

climate change, that must be addressed in a bipartisan fashion.

If today's Republican Party leadership continues to keep its members' heads stuck in the sand on the matter of the manmade carbon pollution that is contributing to record-setting drought, heat waves, floods, and other extreme weather in the United States and globally, they will bear the greatest responsibility for the economic, ecosystem, and public health damages that will only accelerate and grow over time.

They would be wise instead to adopt Mr. Train's worthy counsel from his memoir: "Today, as a nation, we urgently need to develop the political will to overcome our avoidance of difficult environmental decisions. The problems will only get worse, and we have a long way to go."

REMEMBERING SENATOR ARLEN SPECTER

Mr. LEAHY. Mr. President, it was more than 40 years ago when two young prosecutors, one from the biggest city in Pennsylvania and one from a smaller town in rural Vermont, came together at an annual meeting of the National District Attorneys Association in Philadelphia. Little did Arlen Specter and I know then that we would spend 30 years working together in the United States Senate, building on our bond as former prosecutors, seeking to bridge the partisan divide, and striving to find common ground on some of the most contentious issues of our time.

Arlen Specter's public service began during the Korean War. When elected to serve as Philadelphia's District Attorney, he led landmark prosecutions against public corruption and to rid his city's streets of some of the country's most hardened criminals. He was a prosecutor's prosecutor.

Arlen Specter also was a Senator's Senator. He loved the Constitution, he loved and honored the institutions of our democracy, and he loved policymaking and the political process. As a Senator he tried to put the interests of the Nation and the Senate's special role in our system above partisanship while always representing and serving the people of Pennsylvania. He believed in aggressive oversight of government agencies, regardless of the administration's affiliation, from our bipartisan investigation of the shootout at Ruby Ridge, to the political firings of U.S. attorneys and the threats to civil liberties posed during the Bush administration. He reached across the aisle to partner with me to try to pass comprehensive asbestos legislation and we joined to reauthorize the Voting Rights Act during the Bush administration. He supported more transparency, in every branch of our government, to ensure the American people knew what their government was doing. He was a strong supporter of law enforcement and a vigorous and fair judicial system. And he joined with TOM HARKIN to di-

rect billions of dollars to the National Institutes of Health and cancer research.

His work ethic and dedication were tested when he was first diagnosed with an advanced form of Hodgkin's lymphoma in 2005. Through that ordeal, Arlen kept his humor, his spirit, and his rigorous work schedule. He served as chairman of the Judiciary Committee in 2005 and 2006. I was the ranking Democratic member of the committee during those years and worked collaboratively to make my friend a success and ensured that we treated him fairly. During those years and those that followed, when it was my turn to chair the committee and his to lead the Republican members, we used to joke that we spoke to each other more often than we spoke to our wives, Marcelle and Joan.

Arlen was a fighter. I never knew anyone who worked or fought harder. I think he hoped to fight through his disease one more time.

The history books will note that Arlen Specter was the longest-serving U.S. Senator in Pennsylvania history. History should remember Arlen Specter as a person who tried to do what he thought was best for the country and to challenge the ever more constricting litmus test of partisan politics. He represented Pennsylvania and served the Nation. Like the Republican Senators who have represented Vermont, Arlen is an example to all senators, of any party. He will be missed.

REMEMBERING ROGER D. FISHER

Mr. LEAHY. Mr. President, on August 25, 2012, the United States and the world lost one of its most creative thinkers and problem solvers. Roger D. Fisher, Williston Professor of Law at Harvard University and coauthor of "Getting to Yes: Negotiating Without Giving In," the most widely read book ever written on the subject, was 90 years old.

Roger Fisher was a pioneer and a giant in the field of negotiation. He not only changed the way people think about dispute resolution, inspiring and mentoring countless students who have gone on to use his teachings in their own careers, he applied his theories to real-life conflicts from South America to the Middle East.

I had the good fortune to meet Roger and was struck by his affable manner and big smile, his inquisitive mind, and, perhaps above all, his enthusiasm for devising creative ways to help others solve seemingly intractable problems and in doing so make the world a better place. No conflict was too big or too small. He had imaginative, thoughtful approaches to everything, from ending the Vietnam war to resolving an argument among siblings at the family dinner table.

