that people in our party look to for leadership and guidance. What he has done over the last 4 to 6 years to build a conservative movement to get people involved in politics, such as MARCO RUBIO, whom JIM helped early on in his primary, I think is going to be a great legacy. From a State point of view, we have lost one of our great champions. JIM and Debbie have raised four wonderful children. They have great grandkids. I know JIM is looking

forward to staying involved and pushing the conservative outside the body. He was an effective voice in the Senate, whether you agreed with JIM or not. He really did strongly and passionately advocate for his positions and did it very effectively.

JIM made the Republican Party, quite frankly, look inward and do some self-evaluation. Conservatism is an asset, not a liability, as we try to govern this country in the 21st century. I look forward to staying in touch with JIM and to working with him at the Heritage Foundation to see what we can do to improve the fate of our country so we will not become Greece.

No one is more worried about this Nation's unsustainable debt situation than Senator DEMINT. I have seen him evolve over time as someone who could not sit quietly anymore, who had to take up the cause.

In the 2010 election cycle, he was one of the strongest voices we had that we had lost our way in Washington. I know JIM to be a very kind, sincere man. He is an individual who is a joy to be around.

But when it comes to what is going on in America, I think JIM understands that if we don't make some changes and make them quickly, we are going to lose our way of life. That is what has driven him above all else. He is trying to keep this country the land of the free and the home of the brave, where people's hard work is rewarded—not punished—where we have a chance to come from nowhere to be anything, including President of the United States. JIM is right to say our debt is unsustainable, that Washington does too much, and there is a better way.

I will look forward to working with JIM in the private sector. From a personal point of view, we have had a great ride together. It has been fun, it has been challenging, and I think we put South Carolina on the map in different ways at different times. To people back in South Carolina, I hope if they get to see JIM anytime soon, say thank you. Because whether they agree with Senator DEMINT, he was doing what he thought was best for South Carolina and the United States.

At the end of the day, that is as good as it gets. Because if someone is doing what they truly believe in and not worried about being the most popular or people getting mad at them, then one can do a good job in Washington. To the people back in South Carolina, everything JIM has tried to do has been motivated by changing the country, making South Carolina the best we could be at home.

So if you get a chance, run into JIM anytime soon or in the coming days, please say thank you because he did his job as he saw fit. He did what he thought was best, and he didn't worry about being the most popular or taking on people when he thought he was right.

I can tell you this. When it comes to me, he has always been a friend, somebody I could count on personally. We

enjoyed our time together. I was stunned this morning. JIM has an unlimited bright future in the private sector. I will say more next year when his time comes to an end.

But on behalf of all of us in South Carolina, I wish to say to JIM and Debbie, thank you very much for taking time away from your family, fighting the good fight, and pressing issues you passionately believe in. I wish to thank JIM and Debbie both for being my friends. You all both mean a great deal to me, and I am confident the best is yet to come for both of you.

On behalf of the people of South Carolina, great job, well done.

I yield the floor.

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

**Mr. SESSIONS.** I will associate my remarks with Senator GRAHAM and say how much I have appreciated working with JIM DEMINT. He is courageous, determined, and principled. He has a vision for America, and he has advocated for it every single day. He stood, sometimes alone, to advocate for those views. He is smart, he is intelligent, and he is good. It has been my pleasure to work with him and actually to support him.

I have consistently felt his values and views were beneficial to America, and we can all disagree sometimes about how to accomplish them, but we can't just go along all the time. Sometimes we have to rock the boat, and he was willing to do that. I so much have enjoyed working with him.

#### THE FISCAL CLIFF

I wished to share a few thoughts, as ranking Member on the Budget Committee, concerning the proposal that the President has made through Secretary Geithner toward fixing the fiscal cliff that has been talked about so much. I just want to say, sadly, that the facts disprove what they have alleged their plan would do.

We have looked at the numbers. There is no real mystery about this. There are gimmicks and manipulations in the way they have expressed what they intend to accomplish that I think are beyond the pale and the American people need to know it is not accurate.

This would not be possible if we had the plan on the floor so it could be voted on in the light of day. But we all know what the plan is, the scheme is, the strategy is. It is to meet in secret and then plop down on the floor of the Senate, at the last hour, some sort of coerced agreement that all Senators—like lemmings—are supposed to vote for.

We are supposed to expect that the American people will believe the agreement is what the President says it is, but that is not, in reality, what is occurring. Secretary Geithner met with Senate and House Members last week to present a proposal, and the President made a number of claims. He says the proposal Secretary Geithner made will fix our debt. He said his proposal will make our debt “stable and sustainable.”

Both of those claims are untrue. He also claimed his proposal contains \$2 in spending cuts for every \$1 in tax increases—not so.

Secretary Geithner has been around a while. He knows these numbers aren't accurate. It is disappointing to me to see him come in with so much bluster. In an interview yesterday he said: We are going to go off the cliff unless Republicans agree to what we demand, and we can't have a debt ceiling anymore. To have to debate that causes controversy. We don't want a debt ceiling anymore. Those were basically, as I heard him hubristically suggest, nonnegotiable positions. The plan called for \$1.6 trillion in new taxes, twice what the President asked for in the campaign. He asked for \$800 billion during the campaign. Now he wants \$1.6 trillion in new taxes.

So far, even with \$1.6 trillion in new taxes, there is more than \$1 trillion in spending increases. Far from fixing our debt, our debt will grow over the next 10 years by nearly \$9 trillion. That is almost \$1 trillion a year, on average. It goes up in the last number of years.

So we remain on an unsustainable course with our debt continuing to surge out of control. We are projected, based on our debt now, to have our interest payment on the money we borrowed exceed the defense budget in just 7 years. These are facts.

Spending under that plan would increase \$1 trillion above the levels agreed to in the Budget Control Act, as signed into law. We agreed to the Budget Control Act 16 months ago, in August 2011, and we raised the debt ceiling and agreed to reduce spending. We raised the debt ceiling \$2.1 trillion and agreed to reduce spending \$2.1 trillion. The President's plan would take out over \$1.1 trillion of those spending limitations that are in current law. I repeat, spending will increase more than \$1 trillion above the already projected growth in spending.

Our spending is growing. It is not decreasing. It is already projected to grow, but the President's proposal is to have it grow even faster than the law currently calls for.

I don't believe the numbers I have presented can be disputed. They can spend, and they can say things and mix up baselines and confuse the American people, but the plan he has outlined does just what I described. It is not much different from the budget the President submitted this last February. As a matter of fact, it is very similar to it. What did that budget do? It increased taxes by \$1.8 trillion, and it increased spending by about \$1.4 trillion.

So this is the kind of path we are being asked to take. I don't think the American people would agree to that.

There are other increases in spending other than the elimination of the \$1.2 trillion sequester cuts that were agreed to last year. For instance, more than \$170 billion has been in new spending, arises from more stimulus spending

and as an unpaid for increase in Medicare reimbursements, the doc fix, that is going to be due and will cost \$394 billion. That is almost \$400 billion that is not currently funded—and will have to be funded—that they have ignored, they have left it out of the budget, which makes it look \$400 billion better than it is.

We have to count that money. Together, that is almost \$1.8 trillion in new spending. But the only cuts that the White House offers are \$600 billion in mandatory spending reductions, basically cutting the providers of Medicare, it appears to us. In other words, the doctors and the hospitals that already took a cut to fund ObamaCare will now be asked to take another \$600 billion in cuts. They tell the seniors: Don't worry. We are not cutting your Medicare. We are just going to cut providers.

But at some point, we have to understand these reductions to providers can damage their ability to provide care. A hospital has to stay open. Doctors have to make a living. A lot of them are considering retiring early because it is so difficult to operate under the Federal programs.

The bottom line is that the proposal that is out there calls for a huge tax increase, \$1.8 trillion they are now saying. And this money is being gobbled up with new spending.

I try to be precise and operate from a known spending baseline; specifically, the Budget Control Act baseline we agreed to 16 months ago. The President's plan clearly contemplates this.

The \$1.2 trillion in sequester cuts would be eliminated. That is more than half the cuts we agreed to last year. They would be eliminated.

There would be one reduction. The Medicare reimbursement cuts of \$600 billion would reduce spending. That would still mean that net spending has gone up \$600 billion. The doc fix, as I just mentioned, is another \$400 billion, so it adds \$1 trillion. There is about \$200 billion in stimulus spending that is over \$1 trillion, and we have an \$800 billion tax increase. If the President got that, which is what he originally asked for, then we would end up with more debt than if we didn't have the \$800 billion tax increase.

If he gets \$1.6 trillion in new taxes—which will not happen, in my opinion—but if he were to get that, it would reduce the debt two-thirds of that amount, plus maybe three-fourths would be used to fund new spending and only one-fourth to deal with our current challenges.

I would ask the American people, when they read what Congress was considering—and we have heard the President advocate more taxes—did they not assume that money would be used to reduce the deficit we have so we may put our country on a sound financial path? Or did they at least not assume it could be used to save Social Security, which is already drawing money from the General Treasury, so we have

enough money to pay recipients? Or did they not think that maybe the money was going to be used to strengthen Medicare and keep that program on track so it will not go into bankruptcy?

Is any of that accomplished by the President's proposal? No. He proposes no fix to Social Security, no fix to Medicare, and no real reduction in debt. In fact, if we end up with \$1.6 trillion in tax increases over 10 years, we can expect the deficit to go up about \$8.6 trillion instead of \$9 trillion. That would be the only impact on the debt because most of the new money would be used for new spending.

So I am worried about this. I don't think the leader of our Nation, the one person elected by people all over the country, should be laying out a program to the American people that does not honestly deal with the debt threat we face, and does not honestly explain to the American people how we are on an unsustainable course, as every expert has said, and does not honestly talk with the American people about why Medicare is in trouble, why Social Security is in trouble, and what we need to do to fix them. Our President will not even talk about that, and when somebody talks about it in a serious way, they get attacked by the White House. This new budget doesn't do anything about those issues.

So I think this is not good leadership. I know Senator MCCONNELL and Speaker BOEHNER have pleaded with the President to talk about these long-term, systemic problems.

Social Security, Medicare, Medicaid, and interest on the debt are together almost 60 percent of what we spend in this country, and they are growing at three times the rate of inflation. This is unsustainable. This is what Erskine Bowles, the man the President chose to head his debt commission, has warned us about. In fact, the House proposal indicated they would accept an \$800 billion tax increase as a good-faith attempt to reach out to the President, based on what Mr. Bowles had proposed. They basically call it the Erskine Bowles plan. That is what he suggested, how the tax rates wouldn't go up, but the deductions would be eliminated. You would have a simpler, more flat tax system. You would bring in \$800 billion more in revenue, and they would use this revenue to help reduce our deficit. That is the kind of plan that is serious. But the President has hammered the House plan. Secretary Geithner says it is unacceptable. But it is the Erskine Bowles plan. That is what it was, and it was a serious, good-faith attempt to reach out and deal with this crisis.

I don't believe we need tax increases—any—but if we do, we have to ask ourselves, Where are we going to apply them? What are we going to do with them that puts the country on a sound path for the future so our children are not having ever larger amounts of debt accruing every month, every year that goes by?

Again, if the President's plan was accepted and the \$1.6 trillion in new taxes were imposed, which I don't believe will happen, we would have virtually no reduction in the total debt accruing over 10 years. That does not change the debt course of America. It does not deal with the danger that exists. The spending path we are on is in the red zone. The tachometer spending needle is over in the red zone.

Mr. Bowles told us at our Budget Committee hearing 2 years ago that we are facing the most predictable debt crisis in our country's history. He said we have to get off this unsustainable path. So the House has basically taken his suggestions and worked with them.

I understand that earlier today there was a discussion about raising the debt ceiling. The Constitution clearly gives Congress the power to regulate the debt of America, and we have to pass legislation to raise the amount—the ceiling or the limit—on how much we can borrow. We are at \$16 trillion-plus now, and we are about to reach the debt limit again early next year. The President doesn't want to have to deal with that again because last time we came up against the debt ceiling—August a year ago—the President had to reduce spending. It is the only time we have actually done anything. We reduced spending by \$2.1 trillion out of what was projected to be \$47 trillion in total spending.

So August a year ago, the country was on track to spend \$47 trillion over the next 10 years. Once the agreement was reached and \$2.1 trillion was saved, we were on a course to spend \$45 trillion instead of \$47 trillion. Now, America is not going to sink into the ocean if we reduce spending that much. It is still an increase—a very substantial increase. Debt would have accrued over the next decade. Instead of \$11 trillion, it would have been \$9 trillion. So we go from \$16 trillion, to \$25 trillion, to \$26 trillion in new debt to the country. That is all that limit did. I believed it did not go nearly far enough, and that was a concern of mine, but the agreement was at least a step. The President's plan eliminates the sequester and does not pay for it with cuts elsewhere. So it actually increases spending because it backs off the agreement we reached just last year.

Madam President, I believe the American people have a right to be unhappy with us. And it absolutely is not true that if we take the current law baseline, the President's proposal cuts spending \$2.50 for every \$1 of tax increase. In fact, there is no spending reduction, really. There are only spending increases. No net reductions properly accounted for occur in the plan Secretary Geithner laid out, and that is true with the President's budget too. The budget the President submitted last year is very similar to this current proposal. It increases spending, it doesn't reduce spending.

So we need to know that we are being asked to permanently raise tax rates in

America and permanently use that money on new spending programs, leaving Social Security, Medicare, Medicaid, and the Defense Department on the same dangerous course they are on today. I think we can do better.

I hope the American people will look at these numbers, maybe call the White House, call their Members of Congress, and say: Look, if you have to raise taxes—and I think most Americans don't think we need to—be sure you use this money wisely. Don't start new programs when we are going broke now. Don't start new programs when we don't have money to fund Social Security, don't have money to fund Medicare, don't have money to fund Medicaid. Don't start new spending programs when we don't have the money to take care of the ones we have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE DEBT CEILING

Mr. BEGICH. Mr. President, before I speak on the subject matter of a bill I have submitted for introduction, Protecting and Preserving Social Security Act, I wish to comment on two issues that came up for debate or discussion earlier today. One was on the debt ceiling.

It is somewhat frustrating because at one point I thought for sure we were going to vote on a debt ceiling issue that would bring certainty and some predictability to the markets and to the economy and not hold that issue hostage, as was done a couple of years ago by some. But some threatened today to hold the good faith and credit of this country hostage in these debates on the budget.

The minority leader came forward and proposed an idea which seemed like a pretty good one to me—it obviously was a pretty good idea to him because he brought it forward. I have only been here 4 years, but from my understanding of history, when a debt ceiling issue comes before us as a single item, it only requires 51-plus votes. For the first time I can recall since I have been here and prior to that time, that has changed midway through. They have now said: No, we didn't really mean that. We don't want to really deal with the debt. We told you we did, but we don't, so we are going to make you have a 60-vote threshold.

