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Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal Savior, our help in ages past, take our lawmakers to a safe refuge, for You are their strong defense. Let them find safety under Your wings, as You protect them with Your constant love and faithfulness. Today, refresh our Senators with Your spirit, quicken their thinking, reinforce their judgment, and strengthen their resolve to follow You. Show them what needs to be changed and give them the courage and wisdom to make the changes.

Lord, we conclude this prayer by asking You to embrace with Your arms of mercy the victims and the families affected by the tragic shooting in Aurora, CO. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

MIDDLE CLASS TAX CUT ACT— MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 467.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now observe a moment of silence for the victims of the shooting in Colorado.

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

(Moment of Silence.)

AURORA, COLORADO SHOOTINGS

Mr. REID. Mr. President, this afternoon the Senate pauses to remember those killed in last week's horrific shooting in Colorado.

Among the dead was 26-year-old Jonathan Blunk—a graduate of Hug High School in Reno, NV, a Navy veteran and father of two. My heart goes out to his loved ones and to all the victims and their families as they struggle to make sense of the senseless. How can you make sense of something that is so senseless? We may never know the motivations behind this terrible crime or

understand why anyone would target so many innocent people.

Friday's events were a reminder that nothing in this world is certain and that life is precious and short. Today we pause to mourn the dead but also to honor how they lived. We pledge our support to the people of Aurora, CO, both as they grieve and as they begin to heal from this terrible tragedy.

RECOGNITION OF THE MINORITY LEADER

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

AURORA, COLORADO SHOOTINGS

Mr. MCCONNELL. Mr. President, we have all been sifting through the events of last Friday, and I think it is entirely appropriate for the Senate to take a moment today to acknowledge, as we just did, the victims of this nightmarish rampage, their families, and the wider community of Aurora.

In the life of a nation, some events are just so terrible they compel all of us to set aside our normal routines and preoccupations, step back, reflect on our own motivations and priorities, and think about the kind of lives we all aspire to live. This is certainly one of those times.

As is almost always the case in moments such as this, the horror has been tempered somewhat by the acts of heroism and self-sacrifice that took place in the midst of the violence. I read one report that said three different young men sacrificed their own lives in protecting the young women they were with. We know the first responders and nurses and doctors saved lives too, including the life of an unborn child.

I think all of us were moved over the weekend by the stories we have heard about the victims themselves. It is hard not to be struck by how young most of them were, of how many dreams were extinguished so quickly and mercilessly, but we were also moved by the outpouring of compassion that followed and by the refusal of the people of Aurora to allow the monster who committed this crime to

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



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eclipse the memory of the people he killed.

President Obama, Governor Hickenlooper, and the religious leaders in and around Aurora are to be commended for the time and effort they have put into consoling the families of the victims and the broader community. I think the best thing the rest of us can do right now is to show our respect for those who have been affected by this terrible and senseless crime and to continue to pray for the injured, that they recover fully from their injuries.

There are few things more common in America than going out to a movie with friends, which is why the first response most of us had to the shootings in Aurora was to think: It could have been any of us. It is the randomness of a crime such as this that makes it impossible to understand and so hard to accept. But as the Scripture says, "The rain falls on the just and the unjust."

So we accept that some things we just can't explain. Evil is one of them. We take comfort in the fact that while tragedy and loss persist, so does the goodness and generosity of so many.

Now I would like to join Governor Hickenlooper in honoring the victims by reciting their names:

Veronica Moser-Sullivan, Gordon Cowden, Matthew McQuinn, Alex Sullivan, Micayla Medek, John Larimer, Jesse Childress, Alexander Boik, Jonathan Blunk, Rebecca Ann Wingo, Alexander Teves, Jessica Ghawi.

We too will remember.

RESERVATION OF LEADER TIME

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

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

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

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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.

DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, I rise to once again urge the majority leader of the Senate to bring to the floor for debate one of the most important pieces of legislation that comes before this body each year; that is, the national defense authorization bill.

