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Senate

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.

Eternal spirit, give this day to our Senators hope that survives after taking into account all the challenges and setbacks that might push thinking people toward pessimism. During this season of hope, remind them that faith may put them on the road to laudable accomplishments but hope must keep them there.

May our patriotism be rooted in hope rather than in pride, so that we may not think of ourselves more highly than we should. Fill us with joy and peace so that by the power of Your Holy Spirit we may abound in hope, remembering that peace does not necessarily come through strength but strength usually comes through peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL of New Mexico 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 13, 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 11:30 a.m. this morning. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes.

Following morning business, we will resume consideration of S. 3637. The filing deadline for second-degree amendments to that legislation is 10:30 a.m. today.

At noon there will be up to two roll-call votes; the first on the motion to waive the Budget Act if a point of order is raised, and if the motion is successful, there will be a second roll-call vote on the motion to invoke cloture on the bill.

I am confident there will be additional votes this afternoon on judicial nominations. We will keep everyone advised as to the time.

THE FISCAL CLIFF

Mr. REID. Mr. President, a poll this morning in the Wall Street Journal—which indicates it was done by the Wall Street Journal and NBC News—indicates clearly where we should be headed with this fiscal cliff business. But until the Republicans realize this or are willing to do what is right, we are going nowhere.

More than three-quarters of Americans, including 61 percent of Republicans, believe it is fair to ask the top 2 percent to contribute a little more to avoid a fiscal cliff, and nearly two-thirds of those polled, including many who didn't vote for President Obama in November, say he has a mandate to reduce the deficit by raising taxes on the wealthy.

TRIBUTES TO DEPARTING SENATORS

HERB KOHL

Mr. REID. Mr. President, we on the Democratic side are going to recognize that seven of our Senators are retiring, and that is unfortunate, but that is the decision they have made. As I have indicated on more than one occasion, parting is sweet sorrow. We had a celebration last week and talked about those seven Senators and it was truly a wonderful evening.

I have come to the Senate floor to talk about these individual Senators, and today I am going to talk about Senator HERB KOHL. HERB KOHL, as has happened to other Members of this body, has had to overcome adversity to become a Senator.

The history of HERB KOHL and his family touches me. He is a very humble man. He doesn't talk very much, and even though we have served together for 24 years, I was stunned last week when we had a guest rabbi, Rabbi Kohl, from Canada. Hearing the name didn't mean much to me because it is a fairly common name. But after the rabbi finished, HERB KOHL, this man of humility, stood on the floor and gave us all a little bit of his background, which we had never heard before.

Senator KOHL's cousin, Rabbi Baruch Kohl, served as guest chaplain and he offered the invocation to convene the Senate. After the benediction, HERB KOHL, the senior Senator from Wisconsin, shared the family history.

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



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HERB KOHL's father Max and Rabbi Kohl's father Jack were brothers. During World War I, when Max and Jack were teenagers, the brothers were captured by the Russian military, jailed, and forced to march more than 150 miles, with little food, no proper clothing, and the constant threat of physical violence. On occasion, they didn't have shoes, and they were walking basically to Siberia is where they were headed. The boys' parents didn't know where they were for more than 2 years.

Max and Jack were then convicted by a tsarist army as spies and sent on an epoch 5-month journey by rail across Siberia. In 1916, the brothers were dumped off in a remote corner of that wintry waste. Exile was frequently a death sentence. Fortunately, in this instance, it was not. The brothers survived relying on the kindness of strangers, and 2½ years later Max, HERB's father, made his way back to his hometown.

During their exile, young Jack looked after the even younger Max. Max eventually—this would be HERB KOHL's father—immigrated to the United States. He sent for his older brother after he had earned a few dollars here in America. So the Rabbi's dad was brought to America by his brother—HERB KOHL's dad.

The brothers' bond passed through the generations to their sons. Senator KOHL and Rabbi Kohl are first cousins, and it was very dramatic to see the connection they shared on the Senate floor. The success enjoyed by Max Kohl, a Polish immigrant, and later by his son, a Senator for 24 years, is a testament to the American dream.

Despite a rough start in life, Max founded a chain of Wisconsin grocery stores. HERB eventually became president of the Kohl's chain, with one little store, but he was a successful businessman before he took over his dad's chain of stores. He became the CEO of that chain started by his dad.