People back in Alaska are fed up with these kinds of games, this showmanship to try to one-up the other side. This debt issue was a chance to do something to create certainty and predictability in the markets for the next several months and ongoing, ensuring that the markets would not have to

worry about our credit rating, the good faith and credit of this country on the debts we owe, that they would be covered no matter what, which is a good thing. That helps us not only in our domestic markets but across the globe.

What we saw was just some more shenanigans or showmanship or an attempt to get some good headlines. I don't think there are any good headlines for the minority here because it basically showed they were not sincere about the issue of the debt. So now we are back at it again, and I am a little frustrated again.

I would request that the minority leader reconsider his position, that he would bring that piece of legislation forward. I am ready and I know many of my colleagues on this side are ready to vote for that. I think it would be incredible to show bipartisanship on making sure we have debt certainty in this country so people are not worrying about their government's payment on its debt.

Again, I didn't come here to speak on that, but I felt compelled to because I am somewhat frustrated about it.

#### THE FARM BILL

Also, I will mention one other thing. I know Senator HOEVEN—and I consider him a friend—is working hard on the farm bill. I support the farm bill. It is ready, but it is on the House side. We are patiently waiting for them to bring it forward. I hope they do. It has deficit reduction reforms, making sure real farmers are getting the benefits they need, the insurance they need, and ensuring that we are still doing incredible things with our farming communities all across the country, including Alaska. So I hope the House does something over there that will help reduce the deficit and help take care of our farmers.

#### SOCIAL SECURITY

Mr. President, today I came to the floor to discuss a subject the Presiding Officer cares greatly about; that is, protecting and preserving Social Security. I have a piece of legislation that I call the Protecting and Preserving Security Act, which I introduced Tuesday. The bill backs up our country's longstanding guarantee that Social Security will be there not just for today's generation but for our grandchildren and their grandchildren.

The bill has two major components. One changes the way the cost-of-living increases are calculated to make Social Security benefits more accurate and fair. The other component adds decades of solvency to the program by asking wealthier Americans to pay just a little more.

Today's COLA—the cost-of-living adjustment—does not take into account the increasing and rising medical costs faced by seniors or the disabled. This means their Social Security checks lose value over the years because costs go up more quickly than the benefits. But there is a solution, and again I credit the Presiding Officer because he talks about this a great deal in caucus and here on the floor.

The solution has been around for years. In the 1980s, the Bureau of Labor Statistics developed what is known as a CPI-E, the Consumer Price Index for Elderly Consumers. The index more accurately reflects the specific needs and purchases of seniors, unlike the current formula. My bill requires the Social Security Administration to use the CPI-E to calculate the Social Security benefits.

The second goal of the Protecting and Preserving Social Security Act is to make the system fair and more financially solvent. It does so by making sure everyone, even the wealthiest Americans, pays into the program all year long.

A lot of people don't know what the current law does. Under the current law, contributions to Social Security will be capped once a person's income hits \$113,700 throughout the year. That is it. No matter how much more they earn, they stop contributing to Social Security for the rest of the year. So let me make sure that is clear.

An example I like to use is us here in Congress. We make \$174,000. About the middle or end of September, when we hit \$113,000 of income, after that point we no longer contribute to Social Security. So that means anyone making over \$113,000, after that fact they no longer contribute to Social Security. To me, this is an unfair system. So my bill gradually lifts that cap. It also says the more one puts into the program, the more they will eventually get out of it.

We are working with the Social Security Actuary to get a final number, but it is fair to say that by lifting the income cap on contributions, this bill will extend the solvency of the Social Security trust fund for generations. We estimate at least a minimum of two generations.

A few weeks ago, back home in Anchorage I joined a group of seniors. I presented this piece of legislation to them at the Anchorage Senior Center. As she loves to describe herself, a young woman from Alaska stood up—an 81-year-old Korean war Navy veteran—Beverly was there because the majority of her modest income comes from Social Security, and she wanted to know how this proposal would strengthen that lifeline for her and thousands of Alaskans.

In fact, one in nine Alaskans receives Social Security. With my State's population of those 65 and older expanding rapidly, Social Security will continue to play a key role in supplementing a decent living. If Social Security were not there for the elderly Alaskans, one-fifth of them would live below poverty. It is vital for our State, it is vital for all our States, and for this whole country.

I have no illusions this bill is going to pass in the final weeks of the 112th Congress, but I wanted to get it into the mix. I wanted to make sure people get the bigger point.

I would say to my Presiding Officer, who says this well, and my friend from

Oregon, who is on the Senate floor also, as we talk about the deficit that has taken center stage right now, we want to highlight one very clear thing: Social Security has not contributed, is not part of, and never will contribute to the deficit. So those who like to meddle and try to combine it with this deficit talk are just playing games with our seniors and disabled in this country.

It is a separate issue. It is not impacting the Federal deficit. And I know some like to meld it in because then they like to talk about cuts and—their favorite line—privatize, which really means seniors and the disabled get a lot less in the future. They will not get the guarantee that they paid into.

Also, I want to give credit to Congressman TED DEUTCH, who has a similar measure on the House side. Both plans may be difficult to pass, but we are going to continue to push forward, and we will not be alone. A coalition of over 300 national and State organizations have already endorsed our bill. Together they represent 50 million Americans. They are onboard because this bill modernizes Social Security without cutting benefits.

Let me repeat that because I know some will say there must be some benefit reduction there. It will enhance Social Security. It will ensure it continues without cutting benefits because the program plays a vital role in the economy and security of America's working families.

Most of us, including myself, started contributing to Social Security as teenagers. To those who send me e-mails—I just read one recently—we do pay Social Security as Members of Congress. I know people don't think we do, but we do. I saw one on our newspaper blog—I should inform my press people, I responded to that without their knowledge. I wanted to make sure that individual knew we pay. I have been paying since I was a teenager, and I still pay today.

It is important that when people get to retirement or some tragedy strikes, Social Security is there to help make ends meet. I am proud of the leaders of the past who have fought and had the foresight and wisdom to create Social Security.

Nowadays, some in Washington like to call Social Security an entitlement. If by that it means it is a government handout, they are flat wrong. Americans paid for and earned their Social Security. The benefits are modest. No one is getting rich off Social Security, but it does provide an important foundation. The values that underlie Social Security are American values. It rewards hard work. The longer one works, the more they earn under Social Security, the higher their benefits.

The program reflects the best of America: hard work, personal responsibility, human dignity, and caring for our parents, our children, our spouses, our neighbors, and ourselves. It also assures that those who work long and

hard at low and moderate wages receive a larger return on their contribution. It is financially prudent and conservative.

Regardless, many people worry that Social Security is going to be broke. But here are the facts based on the annual report of the Social Security Board of Trustees. To remind everybody, we get that annual report, a section of it. We see it every year. It projects the program's financial status over the next 75 years.

The latest trustees report issued in April said Social Security ran a surplus—a surplus—of \$69 billion last year. The report also says the program can continue to pay all benefits, on time and in full, through the year 2033. After that its shortfall is modest, but it is a manageable shortfall. And, as I said a minute ago, it should not trigger talk of benefit cuts, raising the retirement age, or privatization.

Instead, the modest revenue increases in my bill will go into effect gradually and make Social Security solvent for decades longer, all without adding to the deficit. We can do this. We can protect and preserve the promise of Social Security for generations to come.

I ask my colleagues to join me in cosponsoring this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### THE BIG ISSUES

Mr. MERKLEY. Mr. President, just following up on the comments of my colleague from Alaska, he has laid out some very important thoughts regarding the farm bill, regarding the debt ceiling, and regarding Social Security. I applaud him for coming to the floor and sharing his thoughts with our colleagues and with the American public.

These are big issues that we are wrestling with in the Senate. The farm bill is something that was passed on a bipartisan nature through the Senate. It is over in the House. It will have to come back through here. We had a proposal from the Republican leader put forward this morning that we were ready to vote on and that he objected to himself at the last second.

The debt ceiling is an important issue because it involves paying the bills on the decisions that have already been made and implemented by the U.S. Government. It is not about spending more; it is about paying the bills on the spending that has already taken place. And it should be debated and discussed and addressed because failure to have the responsibility that every family should have—to pay their bills once incurred—poses significant issues for our Nation. We saw that with the credit rating downturn. We certainly have seen that with the impact on the confidence that there was in the American system.

So it should be debated. These big issues need to be debated and decided. But this Senate often fails to ever get onto a bill to start with because there

is something called a motion to proceed in which we have to raise the question: Should we address this topic? And time and time again, we have seen the minority, acting in a partisan fashion, say: No, we don't want to debate. They have used what is referred to as the silent filibuster to object and say: No, we don't want to debate that issue before the American public. We don't want to debate it with our colleagues. We don't want to wrestle with this complex topic.

Should we get onto a bill, we then see amendments treated in the same fashion, subjected to a 60-vote majority. In fact, that was the premise that the minority leader, the Republican leader, put forward in a change of heart just a few minutes ago, saying he had a proposal, that he reached agreement. But at the last second he decided it should be subject to a supermajority vote.

That is exactly what we have seen day in and day out, in increasing fashion, which has prevented this body from not only addressing the big issues across our country but even the regular issues of standard appropriations bills. We have 13 such bills that should come to this floor each year to be debated, to be decided, and to be amended, and we don't get to them. Why don't we get to them? Because the entire year is consumed by the silent filibuster strategy of the minority.

Let me give a picture of what I am talking about. This is a chart that shows the number of filibusters launched as an average per year over the preceding decades.

Now, I first came to this room when I was 19 as an intern for Senator Hatfield, and I sat up in the staff gallery and covered the Tax Reform Act of 1976. I watched this body raise amendment after amendment, debate it, decide it on a simple majority basis, and proceed to enact tax reform.

Well, in the 1900s through 1970s there was an average of one silent filibuster per year. Just one. Under the rules, this type of objection consumes a week because once the objection is made to unanimous consent to hold a majority vote, then a motion must be filed—a motion by the majority that wants to proceed. So they get 16 signatures, and that takes a little bit of time. Then once that motion has been filed—and that is called a cloture motion to close debate—then it takes 2 days to get to a vote.

The vote has to happen a day after an intervening day. So 2 days are gone. Then, if 60 Members say, yes, they want to close debate, then we have to have 30 hours of debate time before we can actually get to a final vote. So a whole week is taken up by that process.

In the 1970s, the average grew to 16 per year. That is 16 weeks wasted per year. In the 1980s, it grew to 21 per year average. Now we are getting to well over one-third of the number of weeks in the course of the Senate year. Then we go to the 1990s. We are up to 36 such

silent filibusters taking up 36 weeks. We get to the decade 2000 through 2009, and an average of 48—or almost 1 per week—starting to squeeze out any ability to address the big issues facing America.

Then, since I came in 2009, we have had an average of over 60 per year, more than 1 per week. The result of this last 2 years was the most dysfunctional legislature in decades; big issues facing America, this floor, and this forum of deliberation paralyzed by the continuous use of the silent filibuster on every issue. Essentially what this silent filibuster has done is convert this to a supermajority body. Not only that, converted it to a body that spends its entire year just trying to get to the vote as to whether we can have a final vote. That is the level of dysfunction we have reached.

No wonder that public opinion of the Senate has plummeted. No wonder the frustration across this Nation has built that in silence, out of public sight, the minority has strategically thwarted the ability of this body to debate issues.

Over the course of time we see a period where this body has been run by Republicans and run by Democrats, so every minority has used this in an increasing fashion over time. This is not simply a Republican-Democratic issue or Democratic-Republican issue. This is an issue of a systematic change of culture where it was understood that the Senate was a simple majority as envisioned under the Constitution. Both Adams and Madison spoke eloquently to what a supermajority could do to destroy this body. Now their words resonate from the past because we are seeing it happen right before us today.

In this situation, doesn't it make sense for us to adjust the rules and reclaim the ability to be a body that deliberates and decides? That is what many of us are proposing be debated in January. When we start the new 2-year period we should have a major debate on the floor of the Senate about how to make this body fulfill its responsibilities to the American people. Our responsibility is not to come here and throw sand in the gears of deliberation. Our responsibility is to come here, study the issues, debate them on this floor, reach thoughtful positions, advocate for those positions, and propose that those solutions that have the strongest support go forward. That does not happen if the entire year is wasted with the silent filibuster strategy we have today.

So what can we do to address this situation? Quite a bit. Let's start with the very place that a bill begins, which is the motion to proceed. This is a motion to say let's come and debate the farm bill. Let's come and debate the Defense authorization bill. Let's come and debate a spending bill for Health and Human Services. When that motion was made in the past, it was rarely filibustered. This is a chart that

goes back to 1971. From 1971, here, through 1982, that entire decade, we had 18 cases where the motion to proceed was filibustered—18 over a decade, plus.

In fact, during the previous 40 years there had only been a dozen times the motion to proceed was filibustered. Why is that? Because there is no inherent logic in saying in order to facilitate debate I am going to block debate, because that is what it is when you have this silent filibuster putting up this 60-vote hurdle to get onto a bill to begin with. So it makes sense for a simple majority to be able to decide let's go to a bill, let's debate it.

What we see over time here is a huge change. By 2007–2008, we had 57 silent filibusters, out of public sight, to prevent bills from being debated on this floor; the next year, 31 objections, 2009–2010, that 2-year period. The next 2-year period we are in now, we are already up to 42 times.

Clearly we need to return to the culture where the filibuster about an issue so close to your heart or so important to your values or so vital to your State that you would object and say I am going to stand in the way; as a matter of principle I am going to stand in the way of a bill that does damage to my core principles or to the vital interests of my State—that might happen a couple of times in a career.

That is not what we have now. What we have now is routine obstruction on every single act, which mires us in lost time and prevents us from addressing issues facing America.

Let's return to that situation when the motion to proceed was not filibustered. Let's make it like the motion to proceed to a nomination, in which we basically say no, you cannot filibuster that. You have a responsibility to advise and consent, to get nominations to the floor. If the majority says we will come here and debate it, we will come here and debate it. That is a simple change that takes care of a lot of the growth in the obstruction that wastes the Senate's time and prevents it from acting.

A second proposal is to get rid of the silent filibuster on starting a conference committee. Let me lay out the scenario for you. The House has passed a bill. The Senate has passed the same bill in a slightly different version. The two bodies say let's meet and talk about this. Let's work out a common position we can send back. That is a conference committee. Why would anyone object to starting the conference committee to negotiate between two bills, slightly different, that have been passed by the two bodies?