On several occasions I have approached the majority leader and asked him to consider this legislation which, for the last 50 years, this body has taken up, debated, amended, passed, conferenced with the House of Representatives, and sent to the President for the President's signature.

Last week, the majority leader, the Senator from Nevada, stated that Senate consideration of a controversial and flawed bill on cybersecurity—a bill that has not been considered in the regular order—is more important and of a higher national security priority

than the Defense authorization bill. I respectfully but vehemently disagree with that statement.

According to the majority leader, "We're going to have to get to cybersecurity before we get to the defense authorization bill because on the relative merits, cybersecurity is more important."

Let me repeat this. The majority leader of the Senate is arguing that legislation dealing with cybersecurity—which is a subset of national security, of national defense—is more important than legislation responsible for ensuring that the men and women of the Armed Forces have the resources and authorities necessary to ensure our national security—a bizarre statement.

I have been involved in national security issues for a long time. I have been involved with the bills concerning national defense, and I have never heard a statement that cybersecurity is more important than the overall security of this country. That either was the majority leader misspeaking or the majority leader having a lack of understanding of what national security is all about.

He is arguing that a controversial and flawed bill on cybersecurity—a bill of such "significance" that it has languished for over 5 months at the Homeland Security and Governmental Affairs Committee, with no committee markup or normal committee process, no amendments—should take precedence over a bill which was vetted for over a period of 4 months by the Senate Armed Services Committee and reported to the floor with the unanimous support of all 26 members, which certainly would not have been the case if there had been a vote on cybersecurity legislation as it is presently proposed, because I am a member of that committee and I and others certainly would never have supported this legislation and at least we should have been allowed the amendment process. But that is not the case with "cybersecurity."

Also, I might add, I understand we will have to have a motion to proceed, which then will drag us into next week, when we could—I emphasize could—finish the Defense authorization bill in 1 week and at most 2.

I remind my colleagues that consideration of the Defense authorization bill is more than a simple right of this body. It is an obligation to our national defense and a fulfillment of our responsibility to the men and women in uniform that the Senate has honored over the past 50 consecutive years.

I would say to my colleagues, today I went out to Bethesda Walter Reed to visit with our wounded. It is always an uplifting and always an incredible experience for me to make that visit. Cannot we—cannot we—as a body, for the sake of those men and women whose lives are on the line, pass a defense authorization bill that is responsible for their security, their training, their weapons, their equipment, their

morale, their welfare? Cannot we pass a defense authorization bill through this body? Are we so parochial? Is the Senate majority leader oblivious to the needs of the men and women who are serving this Nation? They deserve better than what they are getting from the leadership of this Senate.

The Senate Armed Services Committee version of the fiscal year 2013 National Defense Authorization Act provides \$525 billion for the base budget of the Defense Department, \$88 billion for operations in Afghanistan and around the world, and \$17.8 billion to maintain our nuclear deterrent.

In the area of pay and compensation, the bill authorizes \$135 billion for military personnel, including costs of pay, allowances, bonuses, and a 1.7-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request. The bill improves the quality of life of the men and women in the Active and Reserve components of the all-volunteer force. It helps to address the needs of the wounded servicemembers and their families. It also authorizes important military construction and family housing projects that cannot proceed without specific authorization.

All major weapons systems are authorized in this legislation, including those that will benefit by the committee's continuous rigorous oversight of poorly performing programs. Every piece of equipment—large or small—that the Department of Defense needs to develop or procure is authorized in that legislation.

With the planned reductions in Afghanistan, the importance of providing for our deployed troops while training and transitioning responsibilities to the Afghan forces has never been more important. The bill provides our service men and women with the resources, training, equipment, and authorities they need to succeed in combat and stability operations. It also enhances the capability of U.S. forces to support the Afghan National Security Forces and Afghan local police as they assume responsibility for security throughout Afghanistan by the year 2014.