Roger was a gifted advocate. He had a brilliant mind and an extraordinary ability to persuade. But, as others have said, "he taught that conflict was not

simply a 'zero-sum' game in which a fixed pie is simply divided through haggling or threats." Rather, it was about how one approaches the problem, recognizing the other side's needs, understanding their interests, and in doing so maximizing outcomes for both sides. That was the genius of the "without giving in" part of "Getting to Yes." While some might assume he meant getting one's way at another's expense, Roger recognized that is rarely possible or desirable, and it is often not necessary for a good result. But he also saw how lacking in the basic analytical and practical tools of negotiation most people are.

I often think of Roger when I see the House and Senate so polarized and incapable of the positive, creative thinking and compromise that are necessary to deal effectively with issues of importance to our constituents, to the country, and to the world. "Getting to Yes" should be mandatory reading for every Member of Congress. It contains invaluable lessons for the job the American people sent us here to do.

I want to express my condolences to Roger's two sons, Elliot and Peter. Elliot Fisher lives in Vermont, is a respected physician at the Dartmouth-Hitchcock Medical Center and a leading voice for health policy reform. Peter Fisher has had a distinguished career in finance, including at the Federal Reserve Bank of New York and as an Under Secretary of the Treasury. I have no doubt they both have put to good use the lessons of their father.

Mr. President, I ask unanimous consent to have printed in the RECORD an obituary in the Economist about Roger Fisher.

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

[Sept. 15, 2012]

ROGER FISHER

ROGER FISHER, LAWYER, TEACHER AND PEACEMAKER, DIED ON AUGUST 25TH, AGED 90

He might be an academic—40 years on the faculty of Harvard Law School—but Roger Fisher was really a fixer. He would relax by mending the plumbing, or laying brick terraces at the summer house he loved in Martha's Vineyard. But that was tiddler stuff. At breakfast he would scan the New York Times, looking for bigger problems he could fix: arms control, hostage-taking, the Middle East. Over dinner the conversation would be sorting out Vietnam, or ending the war in El Salvador. At his 80th birthday party, most other guests gone, he was found deep in a discussion of peace between Arabs and Israelis.

As long as there were disputes in the world and energy in his body, he was going to help resolve them. If it needed a letter to a head of state, he would send it. If it needed him on the next flight to Moscow or Tokyo, he would catch it. People didn't have to invite him in. He would go anyway, tall, slim and smiling, and slip into action behind the scenes. With that sunny confidence he always had, he knew he could make the world better. And so did others: J.K. Galbraith remarked that if he knew Mr. Fisher was on to a problem, it always eased his conscience.

Mr. Fisher had a system. He outlined it with William Ury in his book "Getting to

Yes" (1981), which sold 3 million copies; he also taught it to students, especially, from 1979, through his Harvard Negotiation Project. Like all good tools, it got better with use. In any negotiation, he wrote—even with terrorists—it was vital to separate the people from the problem; to focus on the underlying interests of both sides, rather than stake out unwavering positions; and to explore all possible options before making a decision. The parties should try to build a rapport, check each other out, even just by shaking hands or eating together. Each should "listen actively", as he always did, to what the other was saying. They should recognize the emotions on either side, from a longing for security to a craving for status. And they should try to get inside each other's heads.

That was the theory, and Mr. Fisher delighted to put it into practice. At the Geneva summit of 1985, for example, Ronald Reagan on his advice did not confront Mikhail Gorbachev, but sat by a roaring fire with him while they exchanged ideas. More summits followed. A border war between Peru and Ecuador was nipped in the bud when Mr. Fisher advised the president of Ecuador (once a pupil of his) to sit on a sofa with the Peruvian president, and look at a map with him. Interviewing President Nasser of Egypt in 1970, Mr. Fisher asked him how Golda Meir, then Israel's prime minister, would be regarded at home if she agreed to all his demands. "Boy, would she have a problem!" Nasser laughed. He then grew thoughtful, having briefly seen their dispute from her point of view.

The Middle East, which caused him personal grief, also brought his most public success. His principles were used all through the Camp David negotiations of 1978, from the brainstorming over Jimmy Carter's draft of an agreement (23 rewrites) to the moment when Mr. Carter presented Menachem Begin, the Israeli leader, with signed pictures dedicated, by name, to each of Begin's grandchildren. Deeply affected, Begin began to talk about his family. The accords were signed that day.

He had his failures. As a Pentagon adviser in the 1960s he suggested several "yesable propositions" to put to the North Vietnamese; Robert McNamara listened, but not the military brass. In 1967 he had fun trying to nurse the tiny, dusty island of Anguilla to independent statehood, but the experiment was overturned. South Africa possibly satisfied him most: the Afrikaner cabinet and ANC officials, trained separately by him in negotiation workshops, agreeing to end apartheid without resorting to violence.