One could say, is that their only opportunity to make a statement about things that might happen in the conference committee? The answer is no. Because if the conference committee comes to a proposal, then they send it back to the two bodies and at that point it is debatable and it could be filibustered. That opportunity is there.

So we have three motions necessary to establish a conference committee, and because all three can be filibustered, this silent filibuster—not standing and taking any public position, this silent objection—we have virtually given up the use of the conference committee. I don't think you can find a State legislature in this Nation that has so tied its hands that it cannot even hold a conversation between a State House of Representatives and a State Senate. They cannot even hold a conversation. That is how dysfunctional we have become here.

That was never part of the argument for let's have extended debate and let's be a cooling saucer, a thoughtful body. No, that is just a rule: Let's waste the entire time of the Senate and preclude the possibilities of even having a conversation, a negotiation with the House. We should eliminate the silent filibuster on motions to get to a conference committee.

Let's talk about another area. One of my colleagues from Minnesota, AL FRANKEN, has proposed that instead of having 60 votes to end debate, we should have 41 to extend debate. Why does that matter? First, in terms of the framing of the issue, it really is the minority saying we want more debate. By this I don't mean minority party, I mean 41 from either party coming together and saying we want more debate. In that case the vote should be 41 votes required to extend debate.

That has a practical impact. It means that somebody who is absent from this Chamber does not count automatically on the side of extending debate. It is 41 of those who are here, 41 of the 100 who are saying yes, we must go forward with more debate. That is a very reasonable proposal. It changes the framing to understand that it is the minority—not the Republican minority but the minority of 51 from both sides of the aisle comes together and says: Yes, we want more debate. They make an affirmative vote of 41. That makes sense.

Then let's talk about the talking filibuster. I have been referring throughout this discussion that we are facing silent filibusters. Indeed, when I considered running for the Senate I came here and talked to the majority leader about it, and after discussing the possibility of running I said: Mr. Majority Leader, while I am here there is just one thing I must say because citizens in Oregon are so frustrated about this, and he kindly said yes, go ahead, tell me what it is.

I said, it is this: If a minority is arguing for more debate, then make them debate. Make them stand on the floor and make their case, because all we see is a quorum call back home. All we see is the Senate wasting its time.

The majority leader put his head in his hands like this and he said: Let me explain the way the rules are written. He explained to me what I have been explaining to all of you, that it is not required under the rules to take the

floor when you object to a simple majority. When you vote for more debate, you are not required to debate. This is a surprise. This is the opposite of what ordinary citizens, myself included, believed across America. Why was that? Where did our belief come from?

I can tell you it came from this: When this body believed in its constitutional role to make decisions and to make decisions by a majority vote as envisioned by our Founding Fathers, it considered an objection to a simple majority vote to be a huge deal, a deal in which if you were going to make that objection you would have the courage of your convictions to come to this floor even if the rules didn't require it, you would come to this floor and you would make your case before your colleagues and try to persuade them of your point of view, and you would make your case before the American public.

It is folks back home who would have a chance to weigh in on whether you were a hero for carrying the torch on an important issue or you were a bum because your arguments didn't hold water and you were objecting, keeping the U.S. Senate from addressing an important national problem.

That era where the social contract was that you would have the courage to stand before your colleagues—that era is gone. Since the rules do not require you to stand, it has become the practice to use the silent filibuster to kill bills in the dark of night with no case being made before your colleagues, no case being made before the American people.

It is also true that Hollywood has helped cement the notion that a filibuster involves standing before this body with the courage of your convictions. Here we have a scene from the movie "Mr. Smith Goes To Washington." He was trying to stop a land grab where a boys camp should be. He knew what was being done was wrong and he said he is going to take the floor and he is going to stand before his colleagues and the American people and he is going to do so as long as he could stay standing because it was an important principle that was being violated with an inappropriate land grab back home.

The American public is hungry for this kind of courage, that if you believe a simple majority is not in the interests of America because of the gravity of an issue, you will stand on this floor and make your case. That is what the talking filibuster proposes. It says that at the time you have a vote on any debate, if a majority of this body says yes, we should end debate and go forward, but a supermajority of 60 is not yet there—so the vote is between 51 and 59—that says there is still a substantial minority of 41 or more who want to have more debate, then they have to debate. It is as simple as that. They cannot basically go off on vacation while there is a quorum call. Instead, at least one person has to stand on this floor and make the argument.

Wouldn't it be an incredible difference if instead of these silent, hidden filibusters paralyzing this body, Senators who chose for additional debate had to make a stand before the American public? They had to make their case and the public could weigh in on whether they were heroes or they were bums? In that case, maybe we would get those 60 votes.

Let me give an example. We had a case in which we had an act called the DISCLOSE Act on the floor of the Senate. The DISCLOSE Act simply said that for all campaign donations, the source must be disclosed. It was based on a premise that had been argued by many on both sides of the aisle over many years, and it was this: that disclosure is the sunlight that disinfects the political process. If voters know that ad being put up on the air is being done by a certain industry—even though they claim to be the Blue Skies Industry, maybe they are the Polluted Water Industry—the citizens should know. If that ad that claims to be from Americans for Healthy Lives is actually being put on by an industry that is poisoning people, citizens should have the right to know. This is the DISCLOSE Act. Not only under current practice is secrecy allowed, but foreign donations are allowed. Foreign companies are allowed to put unlimited secretive funds into the U.S. system. Who would defend that on the floor of the Senate? The answer is no one. We didn't have those who wanted more debate willing to debate it. No, they wanted to obstruct it in silence because they knew the American people would not approve of the fact that they were arguing for secrecy on unlimited sums of secret funds in American campaigns.

That was before this last election cycle when in election after election we saw super PACs funneling vast fortunes into the primaries for the Presidency, into Senate races, and into House races. They were funneling the money in, and no one knew where it came from. Now, some of the contributors to those super PACs did disclose that they contributed to the super PACs. They bragged about it. But when the money went from the super PAC to the State, their name was not attached to it. Nobody knew what funds went to which State. It was basically an attack by vast pools of dark money.

If we had the talking filibuster and folks had to rise on this floor and defend this secrecy and these foreign donations, then we would have gotten the 60th vote to close debate and we would have a better system to date.

How about pay equity for women? How about pay equity? I think we would have had the public weigh in if they could have seen it was being torpedoed by the silent, hidden filibuster. Now there are folks—and I have heard them over the past few weeks—who say: Oh, this strategy of asking people to talk is a way to suppress the views of the minority. Isn't that ab-

surd? Doesn't it just make you smile that a requirement to make a case before colleagues can be framed as a situation where our views are being suppressed? No, quite the contrary. We are issuing them an invitation—this affects people on both sides of the aisle—to come forward and make their case publicly. Don't kill these bills with this hidden maneuver in the dark of night. If they have the courage of their convictions, they should come and make their case. If they don't, then let the process proceed. That is the talking filibuster.

I would like to applaud others who have put ideas forward that are similar. Senator LAUTENBERG of New Jersey had a bill that said—where I am talking about after the cloture vote, he said: Well, let's require people to talk during the 30 hours before the cloture vote in order to see if nobody wants to take the floor. Let's shorten that 30 hours. That is worthy of debate.

We have a responsibility for this body to debate in a transparent, accountable fashion and to make decisions so our public can see it. That is what the talking filibuster does.

I encourage my colleagues to come to the floor and share their thoughts. If they are against making their case before the American people, then have the courage to come to the floor and say: I don't like this idea because I don't want to have to make my case in front of my colleagues.

I invite my colleagues to come to the floor and say to the American public: I am going to vote against the talking filibuster because I don't want the public to see that I am killing bills in the dark of night.

Have the courage to come and debate the issue now and in the future because the American people are looking at us with extraordinary levels of frustration. They know there are big issues facing our Nation.

Right now we are talking about the fiscal cliff. Well, the fiscal cliff has many components. It may be broken into many different bills that come before this body. We need to get rid of the motion to proceed so we can get those bills to the floor to debate them. We need to make sure that if a group says: Let's block this bill from a final vote, they express their views accountably before the public. It is the least that should happen.

The Senate is headed out for the weekend. We will be back next week, and I ask for the American public to weigh in and to think about the fact that this hidden process is hurting our ability to address the big issues facing America. I ask my colleagues to wrestle with that.

It is my hope that folks will hold those conversations with the public back home. I have done so in every county of my State through my town-hall meetings. I hold one in every county every year. I have raised this issue of whether or not, when folks vote for debate, they should be required to de-

bate, they should be required to make their case and not to kill bills in the dark of night. Whether it is a progressive county or a conservative county, people believe in transparency and accountability, and they want to see their Senators making their case on this floor. Let's make it so.

#### INTERNET PUBLICATION OF CERTAIN FINANCIAL DISCLOSURE FORMS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6634, which was received from the House and is at the desk.

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

The assistant bill clerk read as follows:

A bill (H.R. 6634) to change the effective date of the Internet publication of certain financial disclosure forms.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6634) was ordered to a third reading, was read the third time, and passed.

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### THE FISCAL CLIFF

Mr. BARRASSO. Mr. President, I rise to talk about the fiscal cliff the country will face on January 4. We are beyond the point of the election, and there is 4 weeks until the date of the fiscal cliff. As Republicans have been pointing out on this floor, Congress must act soon to take on the numerous expiring tax provisions and the sequester. I believe President Obama must provide leadership in those efforts. I have seen very little so far.

Last week I came to the floor to speak about the fiscal cliff and some of the concerns I continue to have and hear about as I travel to Wyoming just about every weekend. I just got back from there a few days ago, and people are very concerned about the direction of the country and what may happen to all Americans on January 1.

Last week on the floor, I spoke about the President's proposal to raise taxes on people making more than \$200,000 a year. In terms of spending next year, that tax increase would pay for just 6.8 days of what Washington will spend. So the whole proposal the President continues to make is basically enough to fund the government for not 52 weeks but 1 week alone. The tax increases President Obama is now trying to push

through will really do almost nothing to reduce our national deficit and nothing to reduce our national debt.

The White House and Democrats in the Senate are focused only on tax hikes while they continue to ignore the real drivers of our debt, which are the out-of-control entitlement programs of Social Security, Medicare, and Medicaid. Until we find a way to do meaningful entitlement reform, no amount of tax revenue will be able to match the increase in entitlement spending.

Well, instead of leading the conversation, the President continues in his campaign mode, going around the country to try to sell his tax hikes. The President and the Democrats in Congress are willing to go over the fiscal cliff in order to get those tax hikes. Rather than negotiate in good faith, they are willing to try to spend their time trying to convince the American people that it is someone else's fault. Going over the fiscal cliff will mean another recession, and this one is squarely on the shoulders of President Obama. It will mean unemployment spiking back up over 9 percent. It will also mean a whole host of tax increases even beyond the higher tax rates Washington Democrats want so badly. Americans are also facing big increases on the death tax and the alternative minimum tax, also known as the AMT. Both of these taxes will go up January 1 unless Democrats work with Republicans and take action to stop the increases that are already scheduled to occur.

Now, there is bipartisan agreement that these taxes should not be raised. There is bipartisan agreement that these taxes will do great damage to middle-class families, family businesses, and family farms. Any effort to stop these harmful tax increases is being held up by the President's insistence on raising tax rates—not just raising more revenue through tax reform and economic growth but specifically raising tax rates.

Let's take a look at the death tax. Today this tax, also known as the estate tax, is set up at a top rate of 35 percent, with an exception for the first \$5.1 million in the estate's value. Well, those are the levels that Congress set and the President agreed to in 2010. There was a Republican House of Representatives, a Democratic Senate, as well as a Democratic President in the White House. That was in 2010. Those levels are now set to jump dramatically to a top rate of 55 percent, with an exemption for just the first \$1 million. Now, \$1 million sounds like a lot of money until we start looking at a situation of family-owned businesses and family farms. For instance, farmers and ranchers have a lot of assets, such as land, buildings, and livestock. Those things are worth a lot of money for the purposes of calculating the value of someone's estate, but they are not liquid assets—they cannot just spend a tractor.

Once a mom or dad dies in the farm family, the IRS wants the death tax

paid within 9 months. The tax is calculated on those big valuations for the farm or ranch property and has to be paid in cash. Often, the only way for a family to pay the tax is to start selling off parts of the farm. Families who have farmed for generations are forced to make life-changing decisions regarding their future, and they have to do it very quickly. They may have to sell land or livestock at a time when prices are low because the tax bill is due immediately. If we don't act in Congress, this tax is going to hit more family farms, and it will hit them much harder, taking a much larger portion of the farm just to pay the taxes.

When we take a look at this chart, talk about crushed by the death tax in terms of the number of small businesses and the number of family farms that will be hit under the estate tax in 2012 as opposed to what is going to happen in 2013, it is a huge increase in 2013 as they find a different way to calculate the death tax, and the same is true with family farms. So the number of family farms that will be hit by this death tax will jump from just under 100—the current limits—to about 2,400 farms next year. That is an enormous increase and an enormous burden on those farm families.

The same thing holds true for other small family businesses, such as the local restaurant, the grocery on the corner, or the local auto body shop. Again, these are small businesses that may have assets that are worth a lot but are not easily turned into cash to pay a tax bill.

Where I live in Casper, WY, most of the businesses we have are small businesses, such as the drycleaner, the florist, the car wash. A lot of those small businesses are run by families. Maybe it has been in the family for a couple of generations, and they want to pass their business down to the next generation, but when Washington comes looking to take its 55-percent cut, which is what is going to happen on January 1, that business will be forced to sell off assets or maybe just sell out entirely.

When we look at the chart again, we can see that under the limits we negotiated in 2010, just 200 small business estates are hurt by the death tax. Starting next year, it jumps to about 2,700 small businesses. Just like with family farms, we are not talking about big, faceless corporations. We are not talking about what happens when the founders of Walmart die. We are talking about what happens when the owner of a small family business dies. If these death tax increases go into effect, a lot of the sons and daughters are not going to be able to keep the family business their parents worked so hard to build and pass along. Democrats and Republicans agree this would be a terrible blow to a family farm or to a small family business.

There is so much we talk about when it comes to uncertainty, and just the uncertainty about what is going to happen next year under the death tax

is very stressful for many families across the country who are running their own small businesses and their own small farms or ranches. At the very least, we should extend the current limits worked out in the 2010 compromise. President Obama should not be holding up that commonsense solution so he can satisfy his left-based agenda for unrealistically insisting on raising tax rates.