The bill contains important initiatives intended to ensure proper stewardship by the department of taxpayer dollars by, among other things, codifying the 2014 goal for it to achieve an auditable statement of budgetary resources, strictly limiting the use of cost-type contracts for the production of major weapons systems, requiring the Department of Defense to review its existing profit guidelines and revise them as necessary to ensure an appropriate link between contractor profits and contractor performance, enhancing protections for contractor employee whistleblowers, and restricting the use of abusive "passthrough" contracts.

Another vitally important provision in the bill repeals provisions of last year's National Defense Authorization Act that threaten to upset the delicate balance between the public sector and

the private sector in the maintenance and repair of military systems, and the bill addresses many other important national security policy issues.

With respect to cybersecurity, I am in full agreement that the threat we face in the cyber domain is among the most significant and challenging threats of 21st century warfare. This threat was made even more evident by the recent leaks about Stuxnet coming from this administration. That is why the Defense authorization bill takes great steps to improve our capabilities by consolidating defense networks to improve security and management and allow critical personnel to be reassigned in support of offensive cyber missions which are presently understaffed. It also provides policy guidance to the Department of Defense to address the clear need for retaliatory capabilities to serve both as a deterrence to and to respond in the event of a cyber attack.

Based on the procedures the Senate has been following over the past few years—with little or no opportunity for debate and amendments—the majority leader apparently intends to rush through the Senate a flawed piece of legislation. The cybersecurity bill he intends to call up later this week is greatly in need of improvement, both in the area of information sharing among all Federal agencies and the appropriate approach to ensuring critical infrastructure protection.

Without significant amendment, the current bill the majority leader intends to push through the Senate has zero chance of passing the House of Representatives or ever being signed into law; whereas, the Defense authorization bill, if we would take it up and pass it, clearly, we would have a successful conference with the House, and we would send it—after voting on the conferenced bill—to the President for his signature. There is no chance the cybersecurity bill the majority leader wants to bring to the floor will have a chance of passage in the House of Representatives.

So here is the choice: take up the Defense authorization bill, which has important cybersecurity provisions in it and provides for the overall defense of the Nation, or take up a flawed bill that never went through the committee, was never amended, take it to the floor, use up 1 week while we go through the motion to proceed, and then maybe pass it, maybe not, and not have it even considered by the other body during the month of September, which is the last we will be in session before the election.

For the life of me, I do not understand why the majority leader of the Senate should have so little regard for the needs of the men and women who are serving in the military today, and I hope he will understand better the needs to defend this Nation, as we are still involved in conflict in Afghanistan, we face a major crisis with Iran over their continued development of

nuclear weapons—we just saw the Iranian ability to commit acts of terror all over the world, the latest being in Bulgaria—the fact that Syria is now coming apart and in danger of—because of this administration's failure to lead—that there can be chemical weapons not only spread around Syria but also in other places as well. There is a danger of chemical weapons that are presently under Bashar Assad's control flowing to Hezbollah, presenting a grave threat to the security of Israel.

All these things are happening in the world without this body acting on the most important piece of legislation as far as our national security is concerned, and the majority leader of the Senate apparently has decided not to bring it up and wants to bring up cybersecurity instead. It is a grave injustice—a grave injustice—to the men and women who are serving this Nation and sacrificing so much.

I hope the majority leader of the Senate, who by right of his position and in the majority decides the agenda for the Senate, will change his mind and bring up the Defense authorization bill, which I assure him we can have passed by this body, as always, in a near unanimous vote, if not totally unanimous vote, for the benefit of the security of this Nation.

I yield the floor.

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.

Mr. KYL. 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.

CLASS WARFARE

Mr. KYL. Mr. President, I wanted to say a few words today about the current debate over “class,” a term that has been ubiquitous in this election year. Its usage in political rhetoric is, I believe, misguided and wrong and even dangerous. Most prominently, we have a President who talks incessantly about class, particularly the middle class. Maybe you have noticed that.