Initially, after getting his bachelor's degree at the University of Wisconsin and his MBA at Harvard, HERB founded a successful real estate and stock investment firm. At the time, he was also serving as an Army Reservist. He took over as president of Kohl's grocery and department store in 1970. He successfully grew the company for a decade.

But as strong as his passion for business is, Senator KOHL was an even greater athletic fan. He had a passion for sports. In 1985, he bought the NBA's Milwaukee Bucks to keep the team from leaving Wisconsin. He couldn't stand the thought of an outsider buying the team and moving the team from Milwaukee, and that was the talk everybody had heard.

Everyone said HERB KOHL made a bad deal. Why did he pay so much money for that basketball team? But his decision to buy the Milwaukee Bucks, which at the time some said was crazy, proves doing the right thing and doing the profitable thing are often one in

the same. Today, the Bucks are worth ten times what HERB paid for the team and they are an important pillar of that vibrant Milwaukee community.

HERB was also one of the original investors in the Milwaukee Brewers, owned by his childhood friend Bud Selig. Senator KOHL and Major League Baseball commissioner Bud Selig were roommates at a fraternity at the University of Wisconsin, but they knew each other when they were little boys. They lived in the same neighborhood. HERB and Bud still have lunch at Jake's Deli whenever HERB is back in Milwaukee, which is almost every week. They do this on Saturday.

Senator KOHL is also passionate about education. He founded the Herb Kohl Educational Foundation Achievement Award Program, which awards grants and scholarships to graduating seniors, teachers, and schools all across Wisconsin. He donated \$25 million to the University of Wisconsin to build a state-of-the-art, new athletic facility—the Kohl Center.

Since he was elected in 1988, HERB KOHL has been a champion of public education, fighting to give students the tools they need to succeed in a modern workforce. He has also made fighting crime in Wisconsin and across the Nation a priority, advancing investments in antidrug and antigang programs. He has worked to reduce juvenile crime and ensure proper funding of State and local public safety agencies, and he has been a strong voice for Wisconsin dairy farmers.

HERB has also been a valued member of the Appropriations Committee, the Banking and Judiciary Committees, as well as a strong chairman of the Special Committee on Aging. He has done so much for the aging populations we have in America today.

He has been a leader on many different legislative initiatives. HERB KOHL is a fine man, a wonderful human being, and I so admire and appreciate him. He is a distinguished Senator, a devoted representative of the people of Wisconsin, and his presence will be missed in the Senate. I wish him the very best in his retirement.

Would the Chair announce the business of the day.

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 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

Mr. REID. 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. BOOZMAN. 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.

FARMING CHALLENGES

Mr. BOOZMAN. Mr. President, every time I travel the great State of Arkansas, I meet farmers and ranchers who help feed America and the world. That is just how prevalent agriculture is in my home State. It is our No. 1 industry and accounts for \$16 billion annually to the State's economy. That is the reason I asked for a seat on the Agriculture Committee. I wanted to help Arkansas's food producers, our farmers who are working to develop and implement policies to increase production, and provide them with the tools and resources they need to continue their important work.

There are two immediate concerns I hear as I travel the State: No. 1, they want us to wrap up the work on a new farm bill. They want to know what the rules are going to be for the next 5 years as they go and visit with their bankers; and No. 2, they do not want us to go over the fiscal cliff.

Arkansas farmers are concerned about what inaction on tax reform will mean to their livelihood. In particular, one of the areas they fear is a rise in the already high and unnecessary tax burden they face when inheriting a loved one's farm or ranch. The death tax makes planning and passing on farms and businesses to the next generation even more difficult. Oftentimes, the cost is too much to absorb, and families end up spending their hard-earned money on attorney's fees, selling their land or part of the business or assets or laying off workers just to pay Uncle Sam.

If the President and the Senate majority refuse to compromise on the tax portion of the fiscal cliff agreement, the death tax will rise dramatically. Arkansas farmers will be forced to hand over to Uncle Sam up to 55 percent of the value of family farm estates that are worth more than \$1 million beginning in 2013. This would have a truly devastating impact on nearly a quarter of Arkansas family farms and ranches.

With 97 percent of Arkansas farms being family owned, there is great concern among these agricultural producers, among our farmers and timberland owners about the current inaction on the fiscal cliff or fiscal crisis. A good example is Allen Nipper. He operates a tree farm in Magnolia, AR. He wrote to me about what he rightfully calls "multiple taxation." He says:

We know our lands provide clean water and wildlife habitat that benefits society in general without us expecting a handout or a