The other tax increase that is set to hit American families very hard very soon is the alternative minimum tax. The Presiding Officer will recall the AMT tax was created in 1969 and that occurred when some discovered there were 155 people all across the country—only 155 people—who had made a lot of money but didn't pay any taxes on it, and we know why. It was because of various tax loopholes. Congress could have done something to close those loopholes but, instead, Congress created a whole separate tax scheme. Then, to make matters worse, they didn't index the income limits for inflation. So Congress comes along every year and enacts a patch to keep the tax from hitting the middle class. The problem is we still have done nothing to patch the AMT for this year.

I have another chart about the millions of people who will owe the AMT come next April. In 2011, 3 million people paid the AMT. It was designed because of 155 people who didn't pay taxes. Now we will have 31 million Americans who will be hit by the tax for the tax year 2012 if nothing is done to patch the problem. So if we don't do something soon, the AMT will hit an additional 28 million taxpayers this year for a total of \$92 billion. That is the extra tax American families face when they file their 2012 taxes by April 15 of next year. These aren't the privileged few who are taking advantage of special loopholes the tax was intended to catch. These are 28 million taxpayers who normally never have to deal with the AMT. It is going to hit middle-class families in every State, more than 31 million taxpayers total across the country.

We can debate whether it was ever a good idea to enact the AMT a number of years ago, but we certainly should all agree the AMT is about to hit a whole lot of people who should never have had to worry about it in the first place. Those people are going to have to pay the IRS an average of \$3,200 more in taxes—that is what the IRS is going to expect—by April 15. Most of these people have no idea they are going to get caught in this AMT trap, and they have no idea how big a check they are going to have to write. These are middle-class, hard-working families who will get hit by additional taxes. Why? Because we can't take the simple step of patching the AMT as we always do.

Again, there is bipartisan agreement that we need to enact this patch, but it is being held up as part of the fiscal cliff negotiations.

The President has made his offer. He wants to increase taxes, add more stimulus spending, ignore the entitlement spending that is the true driver of our debt, and hold campaign-style rallies around the country to try to convince people it is not his fault if we go over the fiscal cliff. President Obama clearly enjoys campaigning, but the election is over. It is time for him to stop campaigning and to start leading. This means giving up his stubborn insistence on raising tax rates and instead focusing on raising revenue through tax reform and economic growth. It means doing something on these fundamental issues of tax policy that both sides agree on. That way American families will not get hit with these massive tax increases.

Thank you, and I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Missouri.

#### CREATING ECONOMIC CERTAINTY

Mr. BLUNT. Madam President, for the last few days the Senate has worked as the Senate should work. We have had amendments. We have had both sides working to find solutions; the Defense Authorization Act, the Russia trade agreement, a bipartisan vote on each of those. In fact, every time we have approached legislation that way this year, we have actually gotten something done. The FAA extension, the Transportation bill, the postal reform bill, the farm bill, and now the Defense bill all came out of committee, all had amendments, all had debate, and they all had a bipartisan vote that passed the bill. That is the way I think the Senate should work. I would like to hope it can work that way as we approach the end of the year and as we try not to go over the fiscal cliff.

They call it a cliff for a reason. I think a lot of people are acting as though right below the cliff there must be a fiscal ledge, but I don't see the ledge we are going to fall onto. I think we are actually going to—if we go over the cliff, there will be some harm that is done.

If we are going to take a balanced approach focusing on job creation, we have to do the things that get spending under control as well as the things that might produce more revenue. Nobody in the President's party has yet endorsed the \$1.6 trillion tax package he has talked about—or I don't think there is a growing demand to have the permanent debt limit increased. I also don't think there is any chance Congress will look at the Constitution and decide the President, on his own, can borrow money.

A number of people who have looked at the fiscal cliff all come up with bad conclusions. In July of this year, a study by Ernst & Young warned that raising taxes on the top 2 percent would destroy 700,000 jobs. Nobody has challenged that in any significant way. What if it is 500,000 jobs? What if it is

350,000 jobs or what if it is more than 700,000 jobs? This is not what we should want to do.

This study also says that raising those taxes will decrease wages by almost 2 percent and reduce economic growth by 1.3 percent in an economy that is barely growing 1.3 percent. If we go totally off the cliff—that was the proposal of just the tax rates for the so-called top 2 percent. If we go totally off the cliff, the CBO—the Congressional Budget Office—says the consequences will be even much worse than that. In fact, they say we definitely would put the country into a recession.

Just last month, the Congressional Budget Office warned that with the population aging and health care costs per person likely to keep growing faster than the economy, the United States cannot sustain the Federal spending programs that are now in place. That is why a lot of people are talking about entitlement reform and think we need to look where the money is and figure out how to reform these programs so we can be sure these programs last.

Programs that are based on how the population looks have to change as the population changes. Medicare was put in place in 1965. The average person who reaches 65 lives 5 years longer now than they did in 1965. That, of course, has a big impact on all the projections as to how this program would work in 1965 that was put in place, and we need to look at that. That is why Erskine Bowles, the former Chief of Staff of President Clinton, said just last week:

Democrats must move on entitlements in cliff deal. . . . We are going to have to reduce the cost of entitlement programs.

Senator CONRAD, the chairman of the Budget Committee, said, we “absolutely need” to enact “fundamental reform” in our entitlement programs. He was warning that Social Security is “headed for insolvency.”

Senator DURBIN said ignoring entitlement reform is not a “responsible approach.”

We do not want to eliminate these programs, but we want to be sure they last, and this is a good time to look at both revenue and spending. Surely, if this Senate works as the Senate should work, we can find out how to do both those things.

My friend from Wyoming just talked about the death tax, the estate tax. For all the reasons he mentioned, this is another tax we need to look at doing something about before it goes back to the taxable levels of 10 years ago. There are 2 million family farms or farms and ranches in the United States—2 million—and 98 percent of them—almost 2 million—are owned by individuals, family partnerships, and family corporations. To any extent this is corporate agriculture, it is only corporate agriculture because a family decided that was the best way to structure what they owned as a family—98 percent of those 2 million farms.

Cropland prices have gone up more than most things over the last few

years, though nobody's bank account, if a person is a family farmer, reflects that. A person's financial statement might reflect that, but their bank account doesn't reflect that unless that person decided they were going to sell part of the farm. What we don't want to do is make people sell the farm or ranch or continue to have a little piece of the farm or ranch and more likely sell a piece of it and that multigeneration of family farms, in most cases, the person who dies and their family is impacted by the death tax, can very likely become the last farming generation.

At a time when we need to focus on job creation, the Joint Tax Committee estimates that the increase in the estate tax would cost the country over 1 million jobs. Senator BARRASSO talked about the State of Wyoming. In the State of Missouri, we have the second highest number of farms in the Nation. They are not the second biggest in many cases but the second highest number.

We have over 100,000 individual farms. The American Farm Bureau says that right now, with the tax that is in place, 1,100 of those farms would be subject to the estate tax or the death tax—1,100. If we go back to the 2000 levels of \$1 million, which would be taking us over the cliff—as going over the cliff would have us do—15,000 Missouri families would be affected at some point in the future by the estate tax. The difference in 1,100 and 15,000 is 13 times as many families would have to worry about this tax, and it becomes the motivating factor of how they run their farm rather than how they can pass their farm or ranch along to the next generation. I don't have the number in front of me, but when I looked at those numbers earlier in the year, I think it was about nine times as many small businesses in my State would be affected by the 2000 levels as would be affected if that same estate was taxed at today's levels.

We have people stepping forward on this from both sides of the aisle. I recently discussed this issue with the chairman of the Finance Committee, Senator BAUCUS from Montana, who has spoken out about protecting farmers and ranchers in his State who want to pass their property along to their children. I told him I would do anything I could to help him maintain the estate tax levels we have now, though both he and I are in support of legislation that would eliminate the estate tax. That would be my preference. But very often in a democracy we don't get our preference. We try to figure out what we might be able to accomplish that is not quite all we would want to accomplish. Keeping this year's level would be important.

Senator LANDRIEU from Louisiana called the estate tax at this year's levels of estate tax “a make or break issue” and called it “inherently unfair.”

Senator PRYOR from Arkansas has stressed the need for “stability” so

families can plan. Whatever we do with these tax policies, as much as possible, we need to do them in a permanent way. This business of going 1 year at a time or 2 years at a time on the estate tax—if someone's family has a taxable estate event this year, it is not a big deal; if they have it in January, it is devastating. We don't need to continue to have that.

This shouldn't be a partisan issue. It is about protecting families and the things they have put together, often working side by side as a family. We need to work across the aisle on this issue and other issues.

#### RULES CHANGES

One of the issues that right now is making that harder than it needs to be is this discussion of the rules changes. Some people want to change the historic role of the Senate which is designed to foster compromise and debate as we had this week on the Defense bill, or like we had as the Russian trade bill came to the floor.

Instead of reaching across the aisle, this kind of discussion about a rules change is an attempt to build a wall.

Now, every time this discussion happens, the minority always appears to say the same thing.

Senator REID, the majority leader, pledged, in December 2006, "to run the Senate with respect for the rules and for the minority rights the rules protect" when he became the leader.

He said:

The Senate was established to make sure that minorities are protected . . . and I am going to do everything I can to preserve the traditions and rules of this institution that I love.

In 2005, then-Senator Obama said:

If the majority chooses to end the filibuster . . . then the fighting and bitterness and the gridlock will only get worse.

In that same year, 2005, Senator SCHUMER said breaking the rules would "change the whole balance of power and checks and balances in this great Senate and great country."

And Senator DURBIN warned in 2005 that what was then called the nuclear option would "really destroy our system of checks and balances."

Everyone will rush and say: Well, the Republicans talked about doing this then. That is why these people were making these comments. But the point is, the Republicans did not do it. The Republicans did talk about it in the majority, and they listened to the minority. They listened to the arguments about the Constitution, and they did not do it. What you talk about may be important, but what you do is really important.

Hopefully, Democrats will look at this again and decide they do not want to do it. The Senate rules say it takes 67 Senators to change the rules. I believe that is what the Parliamentarian will rule in the next Senate if this comes up. Then, if you are going to do it with less than that, you have to immediately vote to overrule the Parliamentarian and break the rules to change the rules.

It does not sound like, to me, that is the way to solve problems or to work

together, particularly in a Congress where the Senate is controlled by one party and the House is controlled by the other. What good does it do to force things through our system that cannot possibly get to the President's desk?

The Senate operates differently from the House of Representatives for a reason. I was in the House. I liked the House. The House is run by the majority. That is the way the Constitution intended it. They have 2-year terms, and every year after the election, it was envisioned that the House of Representatives would be more responsive to what voters thought they wanted to do that day. But it was also envisioned that the Senate would serve as the reason you had to think for a while about this. It would not just be one election, but usually in the Senate it takes a couple of elections where people have verified: No, we want to change course. And changing course in a country as great and as big and as diverse as ours is a big decision. The Constitution works that way for a reason.

This is a hornet's nest that I do not think we need to kick over. Our Nation's Founders knew what they were doing. Let's let the House be the House and the Senate be the Senate. Let's continue to have a reason for two different legislative bodies. If all we are having is a House that works like the House and a Senate that works like the House, we have significantly minimized the great genius of the Constitution.

Allowing the minority party to exercise its rights to debate and amend legislation should be the rule, not the exception. I hope the Senate, which is led by Democrats today, and will be next year, will stop this debate and start figuring out what we can do together to solve problems, just like we have done this week with the Defense bill and the trade bill; just like we have done in this Congress with, as I said to start, with FAA and Transportation and postal reform and the farm bill—all of which came out of committee, were open to wide-ranging amendments, had a bipartisan vote, and reached the kind of legislative conclusion that the Constitution envisioned and the people we work for have every right to expect.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### COLLEGE PRICING TRENDS

Mr. DURBIN. Madam President, the College Board recently released its annual report on trends in college pricing. What the report found was more students in debt with higher amounts of debt than ever before.

The biggest offenders? No surprise, for-profit colleges. Study after study continues to show that for-profit col-

lege students fare far worse than their peers who graduate from public or private nonprofit colleges.

For-profit college students have more debt and oftentimes they graduate with worthless degrees and no way to even repay their debt.

The College Board report found that for-profit institutions accounted for 12 percent of all students enrolled in 2008–2009, 28 percent of those who entered repayment of their loans in fiscal year 2009, and 47 percent of those who defaulted on their loans by the end of September 2011. Madam President, 12 percent of students; 47 percent of the defaults—for-profit schools.

Why? They charge too much. The kids get too deeply in debt. The diplomas are worthless or the kids drop out of school because they cannot afford to finish.

Another report recently released by the Institute for Colleges Access and Success found that for-profit college students take out more private student loan debt than their peers.

Private student loans are tough. They are burdensome. They do not come with any of the consumer protections that Federal student loans come with, such as flexible repayment plans or loan forgiveness for public service. Private loans are most prevalent at for-profit colleges—there is money to be made on these kids—where 64 percent of graduating students at the for-profit schools have private loan debt.

One constituent recently contacted my office about his experience at a for-profit college. He attended the International Academy of Design and Technology, a for-profit college in Chicago owned by the Career Education Corporation, one of the major league for-profit colleges.

His parents did not have the means to pay for his education but helped him out by cosigning his loans. Now the student and the parents have \$103,000 in student loan debt. One of the loans has a 13-percent interest rate and his balance continues to rise.

This young man—young man—would like to finish his degree, but he cannot afford to. He cannot borrow any more money. He is too deeply in debt. How about that for a dilemma? Madam President, \$103,000 in debt, no degree, he cannot borrow the money to get a degree.

Many of these students find out these for-profit courses they took are worthless. They do not transfer anywhere. The diplomas themselves turn out to be worthless, and many employers just laugh at them. You would never know that from the advertising these for-profit schools engage in.

I had a group of students in my office this morning. They are from Archbishop John Carroll High School—not too far from the Capitol. They are students who know a little bit about being wooed and enticed by colleges and universities. We talked about this. They

are just being inundated by these schools trying to sign them up.

These young people are 18, 19, 20 years old. How are they supposed to know that this so-called college is a joke, that it is a sucker school that basically will drag them in, heap debt on them, and then toss them? They all remembered an ad that I remember from television in town that I thought was the worst.

For-profit colleges put out an ad that had a pretty young girl. She looked like she was 19 or 20 years old, and there she was lounging in her bedroom saying: You know, you can go to college in your pajamas. They try to get them in this mindset that this is just a click away, a degree is just a click away—as long as you sign up for the debt.

I think these students are starting to catch on to the fact that they are being enticed into impossible situations.

The Federal Reserve Bank of New York's Quarterly Report on Household Debt and Credit revealed that total consumer debt fell again in the third quarter. Sounds like good news—but not for student loans. All other types of consumer debt besides student loans has been decreasing; that is, mortgages, auto loans, even credit card debt. Meanwhile, student loan debt has been growing every quarter for the last 10 years.