He defines class strictly by your income. In the President's narrative, someone who makes \$199,000 a year is a member of one class, and someone who makes \$200,000 belongs to another class. Does that make sense? Indeed, each day the President is out on the campaign trail championing himself as the great protector of what he calls the middle class, and pitting those Americans against their fellow citizens by arguing that the wealthiest class is victimizing them through the Tax Code.

If wealthy people are not made to pay more, he argues, the middle class will be stuck in their current stations. What one class wins, he implies, the other class loses. In this, I believe he is wrong. Moreover, I believe such a formulation is contrary to four centuries of American history.

First, I think “class” is a loaded term that is not appropriate for our debates about income, mobility, and tax policy. Implying there is a rigid class structure in America suggests some people were born innately superior to others, and that where you were born is where you stay.

That is not what we believe in America. A true class-based society is one in which one ruling class employs another class that labors but cannot own property or move out of their class.

This is not who we are in America. We do not have an ingrained class system. There are no noble bloodlines. We do not have an aristocracy or commoners or people who are legally unable to own land, for example, because of their class. Spreading economic resentment weakens American values and ideals, and it ignores the uniquely meritocratic basis of our society where you can succeed if you work hard, and you can do well.

Generations arrived here in America to get away from class societies in Europe. They believed in that meritocracy. They wanted the opportunity to make it in the land of self-government and equal rights and opportunity, to work and compete and to build something of their own, something they could perhaps one day pass on to their children.

In America we believe everyone can achieve the American dream regardless of background. And how many rags-to-riches stories are there out there? There are countless. How many from one generation to the next, and by the third generation you had an incredibly more successful generation than the first. Think of all the people who had a big dream and built something or made something that changed lives; maybe a company that employs a lot of people or a product that makes life easier or maybe even just more fun. We have different talents to offer and different ideas of success and what we want to do with our lives, and that is all part of the American story.

As columnist Robert Samuelson noted recently, four modern-day Presidents—Obama, Clinton, Johnson, and Eisenhower—all came from very modest backgrounds. So we don't need the current President touring the country and defining every American's values and status based upon a class system he has made up.

If we want to talk about income and mobility, which is the basis of the class debate, let's do that. And that leads to my second point. Income in America is fluid; that is, there is ample evidence that people can and do move among income groups. Our economists study this. They divide our country into quintiles and they talk about how people move from one quintile into another quintile, and they do this throughout their life. You know, younger people start in the lower quintiles and as they get education and get work and then get improved work and more experience, they move into higher quintiles.

Take one statistic here. The Tax Foundation found from 1997 to 2007—the 10-year period they studied—only 50 percent of the taxpayers who reached millionaire status did so more than one time. In other words, high income status is often the result of 1 or 2 years of financial success, frequently based on the sale of an asset or some other temporary event.

Here is another notable factoid: A Kauffman Foundation survey of more than 500 successful entrepreneurs found that 93 percent came from middle-income or lower income backgrounds. The survey notes that entrepreneurship did not run in the family for these people. Quoting from the survey:

The majority were the first in their families to launch a business.

A Treasury Department study on income and mobility in America found during the 10-year period starting in 1996, roughly half of the taxpayers who started in the bottom 20 percent had moved up to a higher income group by 2005. Similarly, people in the top income group dropped to lower groups, thus making way for others to move up. The point is there is no such thing as a permanent middle class or any other class in America.

There are other measures of income mobility. As columnist Robert Samuelson noted, one litmus test for mobility in America is whether people rise above their parents economically, and this happens frequently. Citing a new report from the Pew Mobility Project, he notes that 84 percent of Americans exceed their parents' income at a similar stage in life. Income gains were "sizeable across the economic spectrum," he writes. Indeed, in the bottom fifth of income earners, median income grew by 74 percent over just this decade.

While income mobility has slowed during this economic downturn, the overarching point is that nobody in America is stuck where they are because of a ruling class of greedy wealthy people.