LESSONS FROM THE SOUK

Mr. Fisher's motivation was as clear as his writing. He hated war. His own service had been as a weather reconnaissance officer; in the course of it he had lost his roommate and many college friends. He had also flown often over Japan, harmless morning flights which the Japanese, pre-Hiroshima, had fatally learned to ignore. All those deaths weighed on him.

More light-heartedly, he grew up as one of six children, preferring to strike bargains rather than land a punch. Later on, still bargain-minded, he would stroll the souks of Damascus or Jerusalem, looking to expand his collection of ancient weights. Every one of those pieces represented a tough negotiation successfully concluded. For those who found his principles too idealistic, he could point to age-old haggling tricks he also recommended: pretending not to be interested, refusing to react to pressure, being prepared to walk away.

His most pleasing bargain, though, was the one he made to get his lot on the Vineyard. There he built a glass and shingle house right between the pounding ocean and Watcha Pond, where ospreys nested. When he

first found the place, the owner refused to part with the few acres he needed. He would sell him only the whole property, 60 acres or so, which cost too much. But Mr. Fisher called in friends, they all clubbed together, the deal was agreed; and he spent 50 glorious summers there, in just the sort of sweet, wise, negotiated peace he always wished for the world.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask consent that the following letter be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
November 13, 2012,

Hon. MITCH MCCONNELL,
Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 6062, Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

I support the goals of this legislation and believe state and local law enforcement agencies are a vital part of the criminal justice system in this country. However, I believe the responsibility to support, fund, and hold accountable state and local law enforcement agencies lies with the states and local communities these brave law enforcement officers serve. Furthermore, while I do not believe this issue is the responsibility of the federal government; if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it could cost the American people approximately \$800 million per year for 5 years without corresponding offsets, totaling \$4 billion. Furthermore, with the exception of the extra stimulus funding in 2009 through the American Recovery and Reinvestment Act (ARRA), the Byrne Justice Assistance Grant Program (JAG) has never received funding at the level authorized in this legislation. According to the Congressional Research Service (CRS), JAG funding has averaged \$461 million per year since its first appropriation in FY 2005, and appropriations have actually been trending downward since that time. Without including the 2009 ARRA funding, the most Congress has ever appropriated to Byrne JAG in a single year is \$546 million in FY 2009. I recognize this legislation reduces the overall authorization for the Byrne JAG program; however, I do not believe this reduction is sufficient to address the growing federal spending problem in this country.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$16 trillion. That means over \$51,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$14.7 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by \$19 trillion or 8.8%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, the Byrne JAG program dupli-

cates other sources of federal funding. State and local governments can use Byrne JAG funds for projects in seven different purpose areas: (1) law enforcement programs; (2) prosecution and court programs; (3) prevention and education programs; (4) corrections and community corrections programs; (5) drug treatment programs; (6) planning, evaluation, and technology improvement programs; and (7) crime victim and witness programs. Several of these broad purpose areas are already covered by other federal grant programs including Community Oriented Policing Services (COPS), Second Chance Act grants, drug and mental health court grants, and the Debbie Smith DNA Backlog Grant program, among others.

Second, Congress, particularly the Senate, has not performed sufficient oversight of the Byrne JAG program to justify its reauthorization at this time. Before reauthorizing this or any program, Congress should perform oversight to determine how a grant program is performing, evaluate how grantees use federal funds, measure the results of the program, and analyze whether there are other federal programs funding the same purposes. In my federal deficit reduction plan, Back in Black, I noted that critics on the right and left, along with the Department of Justice Office of the Inspector General, agree Byrne JAG experiences waste, fraud, and abuse in a variety of ways and should be reformed. Thus, I do not believe Congress should blindly reauthorize this program without oversight through a detailed review of its policies and practices.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to state and local governments for use on state and local criminal justice systems. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local criminal issues.

There is no question state and local law enforcement play a vital role in maintaining order and safety in many communities. However, I believe this issue is the responsibility of the states and not the federal government. Despite these constitutional limitations, if Congress does act in this area we should evaluate the program as most American individuals and companies must do with their own resources; we should review current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

WYOMING TAXPAYERS ASSOCIATION

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD a document that I think everyone in this body should consider.