The Federal Reserve Bank of New York calculates that 11 percent of student loans are now at least 3 months delinquent. And it is not just the young people. It is their parents, their brothers and sisters, even their grandparents who are trying to show a little kindness, be helpful, who cosigned for these deadly private student loans at these for-profit schools. It could be people who graduated years before who are still making payments—people in their forties, fifties, and sixties who end up with student loan debt.

One of these people is Eileen Cruz. Eileen took out loans to help her sons pay for college. She said she educated her sons to the highest standards, as most parents dream they will do someday. But now she says she feels she is being punished for having done what parents are supposed to do—send their kids to college.

She goes on to compare student loan debt to mortgages, but unlike a mortgage she cannot refinance it. She is stuck. People like Eileen Cruz are putting off major life decisions—health care, dental decisions, retirement—because of student loan debt they incurred for their kids.

Ana McNamara is another borrower who contacted my office when she started to feel hopeless about her student loans. Ana is nearly 45 years old and owes more than \$200,000 in student loans. How about that? She did what you are suppose to do. She went to college. She worked her way through school. She had to take out some loans to help pay the cost.

After graduating, she said: I need to go to law school. She took out some

more loans. When she graduated, her total loan balance was \$90,000. That is pretty tough. She thought it was manageable though. With interest rates up to 9 percent, though, her balance kept growing faster than she could pay off the loan.

Now she says she does not have anything on the Earth but student loans. She says she will never have anything to call her own because her credit is ruined, ruined because she went to college and law school, borrowing too much money to do it. She cannot even qualify for a car loan she is so deeply in debt. She believes no matter how hard she works she will never be able to pay off her loans.

I guess this is a good point in this presentation to remind everybody, student loans are not dischargeable in bankruptcy—no matter how bad it gets. When you are so deep in debt you cannot imagine getting out of it, you cannot get relief in court. Why?

Well, we decided, years ago—maybe 50 years ago—that government loans would not be dischargeable. There were a few, perhaps anecdotal stories, Apocryphal stories, maybe, about doctors graduating from medical school, then declaring bankruptcy, and walking away from their government loans.

Well, we took care of that. We said: You cannot discharge government student loans in bankruptcy. Then, about 5 years ago, the for-profit schools came in and said: Count us in too. Let's make sure they cannot discharge our loans either—which, of course, means the for-profit schools get the money and the student never ever can escape the debt.

Ana McNamara does not think now that she should have even gone to college. She says it was a big mistake that destroyed her life.

What a somber message to hear from a person who originally thought college was part of the American dream, as most of us were taught.

The cost of college is increasing five times faster than inflation. It is not just the for-profit schools, it is across the board. Many for-profit colleges and universities are charging top dollar, many of them from the people who can least afford it. They will accept anybody, anybody who can sign on the dotted line that they are a college student.

Students often borrow from the private sector rather than from the Federal Government, which means the terms of their loans give them little protection. These factors and others have led to a national student debt crisis. For people who really have no other option, as I said earlier, bankruptcy is no relief.

We need to do something about this. This for-profit college industry is a national disgrace—to think that they siphon off \$30 billion a year in student assistance. If it were a Federal agency, the for-profit schools in America would be the ninth largest Federal agency, they take in that much money from

the Federal Government. They use our money, taxpayers' money, to advertise their worthless schools and worthless diplomas. Everywhere you turn you see their advertising.

Young people are lured into it. They do not know any better. Who can blame them? It is tough to keep up. You have to believe if the Federal Government is going to give me a loan to go to school here, this must be a decent place. Not true. It is our fault. We need accreditation that counts. We need to hold these schools accountable for what they are doing to these students. We need to put a limit on the amount of money they can force these kids into borrowing. We need to put some skin in the game so if these kids cannot get a job after they get out of the college, the schools themselves bear some responsibility for the debt that is left behind.

We seriously, seriously need to look at this bankruptcy exemption. This is awful, to think that somebody in their 30s or 40s is \$200,000 or \$300,000 in debt with a worthless diploma from a for-profit school. Congress needs to take a look at this issue. We cannot ignore it.

We also need to find some relief for Ana and the countless others whose futures are held back by student loan debt and who cannot find a way out. This is not a simple problem; there will not be a simple solution. But for those Americans who have nowhere to turn but bankruptcy, we should at least provide reasonable and realistic relief from private student loans. As I said to these students as they were walking out, and I am sure they were stunned this morning: Be ever so careful. These schools will say, you know, it is going to cost \$40,000 a year in tuition, but because we like you, it is only 20. Think about signing up for \$20,000 in debt, unless it is a school that is really worth the money. That, of course, is an important decision each family and student must make.

I will put in a plug here. For many students who are not quite sure where to turn, start with a community college. These are affordable; they are local; they have a variety of courses. Learn a little bit about college and yourself before you plunge into debt for something that may not pay off.

#### EXTREME WEATHER/CLIMATE CHANGE

Mr. DURBIN. Madam President, I met with Jo Ellen Darcy, the Assistant Secretary for the Army Corps of Engineers. She came to my office last week to discuss the low levels of water on the Mississippi River. This week the National Weather Service reported the river was 4 feet below its average water level at this time of year. I saw it last Friday when I drove over the bridge going from Lambert Airport in St. Louis headed home to Springfield.

If the level keeps decreasing, the river may become too shallow for barge traffic to pass between St. Louis, MO,

and Cairo, IL. The Mississippi River is a critical transportation artery for essential commodities, so the financial impact if the river shuts down could reach far beyond the Midwest.

The low water levels are the result of this summer's devastating drought that has been continuing to plague many States in the United States. It has been the worst drought in more than half a century in the Midwest. As of last month, over 60 percent of the United States was experiencing drought conditions still. In my State of Illinois, over 90 percent of the land is still "abnormally dry" or worse.

Economists now predict that the drought will cost the government over \$12 billion in aid to farmers and ranchers. This is in addition to the cost of destruction caused in late October by Hurricane Sandy, the largest hurricane to ever form in the Atlantic basin. It is estimated that Sandy will cost almost \$80 billion in Federal funding for the replacement of homes, infrastructure, and buildings.

Combined, the drought and Sandy will cost the Federal Government tens of billions of dollars at a time when we are talking about our debt. It is the job of Congress and the administration to help these Americans in time of need. Make no mistake about it, we should, we will. But we need to be honest about how we plan for disaster spending. According to a report by the GAO in September, there have been over 540 disaster declarations in the last 8 years requiring over \$90 billion in Federal aid. It is time we face facts and state the obvious: Weather is getting worse. Extreme weather events are happening with increased frequency and intensity.

I held a hearing last year to talk about this issue, to examine whether the Federal Government is prepared for this. The answer is no. I did not bring in the environmentalists, did not even bring in the government employees. I brought in the insurance industry, the people who write casualty policies, who are probably more attuned to the weather than anybody. They said many more disastrous weather events will follow, all of them more expensive.

The Federal Government needs to rethink how we protect Federal assets and provide disaster assistance to communities on a more regular basis. Many are saying that 100-year weather events are now happening every 2 or 3 years. But as we debate climate change and global warming, the majority of Americans view the recent extreme weather events as evidence the problem is no longer vague or distant. Many have likened the effects of climate change to those of steroids in baseball. While no one can say that a given home run hit by a player using steroids was the result of the drug, you can attribute the overall increase in the batting average and the number of home runs a player hits during a season to be linked to the use of steroids.

Similarly, though the cause of a single weather event cannot be directly

traced to climate change, extreme weather events do serve as a wakeup call that an environmental crisis of global proportion is occurring.

I find it incredible how little we talk about this. When I think about our responsibility in the Senate and Congress, we are almost afraid to bring it up because it is controversial, because some on the right are in complete denial that anything is going on here. The rise in global temperatures has led to rising sea levels, warmer air and, as a result, more extreme weather. It has also led, at the same time—that is why some of this sounds so contradictory—to a decline in the size of the Great Lakes. Lake Michigan is losing water—you can see it on the shoreline—at the same time as we say the oceans are rising.

The National Climatic Data Center just reported that October was the 332nd month in a row of above-average global temperatures. That is over 27 years of warming temperatures. Is that fair warning? I think it is. During the last decade, the United States has experienced twice as many record high temperatures as record lows, and scientists project that record highs will outnumber record lows 20 to 1 by the year 2050.

In May, NOAA reported that America had just lived through the hottest 12 months ever recorded. Even before Sandy and the droughts this year, the United States was still recovering from extreme weather events of last year. In February of last year, Chicago was shut down with 2 feet of snow and 60-mile-an-hour winds when a blizzard hammered the city. It caused 36 deaths, stranded 1,500 people on Lake Shore Drive, which I go back and forth on every day. I still find it hard to imagine: 1,500 people stuck on Lake Shore Drive. It resulted in \$3.9 billion in losses.

April was the wettest April in 116 years in the Midwest, forcing the Mississippi and Missouri Rivers to flood thousands of square miles. This is 2011 I am talking about.

There were 326 tornadoes in May throughout the Midwest and Southern United States, resulting in the deadliest May since 1933.

Wildfires burned 3 million acres of property across the Western States causing over \$1 billion in damages, and Hurricane Irene devastated the Atlantic coast, causing \$4.3 billion in damages, a very small amount compared to Sandy but significant still for those affected.

Nationwide, the financial consequences of weather-related disasters and climate change hit a historic new high last year. U.S. disasters caused over \$55 billion in damages. Federal, State, and local governments are paying out more every year in damages and lost productivity. So the question is, as a government, what are we going to do about this? Is this the new normal?

The insurance and defense sectors have looked at the scientific data.

They are changing their operations. They are preparing for worse and even bigger losses.

Insurance commissioners in California, New York, and Washington now require companies to disclose how they are working to plot the effects of climate change and their responses. Congress may be in denial, but the real world, the private sector, is not. As the government is the ultimate insurer of millions of Americans in the crop insurance and National Flood Insurance Programs, we have to get serious about addressing the cause and effects of climate change and the solvency and future of these important programs.

Computer models suggest that the storms and heat waves we are seeing will become stronger and more extreme in the future, causing even greater damage. Congress can no longer afford to ignore this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FISCAL CHALLENGES

Mr. COONS. Madam President, this is a critical moment. Over the next few weeks, serious choices must be made about how our Nation spends its money, about our national budget. At its heart, a budget is a statement of balance. A budget shows the world what we care about, what we prioritize, what we invest in, how we intend to build our future. Everyone who comes to this Chamber comes with their own values, representing their own State. But each of us also knows we have to find a way to bridge those divides to work together to solve the enormous fiscal challenges we face as a Nation. That means addressing the more than \$500 billion in automatic spending cuts, tax increases, and other fiscal changes all scheduled to take place at the beginning of the next year and known collectively as the fiscal cliff.

We find ourselves at the edge of this cliff because of our shared beliefs that deficits matter and that we can't keep spending money we don't have. As it stands today, our deficit and debt are unsustainable. Last year we ran a budget deficit of well over \$1 trillion, and now we have a national debt that exceeds \$16 trillion. If we don't get these numbers under control, interest payments will inevitably skyrocket, taking up a larger and larger percentage of our budget until they crowd out other critical, progrowth investments in our country's competitiveness and the essential social safety net that puts a circle of protection around the most vulnerable in our country. I don't believe either one of us wants to put those two vital things at risk.

When a budget is so out of balance we have to take a hard look at both the money coming in and the money going out. The only way to get back on track, in my view, is to address both sides of this equation—revenue and spending. We have to find a balanced solution that combines tough spending cuts with reforms to our Tax Code that bring in more revenue while also ensuring fairness to taxpayers. I believe there is real momentum for this kind of big, balanced, bipartisan solution for the first time in a long time.

We have seen some courageous Republicans in both the House and Senate recently stand and say that revenue has to be on the table and a few even that an increase in tax rates for the wealthiest Americans may be necessary to get a budget deal that moves us forward. They know what we all know—that, frankly, even the most drastic across-the-board spending cuts, like the kinds contained in the sequester that will kick in in January, won't save enough to close the budget gap. At the same time, across-the-board, meat ax cuts to domestic programs violate some of our basic American values by failing to protect the most vulnerable in our society, those who I believe our values call us to put a circle of protection around, even in this most difficult recovery.

Risking public safety, for example, by cutting funding for police and firefighters or leaving families out in the cold this winter by cutting heating assistance to low-income seniors—these are not American values. They are not the best way to solve our fiscal challenge. The truth is that those programs specifically have already been cut more than I would ever have liked to have seen. The Budget Control Act passed last year made a dramatic \$1 trillion in spending cuts over the coming decade, which fell like an ax on some community-based programs on which Delaware families depend and which I used as county executive, in partnership with our community, to fight for the disabled for affordable housing and for low-income heating assistance programs.

So let's not let this moment pass us by. Let's instead seize the opportunity before us and start finding areas where, across the aisle and between the Chambers of the Senate and the House, we can agree. One of those areas of agreement is the need to extend tax cuts for the middle class, for families and small businesses still working their way out of the deep hole of the financial collapse of 2008 and still making their way through this recovery.

No one from either party, from the House, the Senate, or any State in this country, wants to raise taxes on middle-class families and small businesses and families like Deborah's.

Deborah is a single mother in Wilmington, DE—my hometown—who is working a full-time job and a part-time job on top of that just to make ends meet. She wrote to my office, con-

cerned about tax increases and the fiscal cliff. She said that "the middle class is the heart and soul of this country—what keeps it going—what else can we be hit with? I know that I cannot take on any more financially."

So my first call today is let's give Deborah and families like hers in Delaware and around the country the certainty, before we end this calendar year, of knowing their taxes will not go up in 26 days when the calendar turns to 2013. One way to do that is for the House to take up and pass legislation this body has already considered and passed in a bipartisan way that would extend the Bush-era tax cuts for 98 percent of families and 97 percent of small businesses while also achieving nearly \$1 trillion in debt and deficit reduction.

This bill extends tax cuts that would otherwise expire for all Americans who earn income and for all small businesses that earn revenue but just on the first \$200,000 of individual income or \$250,000 in family income.

Tax rates on income over and above  $\frac{1}{4}$  million a year would revert to the levels of the Clinton administration, the time of enormous economic growth and prosperity.

This one step would blunt the impact of the fiscal cliff for the vast majority of Americans and give them the certainty they so badly need. It would also be a serious downpayment on meaningful deficit reduction and ensure that our budget more closely reflects our values, our fundamental belief in the American dream and that if you work hard, you can still get ahead.