Here is my third point: To borrow a phrase from Congressman PAUL RYAN, the real class threat is a class of bureaucrats and crony capitalists using their government connections to try to rig the rules and rise above everyone else.

One example is ObamaCare. Recently released documents show that industry lobbyists and Democrats worked very closely in drafting ObamaCare. After it became law, the Department of Health and Human Services granted approximately 1,700 temporary waivers from the new annual limit requirements of the law. When the Federal Government is handing out lucrative favors, it is easy to predict what will happen. Companies hire armies of lobbyists and politically connected organizations—in this case, primarily, labor unions—will get special treatment. And that is exactly what happened here.

It is not just ObamaCare. Cap-and-trade would have enriched politically

connected energy firms. Even without cap-and-trade, many of Obama's political supporters have reaped huge benefits from the administration's green energy industrial policy. The Solyndra scandal demonstrates what can happen when government tramples free markets in a misguided attempt to pick economic winners and losers.

As University of Chicago economist Luigi Zingales reminds us in his new book, "A Capitalism for the People," being "probusiness" is not the same as being "promarket." All too often, the Obama administration has embraced spending policies and regulations that favor certain businesses but are fundamentally antimarket. If a Federal policy is probusiness but antimarket, it is most likely an example of crony capitalism.

The irony here is remarkable. Even though President Obama tours the country advertising himself as the defender of the little guy and a guardian of the middle class, he has consistently embraced policies that promote crony capitalism.

That is not the type of capitalism that made this country so prosperous, and it is not the type of capitalism the American people support. Citizens across this country are eager for policies that promote free markets and equal opportunities for all businesses, all industries, all entrepreneurs, all people. Those are the principles upon which our country was founded. Americans firmly reject the idea that certain companies and industries should receive preferential treatment for political or ideological reasons. Centuries of evidence from around the world demonstrates crony capitalism leads to corruption, a decline of social trust, and economic stagnation. That is certainly not the future Americans want.

Instead of policies that favor politically connected entities and take even more money from successful Americans, let's clear the way for more opportunity and mobility in a true free market system. Higher taxes and more government are not the answers. We should not make it more difficult for Americans to get ahead.

We should certainly not believe Americans are to be distinguished by their income in any given year or be presumed to have different values or value because of that. To say America has a middle class presumes we have a lower class or an upper class. Think about it. You can't have a middle without something on either side. Is it true we have a lower class and a middle class and an upper class? Some Americans are better off financially than others. That is certainly true. But that is no basis for dividing us into arbitrary classes to favor one over another.

My guess is that all this talk about class, while it has a tendency to divide Americans, is more about trying to identify with the common man, and that is something all politicians try to do. "I am just like you. I am just like the average guy." Abraham Lincoln

talked about identifying with the common man. He said he thought God made a lot of them, and I think that is true. Most people in this country like to think of themselves as basic, common citizens, and they do not particularly like somebody identifying them as a class in order to suggest they are better or worse than somebody else.

That is why I think, even though this divides America, the discussion about class is probably simply an effort to say "I am for you." And some politicians don't like to say "I am for everybody" because that would imply they are for people who are very successful. Well, why shouldn't we be for people who are very successful? They are probably people who have accumulated wealth because of something they have accomplished in life—usually by studying hard, working hard, sometimes by creating some special kind of product.

Take Bill Gates or Steve Jobs. They were smart people who created something people wanted and were willing to buy, and they got very wealthy because of that. Is that bad? Bill Gates has created a foundation, and he and his wife have contributed more to charity than probably any other thousand people you can name. That is a good thing. They have created more jobs than many other people in this country have. They have created products that have enabled us to lead much better lives. The same thing is true of Steve Jobs and thousands and thousands of other entrepreneurs. So there is nothing wrong with being successful, being rewarded for that, because most likely it has given many other people an opportunity.