Leading Republicans in the House and the Senate, including Senator SNOWE and Congressman COLE, have urged the House to move forward and pass this bill to provide badly needed security and certainty to middle-class families before the end of this year. I join their call, but let's not stop there. Let's keep going and find additional areas of compromise and constructive common ground to provide the business community with the certainty they need to plan the deployment and investment of capital so they can get Americans back to work. This would provide the market with certainty to sustain this recovery, while continuing to invest in our future. This would help families who need to know their budget future and need to be able to have confidence to take risks, to invest in growth. They want to educate their children, to buy a larger home, to take care of their children and their parents. To find the kind of balanced, bipartisan, long-term solution we need is to find a solution to all of these problems.

It is only by coming together over the next few weeks—not as Republicans and Democrats but as Americans—that we can avoid a fiscal calamity that was entirely predictable. This is the result of a decade of unresolved budget fighting in this Chamber. For both parties, simply blaming the other side and waiting for the next election

to give us a stronger mandate is no longer a tolerable or sustainable path forward. Working together is not a sign of weakness but a sign of strength.

Americans have faced tough times before, but our strength has always been our unity and our ability to come together. It is my hope, my prayer, that faced with the challenge of the impending fiscal cliff, we can do it again.

Madam President, I ask unanimous consent that I be allowed to enter into a colloquy with the senior Senator from Delaware.

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

Mr. CARPER. Would my colleague yield?

Madam President, I want to follow up—we are supposed to talk about tomorrow being Delaware Day, if I could do that. But I wish to follow up on Senator COONS' remarks on the fiscal cliff.

A friend of mine who has done a lot of research on the fiscal cliff says that if you look at domestic and discretionary spending, that is not really the overwhelming problem as far as why we continue to have a big budget deficit. The problem is really twofold. One of those is that if you look at revenues as a percentage of GDP, historically when we have been in budget, the revenues as a percentage of GDP, at least in the last 10, 15 years, revenues have been about 21 percent of GDP. Today they are about 15, 16 percent of GDP.

But the other big driver in our deficit situation going forward is health care costs. It is health care costs, including Medicare and Medicaid. While we have to be smart enough to try to figure it out while being humane about caring for older people and the poor who count on Medicaid and Medicare to some extent, we have to focus on how to get better health care results for less money. That is what we have to focus on—how to get better health care results for less money. There are a lot of good ideas for doing that. Some of them are actually part of the health care law for our country.

So it is revenues, and the other key here is better health care results for less money. We need to make sure that we have focused on Medicare and Medicaid in a humane way and that we do so in a way that doesn't harm, doesn't hurt, is not mean-spirited to those who depend on those programs.

At the same time, we need to preserve those programs for the coming generations. For the pages down here—how old are you guys? Fifteen, sixteen years of age? Several of you are nodding your heads. We want to make sure these programs are still around when you are 65, 66, 67 or older. That is what this is for. It is sort of a P.S. to the wonderful comments of my colleague from Delaware.

What is tomorrow in Delaware, I ask the Senator?

I seem to forget. What is this all about?

Mr. COONS. Madam President, as anyone who has looked at the beautiful

Delaware flag knows—and it flies in our offices and hallways here—it has a date emblazoned on the bottom—December 7, 1787, and that is known as Delaware Day. That is the day when Delaware became the first State to ratify the Constitution. So to celebrate Delaware Day, we do some things together, don't we?

Mr. CARPER. And we have fun doing them. One of the things we are going to do—a great idea from a brandnew Senator to Delaware about a year ago—is to have a “Taste of Delaware.” In fact, we are doing that this afternoon. It is not something paid for by the Federal Government but sponsored by our Delaware State Chamber of Commerce, as I recall, and others of its members to sort of be able to show off some of the finest of our State, and some of them pretty tasty, as it turns out. So we are looking forward to a lot of people coming by and enjoying that.

Mr. COONS. We are looking forward to doing that in just a few minutes, actually. We have Dogfish Head Beer, we have Grottos pizza, and Capriotti subs, and dozens of restaurateurs and breweries and wineries from across Delaware—in age-appropriate settings—who will make available some of the finest of what Delaware has to offer. So it is my hope members of staff and our colleagues will join in the celebration of Delaware Day.

One of the questions folks who are listening might have is: What about Delaware are you celebrating? It is, in my experience—and I believe my colleague's—a State that is not just the First State because of a wonderful accident of history, where we were the first State to have the vision and the courage to sign the Constitution, to ratify it, but it is also a State that has a nearly unique culture—a culture of respect, of innovation, of education, and of civility. It is a place that has a special, even a unique political culture, one that is at times the polar opposite of what I have seen here—forgive me, Madam President—in the last 2 years. Delaware, much like New Hampshire, feels and seems like a small town that is, through the magic of federalism and the Connecticut Compromise and the Continental Congress, a State with two Senators.

One of the things I am proudest of about my State—and Senator CARPER knows this well—is a tradition that just celebrated its 200th anniversary. It is the epitome of what we call the Delaware Way. It is a tradition that happens 2 days after every election. It is called Return Day, and it happens in Georgetown, which is the county seat of our southernmost county, Sussex County. What happens 2 days after the election—or the first thing that happens, because there are a lot of different pieces to it—is we all gather out at a local farm, and two by two—ark rules—the candidates who ran against each other in the general election get into horse-drawn carriages and ride—slowly—down the main streets of

Georgetown where crowds of thousands come out to see the candidates, who just days before were engaged in vigorous political combat, being polite, being friendly, and waving to the crowds.

What happens after that, I ask Senator CARPER?

Mr. CARPER. We have this beautiful center of Georgetown, with all these beautiful old brick buildings, courthouses and other buildings, and as we gather there in the circle of Georgetown—and the Senator may have said this and I just missed it—but the town crier comes out on the balcony of the courthouse and he has on his top hat and his tails and he announces the results of the election 2 days earlier. This is Thursday after the election. He calls out the results of the election 2 days earlier just for Sussex County, DE, where about a sixth of our State's population lives. He calls out the results of everything from President, Vice President, all the way down to justice of the peace or sheriff. And when he finishes, we have a couple of short speeches on the platform there in front of thousands of people, maybe a patriotic song or two, and then the leaders of parties, Democrat, Republican, maybe Libertarian chairman, take a hatchet—a pretty big hatchet—and they grab it, each holding on, and they put it down in a glass aquarium half full of sand. And then someone brings in some buckets of sand, maybe from Rehoboth Beach or Dewey Beach, and they cover up and literally bury the hatchet.

Some of my colleagues from New Jersey said: If we had a ceremony like that in our State, and we buried the hatchet, it probably wouldn't be in the sand. It would be in the anatomy or some part of the body of our opponents. But we do it in the sand. And then we have maybe a benediction, and we go off and eat, and people open their homes for a reception. So as the day carries on and the Sun sets in the west, the travails and the passions of the election begin to dissipate and people start to think and refocus not on how do we beat our opponents' brains out but how do we work together to govern our State.

It is a wonderful tradition. We have talked about this before. I think we could use a return day for our country. It certainly works in our State. It has a very civilizing effect on all our campaigns.

Mr. COONS. Whether it is the reception in the morning, the long carriage ride through the middle of Georgetown, the speeches on the podium, the announcement of the results, the literal burying of the hatchet, or the receptions that go on all afternoon and into the night, the experience of Return Day for me—and I believe for my colleague Senator CARPER—has been one of reconciliation, one of moving past the election and then forward toward the challenge of making decisions together for the people we represent.

Everybody shows up—the winners and the losers. It is only the sorest of

losers who don't show up and only the most arrogant of winners who don't show up. So, frankly, it is almost always everybody. In the elections I have been blessed to stand in and be successful in for the people of Delaware, the Return Day is a great end to the campaign season and beginning of our season of service to the people of Delaware.

So as we go from the floor now to the reception in honor of Delaware Day, I want to say how grateful I am to serve with my senior Senator, who has always been personally a model of the civility, of graciousness, and of the service that marks the Delaware Way and marks Delaware Day which we celebrate officially tomorrow but which we kick off tonight with a reception.

Mr. CARPER. I would add to that this is a commitment to civility that Senator COONS and I share, and it is also one that our Congressman JOHN CARNEY certainly does, and winning in races before him, Mike Castle. If you think of all of those—Castle with a “C”, CARNEY with a “C”, COONS with a “C”, and CARPER with a “C”—people say what is it with the letter “C” and the State of Delaware? If I can, before I close here, I want to roll back in time about the economy of our State. People say what do you all do there? How do you provide for your living, your income? I would say the economy of our State is pretty much founded on the letter “C.” It includes corn. We started off by growing corn. Then chickens. There are a whole of lot of chickens there. For every person in Delaware, there are 300 chickens. For anyone listening and wondering what to have for dinner, chicken would be good. We have chemicals—the DuPont Company. A poor impoverished French family came to Delaware over 200 years ago and established what I call the DuPont country club. They didn't have many members. They figured they needed to establish some jobs so people could join their country club, so they started a chemical company, and a power company, and now they have quite a successful science company in our State—for over 200 years. We have cars. We have built a lot of cars over the years for GM and Chrysler. We are home to corporations of over half the New York Stock Exchange, half the Fortune 500. Credit card businesses are in our State. The coast of our State is the site of the Nation's summer capital—Rehoboth Beach and a bunch of other places. So the letter “C” has been pretty big.

People say: Well, why do they call you the First State? Well, we are actually the first colony that threw off the yoke of British tyranny on June 15, 1776 and at the same time said to Pennsylvania, take a hike, we want to be a State on our own. And then 225 years from tomorrow, to be exact, we were the first State to ratify the Constitution.

We have the best beaches in the country. Last year I think there were four five-star beaches in America, with

two of them in Delaware—Rehoboth and Dewey Beach. We have the best Air Force base, we think, in the world. We were first in Ph.Ds per capita. We have, I think, the finest Judiciary—acknowledged year after year after year as the finest judicial system in the States. We have the best financial controls and cash management system. We have had triple A credit rating since—what was that guy's name as Governor, Carper or something? We continue to have that kind of credit rating. So we are proud of being first.

What is our State motto? "It is good to be first." And we attempt to be first in a whole lot of ways. Some things you don't want to be first in, and we want to be last in those. But we are proud of what we are first in—first in civility.

As Senator COONS said, this all goes back to Return Day. When you announce your candidacy for election, whether it is for the U.S. Senate or as sheriff, you know at the end of the campaign—2 days after the campaign—you are going to be in Georgetown, DE, in a horse-drawn carriage or maybe an antique car with the man or woman you were running against, their family, your family, and surrounded by friends and supporters and thousands of other people. And I think it has a very tempering effect on the nature of our campaigns, a wonderful effect.

That is one of much that we are proud of in our State. We are lucky to be Senators from this State, but this is a State that works and focuses on results. This is a State where we govern from the middle, whether the Governor is DuPont or Castle or CARPER or Markell. And whether the Senator is CARPER or COONS or Biden or Kaufman, we govern from the middle. We are a State where Democrats and Republicans actually like each other. We just want to get things done and do what is right for our State.

With that in mind, we hope some of our friends and neighbors can join us later today in the Russell Building up on the third floor. We will make a toast to Delaware and enjoy some sarsaparilla and some other goodies as well.

It is a great joy to serve with my friend.

Mr. COONS. I thank my colleague.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Let me be the first to congratulate my two colleagues from Delaware on Delaware Day. Have a happy Delaware Day.

We have a lot of great things in Colorado, but I am not going to try to outcompete you on beaches this afternoon. We don't have a lot of those. I do think it puts me in mind of something, and that is our constitution. Delaware, as Senator COONS mentioned, was the first State to ratify the Constitution of this great country. My State didn't become a State until nearly a century later. We are the Centennial State as a result of that.

That constitution that enabled generation upon generation of Americans had a preamble which said: to secure the blessings of liberty for ourselves and our posterity. It is important in these days of these budget discussions to remind ourselves they didn't stop with themselves. The document doesn't stop with ourselves. It is about ourselves and our posterity. That is what we are talking about here when we are involved in this budget discussion. These aren't decisions that are about ourselves, these are decisions that are about the next generation of Americans and the generation after that. And it is time for us to do our job. It is time for us to walk back from this fiscal cliff and come up with a comprehensive plan. We know what the outlines of that are today, and we need to stop playing political games in this holiday season and get this work done, not for ourselves but for our posterity.

#### TROOPS TO TEACHERS

Mr. BENNET. Madam President, as you know, I have been to the floor many times in the last several years to talk about the dysfunction that reigns in this place too often. But today I am here on a happier occasion because I want to celebrate an accomplishment, a bipartisan accomplishment that I think is very important. We were able to work together earlier this week to improve and expand something called Troops to Teachers. Nothing makes a greater difference to student learning than great teaching. Our teachers are critical to our kids' success and, to a greater extent, our country's competitiveness in the economy.

America's future depends on our ability to recruit and retain great teachers. And by the way, we are falling down on the job. Fifty percent of the people who go into teaching leave the profession in the first 5 years, which means we don't have the benefit of the experience they have gained over that period of time. And I will save for another day what we need to do about this, but for today's purposes let me observe we have done almost nothing—virtually nothing—as a country to change the way we think about recruiting teachers, retaining teachers, inspiring teachers in this country since we had a labor market that discriminated against women and gave them two professional choices, one being a teacher, or a nurse.

Thank goodness, those days are long gone. But we have not modernized our system to make it as attractive to people as it needs to be if we are serious about educating the next generation of Americans. I believe it is our duty in that context to ensure we support new and existing pathways to the teaching profession. We should be making it easier, not harder, for those who want to serve our country in America's classrooms. Troops to Teachers is one of those undertakings. It has been recruiting and placing veterans and serv-

ice men and women in classrooms around the country since 1994. It brings veterans and servicemembers into some of the hardest-to-serve areas in our country.

But in Colorado and across the United States we have school districts near military installations that have not been eligible to participate in Troops to Teachers. These barriers send exactly the wrong message. If veterans want to make a difference in a student's life, they should be able to teach where they are needed most. That is why in 2009 I worked with Senator MCCAIN and his staff to introduce legislation to make it easier for veterans to participate and continue their service in our classrooms.

These changes to the program will increase the number of schools eligible to participate by 49 percent. In Colorado alone, that means it will open over 1,000 of our schools to veterans and servicemembers who want to participate. As someone who has spent a lot of time in the classrooms as a former superintendent of the Denver Public Schools, the benefits of Troops to Teachers for our students are crystal clear to me.

When he talks about this program, Senator MCCAIN often mentions his English teacher—Mr. William B. Ravenel—an Army veteran who served with General Patton in World War II. Because there is no way I could say it better, I wish to quote my friend from Arizona.

Every child should be blessed with a teacher like I had, and to learn at institutions with high academic standards and codes of conduct that reinforce the values their parents try to impart to them. Many students do have that opportunity. But too many do not. And government should be concerned with their fate.

I could not agree more with Senator JOHN MCCAIN. Our military is the strongest in the world not because of our weapons or our tanks but because of the men and women who choose to serve. Troops to Teachers enlists their talents, their drive, their commitment to help make America's system of public education once again the driver of the American dream.

I am glad to have done this bipartisan work with Senator MCCAIN to pass this amendment, and I wish to thank Senator MCCAIN and his staff who worked so hard to get this over the finish line.

Finally, I would like to thank Senator WEBB for his leadership on this initiative, as well as Chairman LEVIN and the staff of the Armed Services Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New Mexico.

#### CUBA TRADE EMBARGO

Mr. BINGAMAN. Mr. President, earlier today, the Senate voted to grant permanent normal trade relations to Russia by a vote of 92 to 4, and I strongly supported that bill.

To extend PNTR to Russia, we had to repeal an out-of-date policy that was adopted during the Cold War; that is, the Jackson-Vanik amendment. I wish to speak briefly on the Senate floor this afternoon about another out-of-date policy of the Cold War that I believe should be ended; that is, the trade embargo on Cuba.

I have spoken about this many times in the past. Along with Senator Pell, Senator Dodd, and many others, I argued against the Helms-Burton Act in 1996.

For the past 50 years, our country's policy toward Cuba has been essentially stagnant. The core element of our foreign policy—which is the embargo—was authorized in a proclamation signed by President Kennedy on February 3, 1962; that is, 51 years ago. At that time, President Kennedy justified the embargo by citing the “. . . subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned. . . .”

He also stated his willingness to “. . . take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers.”

It is an understatement to say President Kennedy's rationale is from a different era. The Cold War is over. The “subversive offensive of Sino-Soviet Communism” has been turned back. What remains of the Communist powers he was referring to are now our major trading partners. We have now extended permanent normal trade relations to Russia, which was, of course, the principal Communist power to which President Kennedy was referring, and neither Cuba nor those Communist powers pose a threat to national or hemispheric security today.

The world has changed. It is long past time that we change our policy toward Cuba. The embargo should have been lifted decades ago. It does not serve our national interest. It does not make our country safer. It does no good for the people of Cuba whom we claim to want to help. They would have better jobs and better lives if they could do business with the United States, which is the biggest economy in the world. The embargo does not help their families in the United States. Until recently, their families in the United States were severely restricted in how often they could visit and how much money they could send back to their relatives. It is ironic that for so long our policy for opposing the repression of freedoms in Cuba has included restricting the freedom of Americans to travel to see their families in that country.

As I have said before, I deplore the repression of the Castro brothers' government. The United States should support the efforts of the Cuban people to fight for their basic rights, and they need our help. Earlier this year, Amnesty International issued a damning assessment that said:

The Cuban government wages a permanent campaign of harassment and short-term detentions of political opponents to stop them from demanding respect for civil and political rights. The Cuban government should release all political prisoners.

The Cuban Government should also release Alan Gross, the American who has been jailed for more than 3 years now for distributing telephones in Cuba. As I understand it, he is in poor health and a humanitarian parole is more than justified.

When we hear about the Cuban Government's policies toward people—the repression of their basic freedoms, the persecution of political dissidents—it is understandable to want to punish the government and to weaken it so it collapses. We have to ask ourselves if our goal is to punish the Cuban Government or, instead, to help the Cuban people. Our goal should be to help the Cuban people.

Further, we have to ask ourselves whether continuing the embargo will accomplish that goal. In my view, the answer is clearly no.

It defies belief and 50 years of historical evidence to think that continuing the embargo will result in the toppling of the Castro regime. That regime has survived 50 years of sanctions. Fidel Castro is 84 years old. Raul Castro is 81 years old. It is much more likely that old age and ill health will end their rule rather than the embargo ending their rule; nor will continuing the embargo into a sixth decade—which is what we are now in danger of doing—result in the release of Alan Gross or political prisoners in Cuba or a sudden shift to democracy.

A better approach is to build relationships between the people and businesses in the United States and the people and businesses in Cuba. Interaction is a more powerful driver of change than isolation. We should allow more travel, we should allow more communication, and we should allow more commerce.

I wish to be clear that ending the embargo would not mean we agree with the Cuban Government's policies, nor does it mean we must stop advocating for basic freedoms and democracy in that nation. We need to be clear-eyed about the human rights abuses in Cuba. But the United States, as the only remaining superpower in the world, should be able to balance these goals. It is the approach we have taken with China. It is the approach we are taking with our vote today with Russia.

I wish to point out that as in Cuba, there are significant concerns about human rights and democracy in Russia. In fact, the legislation we voted on to expand our economic ties with Russia includes sanctions targeted at people who commit human rights violations. Those provisions are, of course, called the Sergei Magnitsky Rule of Law and Accountability Act. They were authored by Senators CARDIN, KYL, MCCAIN, and others. We could take a

similar approach with Cuba, expanding economic ties while continuing to put pressure on those responsible for repressing basic rights and basic freedoms.

Ultimately, because of the web of sanctions legislation that has been enacted over the years, only Congress has the authority to fully lift the embargo. But until Congress is willing to end that embargo, I hope the President will act.

The President has substantial authority to loosen the restrictions on travel and commerce. President Obama has already taken important steps, for example, by removing restrictions on family travel and authorizing licenses for the sale of communications equipment. I urge the President to make maximum use of the authorities he does have to relax sanctions. It should have been done long ago. I hope it can be done soon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTES TO DEPARTING SENATORS

JIM WEBB

Mr. REID. Mr. President, I wish to say a few words about my friend and colleague Senator JIM WEBB. He has made a decision not to run for reelection which, for me, is very sad, but it is truly not a good deal for the State of Virginia or our country. JIM WEBB has served one term in the Senate. He accomplished more in that one term than most do in a lifetime. I repeat, I am very sorry to see him leave.

JIM is a graduate of the U.S. Naval Academy, a highly decorated Marine. He was an infantry officer and served with distinction in Vietnam, and that is an understatement. He did serve with distinction. He earned a Navy Cross, which is the second highest decoration in the Navy and Marine Corps. He got that for heroism in Vietnam. He was awarded a Silver Star, two Bronze Stars, two Purple Hearts.

He, of course, wanted to be in the military all of his life, but when he returned from Vietnam he could not do it anymore. His injuries from the war prevented him from doing that. He attended Georgetown Law School where he graduated with distinction, served 4 years with President Reagan as Assistant Secretary of Defense and Secretary of the Navy. He was the first Naval Academy graduate to serve as the civilian head of the Navy. He is also an author, having written six books, a filmmaker, screen writer. He even won an Emmy.

Long after JIM WEBB left the Marine Corps, and despite his many civilian

accomplishments, he remains a marine at heart. He is a marine through and through. He learned the tradition of service at home, although home changed often with his father's duty station. Jim's father was an officer in the U.S. Air Force and a pilot during World War II.

JIM's son, Jimmy Webb, a marine who served in Iraq, continued that tradition of service. Although JIM WEBB was a vocal opponent of the Iraq war, he was incredibly proud of his son's service as a soldier in battle-torn Iraq. Every day of his 2006 campaign, JIM WEBB wore his son's combat boots. It was a tribute not only to Jimmy, his boy, but to all people who have been sent into harm's way, he said.

I met JIM WEBB in my office not far from here as a result of Senator Bob Kerrey asking me if I would spend some time with him. I was happy to do so. I will never forget that meeting, just the three of us in the room. Those of us who worked with Bob Kerrey know he is and was such a vibrant person. He was almost mischievous, I guess you could put it. You could just tell he had a little touch of differentness.

When he brought JIM in to visit with me I learned very quickly they were both warriors—Bob Kerrey, a Navy Seal, recipient of the Medal of Honor, and JIM WEBB, as we said, Navy Cross, a Silver Star, two Bronze Stars, both veterans of the Vietnam war.

As we sat talking, it was obvious they were both fighters, warriors. JIM certainly proved that in his 2006 campaign. The reason Bob wanted me to visit with him is because JIM WEBB had decided he wanted to run for the Senate. What did I think of it?

I probably told JIM what a lot of people told him: You want to run for the Senate? The election is right upon us.

He said, I want to do that.

Not many believed he had any chance of winning. He believed he could, Bob Kerrey believed he could, but he ran because he wanted to and, boy, did he run hard.

For me, though, it did not settle in my mind until the night before the election. There was an event in Alexandria, VA. It was a cold November night. I stood with JIM on that stage. I realized then that he could win. People were lined up for blocks. "Lined up" was the wrong word—people covered blocks. Every open space as far as you could see was filled with people.

President Clinton was there. I was there. They didn't come to see me, of course. They came to see not President Clinton, they came to see JIM WEBB because he was doing the impossible. He had captivated the voters. He was unafraid. He spoke his mind. And what a smart man.

I marvel at the intelligence of JIM WEBB, his ability to learn and to express his ideas. As I said, he captivated the voters. That is really why he won the race he should not have been able to win.

Once he was elected, he was a marvel to watch. He believed he could change the world. He did change several corners of the world. Let me give one example. He was a new Senator and he came to me and said, I have an idea. JIM WEBB is not a person who just focuses on an idea and walks away from it. When JIM WEBB came to see me, he had the legislation he had drafted. It was not sent to some bill drafter to have him look it over, he drafted the legislation himself. What did he want to do? He wanted to introduce a post-9/11 GI Bill of Rights. What he wanted to do was expand educational benefits for military families and he brought our commitment to our veterans to the standard enjoyed by World War II veterans. He was just a freshman Senator.

After spending about an hour with him with facts and figures and the actual legislation, I said sign me up. I will do whatever I can to help you with it.

A brandnew Senator passed this major piece of legislation. He built a coalition of veterans and Democratic and Republican Senators to fight for this legislation. Since this legislation became law in 2008, more than 750,000 veterans of the wars in Iraq and Afghanistan and their families have used the program to access the education they deserve.

JIM, who speaks Vietnamese, has also helped shape our country's foreign policy in other places. He played a key role in Burma where he secured the rights of democracy activists such as Aung San Suu Kyi, who came and visited us a month or so ago.

JIM WEBB is a unique individual in so many different ways. He has visited many of the places where the battles were fought in World War II. He went to those islands and spent time walking to see what the veterans had gone through in a war prior to the one in which he was involved. He actually did that. It was physically hard, but he wanted to do that and he did it on his own.

Robert Kennedy said:

Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation.

JIM WEBB should be proud of his part—it was not a small part—in writing the history of his generation. He did it in the battlefields in Vietnam. He did it in the Pentagon. He did it here in the Senate.

I do not know what is ahead for JIM WEBB, but we have not heard the last of him. He has a wonderful, beautiful wife and wonderful children. He left his mark on the Senate and he will never be forgotten, even though he served here one term. I am really sorry his Senate career was not longer, but I am gratified it was so productive.

I congratulate JIM WEBB and express on this RECORD how much I admire him and what a strength he has been to me. He was a strength to me on the health

care bill. He has given me wonderful information on immigration—which I have spent a lot of time on. I have read some of his books. I have not read them all but I read a couple of them. He is somebody I will miss very much and I will always consider JIM WEBB somebody who made me a better person.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SHERIFF DANNY HICKMAN

• Mr. BOOZMAN. Mr. President, today I wish to honor Boone County Sheriff Danny Hickman for his commitment to safety and law enforcement during 14 years at the helm of the sheriff's department.

Sheriff Hickman made a career of helping others, serving in the fire department, medical, and law enforcement fields, as well as the Boone County Quorum Court before being elected sheriff in 1998.

His dedication to safety and law enforcement has been instrumental in the improvements within the department and the services available to the citizens of Boone County. Sheriff Hickman made 21st century improvements to office computers, patrol cars, and provided resources for additional training for officers and staff.

In addition, he continuously strived for opportunities to learn the newest methods available to law enforcement officers in programs offered by the University of Arkansas division of Criminal Justice Institute and to help meet the needs of rural communities during the Rural Executive Management Institute.

His efforts helped bring nearly \$½ million in Federal grants for school resource officers, a domestic violence officer, radio and camera equipment for area schools, and law enforcement services in Boone County. Sheriff Hickman made safety improvements a priority.

He has a true passion to making sure the people of Arkansas. Sheriff Hickman is the past president of the Arkansas Sheriff's Association and currently

serves on the Arkansas Association of Counties Risk Management Trustees Board.

I congratulate Sheriff Danny Hickman for his successes in law enforcement and keeping Arkansas citizens safe. I wish him continued success in the future. We are all grateful for his years of service and leadership in Boone County.●

#### TRIBUTE TO SERGEANT FIRST CLASS TOMMY SHOEMAKER

● Mr. VITTER. Mr. President, I rise today to honor a true American hero. During a parade honoring our veterans on November 15, 2012, in Midland, TX, four of veterans lost their lives when their float was tragically struck by an oncoming train. Sixteen other veterans were also injured.

That day, SFC Tommy Shoemaker was among the veterans being honored for their service, and his float was directly ahead of the one struck. Upon witnessing this tragedy, SFC Shoemaker jumped from his float that was traveling 40MPH. He, his fellow veterans, and other soldiers began immediately assisting those injured. Prior to ambulances arriving, they provided CPR and life-saving aid to stabilize those injured. SFC Shoemaker's selfless act of heroism not only saved lives but also is a testament to the special forces training he received.

SFC Shoemaker entered the military in 1986 and later served in the Army Reserves in Monroe, LA, and also the Mississippi National Guard. In 2004, he was deployed to Afghanistan as part of an Embedded Transition Team. Unfortunately, his convoy unit was attacked twice in 2005 and again in 2006, the last a combination of road side bombs and an ambush. The incident left SFC Shoemaker severely injured and forced him to return home.

Since, SFC Shoemaker has been working as an Associate Administrator at the Northeast Louisiana War Veterans Home, a position he held prior to deployment. He also lends his time at the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Office of Public Health. He does all of this with permanent disabilities to 90 percent of his body, as a loving husband to his wife Pam, and their four daughters, Malissa, Kayla, Suzie, and Sierra.

It is my privilege and honor to recognize SFC Tommy Shoemaker for his bravery and courage and for his service to the United States of America.●

#### MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

H.R. 6602. An act to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

H.R. 6605. An act to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program.

H.R. 6620. An act to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, with an amendment, and agrees to the amendment of the Senate to the title of the bill.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 50. Concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multi-stakeholder governance model under which the Internet has thrived.

#### ENROLLED BILLS SIGNED

At 4:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty.

H.R. 6634. An act to change the effective date for the Internet publication of certain financial disclosure forms.

#### MEASURES REFERRED

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

H.R. 6602. An act to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements; to the Committee on the Judiciary.