There was a recent editorial in the Wall Street Journal that talked about the Chicago Bulls and Michael Jordan. The article noted they weren't a very impressive team before Michael Jordan came and the team wasn't making very much money and neither were any of the players. When Michael Jordan came, after he established how great he would be, he was given an enormous, almost unheard-of salary. Did the other players say: That is not fair? No. Actually, all the other players got big salary increases too—nothing like Michael Jordan, but they got huge salary increases. Why? Because he made the team better and it began to succeed and, eventually—you all know the story—the world championships, the whole franchise did well—the people selling popcorn in the stands, the people parking the cars, and certainly every one of the members of the team made much more money than they ever would have had Michael Jordan not come to the team. But Michael Jordan still made many times more than any of them did.

This is a point President John Kennedy made when he talked about reducing the tax rates in the country on business—on capital gains—so that businesses could create more wealth so they could do what? They could grow and hire more people. He said a rising

tide lifts all boats. If the economy is doing well, if we have wealthy people who are doing well, we have less wealthy who will also do better.

That is what America has always been about. We don't take it away from the person who makes a lot of money. Maybe it is because they are lucky with a God-given talent they have or their good looks and their acting ability. Whatever it is, those people generally participate in activities that create wealth for others as well. They also create products or services or even entertainment we enjoy. So Americans don't look askance at these people. We celebrate them. We are happy for their success. Frequently it helps us too, besides which they pay a lot of taxes.

Likewise, for those people who are less fortunate, I don't know of any politician who wants to talk about the lower class. That almost is a pejorative term. It is as though these are lesser people. Well, the reality is maybe it is somebody down on his or her luck. Maybe it is somebody just starting out so they are not making as much money as somebody who has been in business a lot longer. Maybe it is a student, for example, or somebody who suffered misfortune, somebody who doesn't have a good education, or maybe a recent immigrant to the country. There is nothing lesser about those people. We are all Americans. They may be in a lower income group, at least temporarily, but there is no reason to distinguish between the people in that income group and however the President defines the middle class.

Why is the middle class more deserving or special than people who don't make as much money as those in the middle class? The point is, people are deserving all up and down the economic ladder. It isn't just about money, anyway. The person who makes an average income—who provides for his family, provides them a good home, good tutelage as a parent, strong values, maybe sends them off to college and helps them to prepare for their life as a productive citizen—is just as important as the wealthy person in this country. A teacher may not make much money but influences the lives of thousands of young people to be better citizens in this country—more educated—and that influence goes far beyond the salary the individual teacher makes. So you can't judge value by how much money someone makes, and you certainly can't identify with one class and say: That is the class I am for.

The President, in particular, represents all Americans. He should be for all Americans. And I don't think there is anything called middle class values that are different from the values of other people in this country. Tell me what is different about the values of someone who the President identifies as middle class? Does that mean middle income? If so, what income and what year? Because a person will be in a lower income group one year, in a

middle income group the next year, and maybe 10 years later in a higher income group. Has that individual's values changed? No. Americans are Americans, and it doesn't matter how much money we make in a given year. What matters is that as a country we have found a degree of success that others can only dream of because we create opportunity for everyone to succeed, and we teach that to our kids.

I think it is destructive for the leader of the country, the President, to be suggesting something else—that you should consider what class you are in in this country: If you are middle class, that is great, I am for you. Well, what about the other classes, and what about the person who is middle class today under the President's definition but wasn't yesterday and might not be tomorrow?

I just think the whole discussion of class is wrong. It is not what we do here in America. You can divide people for statistical purposes into income levels, into wealth levels, into levels of education. We divide ourselves for statistical reasons into all kinds of categories, but at the end of the day, we don't suggest that one group has different values than the other or that one is better than the other one. And I think that is the pernicious effect of the President's rhetoric—constantly talking about the middle class. I don't even know if I am in that group or not. Am I in the middle class? I make less money than the President suggests identifies the wealthy, that is for sure, but I don't think my values are any different or any better than those who make less money or more money than I do. In my view, money isn't even the measure of what this should be all about anyway.

I hope that as the campaign goes on, maybe we can focus a little bit more on what unites us rather than what divides us, on the values that I think we all subscribe to, and on the things that would make us a better country not just in economic terms but in other terms as well. And if we are focused on economic terms, then let's focus on those that will make us better off economically: a better education, a better home environment, strong communities, a government that is willing to help when that is necessary, and certainly governmental policies that reward what? That reward education; that reward hard work; that reward savings and investment; that reward entrepreneurship, people working to create something, to create a business; that reward job creation so that you don't have a law like ObamaCare that says: You are OK if you have 49 employees, but as soon as you have 50 employees, then here are a whole bunch of expensive burdens you are going to have to take on—tax burdens, penalties, and regulations. That is not something that favors building a business beyond 49 employees. It doesn't favor job creation beyond 49 employees. These are the kinds of issues we should

be debating. What will make our country better both in economic terms and in all of the other terms that define us as a society?

I hope that as the campaign goes on, we will focus a lot more on what we hold in common, that we share, and that we can do better with, rather than those that divide us and especially that divide us in political terms.

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.

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

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

AURORA, COLORADO SHOOTINGS

Mr. DURBIN. Mr. President, the horrific shooting that happened last week in Aurora, CO has shocked our Nation. Our hearts and our prayers go out to the victims, to their loved ones, and to all those whose lives have been forever marred by this tragedy. Twelve have died, and 58 more have been injured, many seriously.

We certainly give thanks to the first responders and to the medical personnel who responded so quickly and so capably. Most of all, we mourn those who we have lost.

Sadly, no state in our Union is immune to the horror of lives cut short by violence. In my State of Illinois, there have been too many lives lost, too many families shattered, too many children caught in the crossfire in my hometown of East St. Louis and some neighborhoods of Chicago.

The tragic mass shooting in Aurora has sent ripples of sadness and loss far beyond Colorado. For many people in Illinois, the scene last Friday was sickeningly familiar. A little over 4 years ago, a mentally disturbed gunman walked into a lecture hall at Northern IL University in DeKalb, IL, and opened fire. He killed 5 people, and injured 21 more. We in Illinois know something about the grief Coloradans are feeling after last Friday's mass shooting, and we grieve with them.

PETTY OFFICER JOHN LARIMER OF CRYSTAL LAKE, IL

We were saddened to hear that a young man from Illinois was among those killed in Aurora. U.S. Navy PO3 John Larimer of Crystal Lake, IL, was a fourth-generation Navy man.

He joined the Navy last year and trained at the Naval Station Great Lakes near Chicago. He was a cryptologic technician. He was stationed at Buckley Air Force Base in Aurora, where he was assigned to the U.S. Fleet Cyber Command. Last week Petty Officer Larimer went to the movies with his girlfriend, Julia Vojtsek, a nurse who grew up in Algonquin, Illinois. When the shooting started, John Larimer shielded Julia's body with his own. Julia said that John "held my

head, and protected my whole body with his, and saved me." John Larimer was a brave man who died a hero. He was 27 years old.

His commanding officer, Commander Jeffrey Jakuboski, said the following of Larimer:

He was an outstanding shipmate. A valued member of our Navy team, he will be missed by all who knew him.

Over the weekend, John Larimer was remembered by friends and family for his intelligence, his good nature, his compassion, and his dedication to his family, his community and his country.

Family members spoke of his "incredible mind" and "quiet gentleness." John's English teacher at Crystal Lake South High School remembered a good student who was "incredibly bright and firm in his ideals." He said John "was a good, strong human being . . . and I know he would have done incredible things for our country." To his high school principal, John Larimer was "just a great kid to be around."

Whether it was giving a big tip to a neighborhood kid who sold him a lemonade, or sending letters to the local newspaper calling for tolerance and respect for the views of others, John Larimer inspired those around him through the way he lived his life. And now he has inspired us with the way he died, literally sacrificing his life to save another.

His passing is a heartbreaking loss to the community of Crystal Lake, to Illinois, and to our country. I offer my condolences to John's parents, his brother and his three sisters. All of us will keep John, his family and his loved ones in our thoughts and prayers.

A night out at the movies is supposed to be a joyful event. That it could end in such a horrific scene reminds us how precious and fragile life is.

In the days and weeks to come, we will learn more about what happened in Aurora and whether there was any point at which this disturbed gunman could have been identified and stopped.

There will inevitably be discussions about whether we need to change any of our laws or policies. We owe it to the victims and their loved ones to see that those debates are guided by an honest assessment of the facts, what it will take to keep us safe in America, safe from the gunman who walks into a classroom at Northern Illinois University in DeKalb or the gunman who walks into a crowded theater in Aurora CO.

I came out of church yesterday, and a woman came up to me and said: They are talking about putting metal detectors in movie theaters now. What is next?

I said, sadly: I am not sure. I don't know where we will turn next to keep America safe from people who misuse firearms, assault rifles, a 100-round clip of ammunition.

All of these things are raising questions in the minds of everyone about where is it safe anymore.

I said to this woman outside our church: There was a big crowd sitting in that church today, too. Just as in that movie theater, we all thought we were safe until this happened.

For today we pause, not to enter into a debate about these important issues, which we must face, but to remember and honor those who died, to offer our condolences to those who were left behind, and to pray for the recovery of all those who were wounded and those who have suffered. We wish them comfort in this difficult time.

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. 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.

Mr. REID. Mr. President, are we now on the motion to proceed to S. 3412?

The PRESIDING OFFICER. We are.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk I wish to have reported.

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

The assistant 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. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

Harry Reid, Max Baucus, Tom Udall, Debbie Stabenow, Mark Begich, Sheldon Whitehouse, Carl Levin, Robert P. Casey, Jr., Tom Harkin, Tom Carper, Christopher A. Coons, Barbara A. Mikulski, Jeff Merkley, Kirsten E. Gillibrand, Daniel K. Inouye, Richard Blumenthal, Mark R. Warner.

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

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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.

EXECUTIVE SESSION

NOMINATION OF MICHAEL A. SHIPP TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to consider the following nomination which the clerk will report.

The assistant bill clerk read the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture motion be withdrawn and that the time be equally divided between now and the hour of 5:30 in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer, distinguished by his service here in the Senate but also as Governor of one of the most beautiful States in the Union.

AURORA, COLORADO SHOOTINGS

Before we begin—and so many others have said this—it would be impossible to state the amount of horror and sadness felt by my wife Marcelle and me at the news of what happened in Colorado, and I was reminded again today as I saw the flags lowered to half staff on this Capitol Building. We think of the Capitol as being a bastion of democracy or the light that sort of shines for the rest of the world on what democracy is. Unfortunately, so much of the world has seen the acts of a madman. It is safe to say this is one thing that united every Senator of both parties here. Our hearts go out not only to those who have been injured, obviously to the families of those who have died, and to the people in that wonderful community, because it is impossible for any one of us here to know how long or how hard that will hold in their heart, the number of people who say, as we all do: We just went to a movie. Any one of us has done that. Our children go to movies, our grandchildren go to movies. You expect them to go, have a good time, and come back, and enjoy it. The thought of what they saw there is horrible.

We have before us a Federal trial court nomination, that of Michael Shipp. This is a nomination that was voted on by the Senate Judiciary Committee more than three months ago and supported nearly unanimously by both Republican and Democratic Senators who have reviewed it. The only objection came as a protest vote from Senator LEE.

Judge Michael Shipp has served as a U.S. Magistrate Judge in the District of New Jersey since 2007 and has presided over civil and criminal matters and issued over 100 opinions. He is the