H.R. 6605. An act to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program; to the Committee on the Judiciary.

H.R. 6620. An act to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3664. A bill to provide for debt limit extensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-8448. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012-2013 Accountability Measure and Closure for Gulf King Mackerel in Northern Florida West Coast Subzone" (RIN0648-XC273) received in the Office of the President of the Senate on November 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8449. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (RIN0648-XC113) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8450. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York" (RIN0648-XC294) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8451. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XC288) received in the Office of the President of the Senate on December 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8452. A communication from the Attorney-Advisor for the Department of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Retrospective Review Under E.O. 13563: Seamen's Claims; and Admiralty Claims" (RIN2133-AB79) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8453. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lewistown, MT" ((RIN2120-AA66) (Docket No. FAA-2012-0538)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8454. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Bozeman, MT" ((RIN2120-AA66) (Docket No. FAA-2012-0519)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8455. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,



received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8481. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Restricted Category Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0896)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8482. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0337)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8483. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0671)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8484. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0354)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8485. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1229)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8486. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1319)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8487. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0267)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8488. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1326)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8489. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0422)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8490. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0038)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8491. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0192)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8492. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0644)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8493. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0593)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8494. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1411)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8495. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0424)) received in the Office of the President of the Senate on December 4, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8496. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-142, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8497. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Germany; to the Committee on Banking, Housing, and Urban Affairs.

EC-8498. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was originally declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-8499. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Organization and Functions, and Seal" (RIN2590-AA54) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8500. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Supervisory and Company-Run Stress Test Requirements for Covered Companies" (RIN7100-AD86) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8501. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Annual Company-Run Stress Test Requirements for Banking Organizations with Total Consolidated Assets Over 10 Billion Dollars Other than Covered Companies" (RIN7100-AD86) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8502. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment"; (RIN0648-XT37) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Environment and Public Works.

EC-8503. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material: Technical Amendments" (RIN1992-AA36) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Environment and Public Works.

EC-8504. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the General Services Administration's Fiscal Year 2013 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-8505. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to action taken to extend the Memorandum of Understanding between the Government of the United States and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Materials; to the Committee on Finance.

EC-8506. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee Airports: Addition of Bozeman Yellowstone International Airport, Belgrade, Montana"

(CBP Dec. 12–20) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Finance.

EC-8507. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8508. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Contracts and Provider Agreements for State Home Nursing Home Care" (RIN2900-AO57) received in the Office of the President of the Senate on December 5, 2012; to the Committee on Veterans' Affairs.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York.

Troy L. Nunley, of California, to be United States District Judge for the Eastern District of California.

Sheri Polster Chappell, of Florida, to be United States District Judge for the Middle District of Florida.

Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York.

Mark A. Barnett, of Virginia, to be a Judge of the United States Court of International Trade. Patrick J. Wilkerson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Louise W. Kelton, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. SNOWE (for herself and Mr. BEGICH):

S. 3663. A bill to reassert the proper role of Congress in closing or realigning military installations; to the Committee on Armed Services.

By Mr. REID:

S. 3664. A bill to provide for debt limit extensions; read the first time.

By Mr. KERRY (for himself, Mr. INHOFE, Mr. FRANKEN, Mr. LEVIN, Mrs. MURRAY, Mr. CARDIN, Mr. BLUMENTHAL, Mr. BEGICH, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 3665. A bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3666. A bill to amend the Animal Welfare Act to modify the definition of "exhibitor"; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Ms. SNOWE):

S. Res. 611. A resolution designating December 15, 2012, as "Wreaths Across America Day"; considered and agreed to.

By Mr. VITTER (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. ENZI, Mr. HELLER, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. THUNE, Mr. BOOZMAN, Mr. COCHRAN, and Mr. WICKER):

S. Con. Res. 61. A concurrent resolution expressing the sense of Congress that a carbon tax is not in the economic interest of the United States; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mr. ISAKSON, Mr. GRASSLEY, Mr. PORTMAN, Mr. TESTER, Mr. AKAKA, Mr. BROWN of Ohio, Mr. CARDIN, Mr. BINGAMAN, Mrs. HAGAN, and Mr. BOOZMAN):

S. Con. Res. 62. A concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 845

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 3608

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3608, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3664. A bill to provide for debt limit extensions; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3664

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SEC. 1. DEBT LIMIT EXTENSION.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking "as provided by law through the congressional budget process described in Rule XLIX of the Rules of the House of Representatives or as provided by section 3101A or otherwise." and inserting "as provided—

"(1) by law through the congressional budget process described in Rule XLIX of the Rules of the House of Representatives or as provided by section 3101A or otherwise, or

"(2) by executive order of the President. An executive order issued pursuant to paragraph (2) shall be considered as a major rule for purposes of chapter 8 of title 5, United States Code."

By Mr. KERRY (for himself, Mr. INHOFE, Mr. FRANKEN, Mr. LEVIN, Mrs. MURRAY, Mr. CARDIN, Mr. BLUMENTHAL, Mr. BEGICH, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 3665. A bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, we currently have over 400,000 children in our foster care system due to abuse or neglect by their biological families, with 104,000 eligible for adoption. Tragically every year nearly 28,000 of these children age out of our foster care system with no place to call home. On average, foster children spend over 3 years in the system and around 16 percent languish in the foster care system for over 5 years. Only around 3 percent start college and even fewer finish their degree. We must continue working to connect children in our foster system to a safe, loving, and permanent home while also doing more to address their educational outcomes.

I am greatly concerned that too many of our Nation's foster youth are unable to appropriately access critical Federal programs that provide assistance to help increase their educational opportunities. Higher education can hold the key to a future of stability and it is unacceptable that many foster youth who are eligible for higher education funds, such as Education and Training Vouchers, ETV, and support through the John H. Chafee Foster Care Independence Program, are never told about these programs.

This is why I have worked with my colleagues to introduce a bipartisan bill to direct the Department of Education to fully utilize the Free Application for Federal Student Aid, FAFSA, as a tool to notify foster youth of all Federal funds which may be available to support their pursuit of higher education, and include information specifically for foster youth on their agency website. The Foster Youth Higher Education Opportunities Act will automate the notification to foster youth of their potential eligibility for programs that serve as a lifeline to a better future.

I would like to recognize Senators INHOFE, FRANKEN, LEVIN, MURRAY,

CARDIN, BLUMENTHAL, BEGICH, ROCKEFELLER, and LANDRIEU as original co-sponsors of this bill. I ask all of my colleagues to support this important legislation.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 611—DESIGNATING DECEMBER 15, 2012, AS “WREATHS ACROSS AMERICA DAY”

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

##### S. RES. 611

Whereas, 21 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 350,000 wreaths have been sent to more than 800 locations, including national cemeteries and veterans memorials in every State, and to locations overseas;

Whereas the mission of the Wreaths Across America project to “Remember, Honor, Teach” is carried out in part by coordinating wreath-laying ceremonies at Arlington National Cemetery as well as veterans cemeteries and other locations in all 50 States;

Whereas the Wreaths Across America project carries out a week-long veterans parade between Maine and Virginia, stopping along the way to spread a message about the importance of remembering the fallen heroes of the United States, honoring those who serve, and teaching the people of the United States about the sacrifices made by veterans and their families to preserve our freedoms;

Whereas, in 2011, wreaths were sent to more than 700 locations across the United States and overseas, 180 more locations than the previous year;

Whereas, in December 2012, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 10, 2011, was previously designated by the Senate as “Wreaths Across America Day”; and

Whereas the Wreaths Across America project will continue its proud legacy on December 15, 2012, bringing approximately 125,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 15, 2012, as “Wreaths Across America Day”;

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

#### SENATE CONCURRENT RESOLUTION 61—EXPRESSING THE SENSE OF CONGRESS THAT A CARBON TAX IS NOT IN THE ECONOMIC INTEREST OF THE UNITED STATES

Mr. VITTER (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. ENZI, Mr. HELLER, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. THUNE, Mr. BOOZMAN, Mr. COCHRAN, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Finance:

##### S. CON. RES. 61

Whereas a carbon tax is regressive in nature and would unfairly burden those vulnerable individuals and families in the United States that are already struggling under a stagnating economy;

Whereas a carbon tax would increase the cost of every good manufactured in the United States;

Whereas a carbon tax would harm the entire United States manufacturing sector;

Whereas the increase in production of domestic energy resources on private and State-owned land has created significant job growth and private capital investment; and

Whereas affordable and reliable energy sources are critical to maintaining the United States’ global competitiveness: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that a carbon tax would be detrimental to American families and businesses, and is not in the interest of the United States.

#### SENATE CONCURRENT RESOLUTION 62—EXPRESSING THE SENSE OF THE CONGRESS THAT OUR CURRENT TAX INCENTIVES FOR RETIREMENT SAVINGS PROVIDE IMPORTANT BENEFITS TO AMERICANS TO HELP PLAN FOR A FINANCIALLY SECURE RETIREMENT

Mr. BLUMENTHAL (for himself, Mr. ISAKSON, Mr. GRASSLEY, Mr. PORTMAN, Mr. TESTER, Mr. AKAKA, Mr. BROWN of Ohio, Mr. CARDIN, Mr. BINGAMAN, Mrs. HAGAN, and Mr. BOOZMAN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

##### S. CON. RES. 62

Whereas private retirement plans in the United States paid out over \$3,824,000,000,000 in benefits from 2000 through 2009, while public sector retirement plans paid out \$2,651,000,000,000 during the same period, with both playing an essential role in providing retirement income for millions of our Nation’s senior citizens;

Whereas there are approximately 670,000 private-sector defined contribution plans that are currently covering 67,000,000 participants, and over 48,000 private-sector defined benefit plans covering 19,000,000 participants;

Whereas \$4,700,000,000,000 is held in 401(k), 403(b), 457 and similar defined contribution plans, \$2,300,000,000,000 is held in private defined benefit plans, and another \$4,900,000,000,000 is held in Individual Retirement Accounts, largely consisting of funds rolled over from employer-based retirement plans;

Whereas from 2000 through 2009, employers have contributed almost \$3,500,000,000,000 to public and private retirement plans;

Whereas tax incentives are an important impetus for individuals to save for retirement and for employers to offer plans under our voluntary system;

Whereas generally, the taxation of amounts contributed to pension and retirement plans is simply deferred, not lost;

Whereas more than 70 percent of American workers making between \$30,000 and \$50,000 a year contribute to their own retirement when covered by a retirement plan at work;

Whereas under current law, if business owners and managers sponsor a retirement plan, they also must cover and provide benefits to lower-income and middle-income employees;

Whereas 401(k) and similar defined contribution plans have been enhanced over the years by Congress on a bipartisan basis;

Whereas the private retirement system in the United States is voluntary and is dependent on the willingness of business owners and corporations to adopt and maintain retirement plans; and

Whereas the United States system of employer-based retirement savings is designed to work together with other personal savings and the Social Security program to provide meaningful income replacement upon retirement: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that—

(1) tax incentives for retirement savings play an important role in encouraging employers to sponsor and maintain retirement plans and encouraging participants to contribute to such plans;

(2) existing tax incentives have increased the number of Americans who are covered by a retirement plan; and

(3) a reformed and simplified Federal tax code should include properly structured tax incentives to maintain and contribute to such plans and to strengthen retirement security for all Americans.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 6, 2012, at 10 a.m. to conduct a hearing entitled “Oversight of FHA: Examining HUD’s Response to Fiscal Challenges.”

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

#### COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 6, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

#### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation

and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 6, 2012, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Superstorm Sandy: The Devastating Impact on the Nation's Largest Transportation Systems."

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

#### AMERICAN ENERGY MANUFACTURING TECHNICAL CORRECTIONS ACT

Mrs. HAGAN. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6582, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 6582) to allow for innovations and alternative technologies that meet or exceed the desired energy efficient goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6582) was ordered to a third reading, was read the third time, and passed.

#### AMENDING THE ANIMAL WELFARE ACT

Mrs. HAGAN. I ask unanimous consent that the Senate now proceed to the consideration of S. 3666, which was submitted earlier today.

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

The legislative clerk read as follows:

A bill (S. 3666) to amend the Animal Welfare Act to modify the definition of "exhibitor."

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3666) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding "an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner," after "stores."

#### WREATHS ACROSS AMERICA DAY

Mrs. HAGAN. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 611, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. 611) designating December 15, 2012, as "Wreaths Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HAGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 611) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 611

Whereas, 21 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 350,000 wreaths have been sent to more than 800 locations, including national cemeteries and veterans memorials in every State, and to locations overseas;

Whereas the mission of the Wreaths Across America project to "Remember, Honor, Teach" is carried out in part by coordinating wreath-laying ceremonies at Arlington National Cemetery as well as veterans cemeteries and other locations in all 50 States;

Whereas the Wreaths Across America project carries out a week-long veterans parade between Maine and Virginia, stopping along the way to spread a message about the importance of remembering the fallen heroes of the United States, honoring those who serve, and teaching the people of the United States about the sacrifices made by veterans and their families to preserve our freedoms;

Whereas, in 2011, wreaths were sent to more than 700 locations across the United States and overseas, 180 more locations than the previous year;

Whereas, in December 2012, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 10, 2011, was previously designated by the Senate as "Wreaths Across America Day"; and

Whereas the Wreaths Across America project will continue its proud legacy on December 15, 2012, bringing approximately 125,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 15, 2012, as "Wreaths Across America Day";

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

#### MEASURE READ THE FIRST TIME—S. 3664

Mrs. HAGAN. Mr. President, I understand that S. 3664, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3664) to provide for debt limit extensions.

Mrs. HAGAN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

#### SIGNING AUTHORITY

Mrs. HAGAN. Mr. President, I ask unanimous consent that from Thursday, December 6, through Monday, December 10, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

#### ORDERS FOR MONDAY, DECEMBER 10, 2012

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 10, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to proceed to S. 3637, the TAG extension legislation, with the time until 5:30 p.m. equally divided and controlled between the two leaders or their designees; further, that the cloture vote on the motion to proceed to S. 3637 occur at 5:30 p.m. Monday.

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

#### PROGRAM

Mrs. HAGAN. Mr. President, at 5:30 p.m. on Monday there will be a cloture

vote on the motion to proceed to S. 3637, the TAG extension legislation.

that it adjourn under the previous order.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, December 6, 2012:

THE JUDICIARY

MARK E. WALKER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

TERRENCE G. BERG, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

ADJOURNMENT UNTIL MONDAY,  
DECEMBER 10, 2012, AT 2 P.M.

There being no objection, the Senate, at 4:52 p.m., adjourned until Monday, December 10, 2012, at 2 p.m.

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent