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Senate

The Senate met at 11 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

O God, whose mercy exceeds our sins, we thank You for the failures that drive us again and again to You for forgiveness and restoration. May we see in our setbacks opportunities for growth and progress.

Lord, change our lawmakers not from what they were but toward what they really are: generous, wise, and responsible stewards of Your bountiful grace. Keep us from becoming a country that wants to feel good rather than be good, as You empower us to live worthy of our forebears who sacrificed so much for freedom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN 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. LEAHY).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, December 20, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a

Senator from the State of Ohio, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. BROWN of Ohio thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

MODIFICATIONS TO AMENDMENTS—H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that the clerk be authorized to modify the instruction lines on amendments proposed to the substitute amendment No. 3395.

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of H.R. 1, which is the legislative vehicle for the supplemental appropriations bill involving the terrible storm that struck New England. The filing deadline for the first-degree amendments is 1 p.m. today. We will work on an agreement for amendments in order to complete action on the bill.

We are also hopeful that we can complete the extremely important Defense authorization bill today, and we are moving forward on FISA today. We are moving forward one way or the other. I hope we can get an agreement to move forward. If not, we will move forward without an agreement.

We will need everyone to pay attention as they always do but maybe more so today. There are a lot of things going on here, and people need to understand that we have things to do if

we want to be able to get home for a few days for Christmas, even though we will be back on the Thursday after Christmas.

TRIBUTES TO DEPARTING SENATORS

JEFF BINGAMAN

Mr. REID. Mr. President, I wish to take a few minutes today to honor my colleague, the senior Senator from New Mexico, JEFF BINGAMAN, as he retires from a long career of service to our country.

For 30 years Senator BINGAMAN has been a dedicated representative of the people of New Mexico, but for 26 of those years he was the junior Senator from New Mexico. The only person I know of who was a junior Senator longer than Senator BINGAMAN was Fritz Hollings. He was a junior Senator for many decades to Strom Thurmond. But 26 years as a junior Senator still makes you a fairly senior Senator. JEFF served alongside Senator Pete Domenici, the longest serving Senator in New Mexico's history. Until 2009 he was the most senior junior Senator.

JEFF BINGAMAN has never been one to get hung up on titles and credits. If there was ever a conscience of this body, it is JEFF BINGAMAN, a man who has been called by others, including Byron Dorgan, a workhorse. That is really true. For three decades he has quietly but diligently fought for the people of New Mexico and this country.

American industrialist Henry Kaiser once gave this bit of advice: "When your work speaks for itself, don't interrupt." And that is JEFF BINGAMAN. That could have been written for JEFF BINGAMAN by Henry Kaiser. That has been JEFF BINGAMAN's motto for years. He is not one for flashy press conferences. Most of the time he is too busy.

JEFF learned humility in the small town of Silver City, NM, where he grew up. His father was a professor and his

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



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mom a teacher, and they instilled in him a love and appreciation for education—and that is an understatement. He got his bachelor's degree from Harvard and his law degree from Stanford. Those are two of the finest educational institutions in the world, and he has a degree from both of them, Harvard and Stanford.

At Stanford, where he was going to law school, he met his wonderful wife Anne. I have such warmth for this woman. We have traveled together. I can remember trips we took on Senate codels; she was always the life of the party. She is a great match for JEFF—JEFF being quiet, subdued; Anne, not always so. I love them both. Anne is a political powerhouse in her own right. She served 3 years as head of the Antitrust Division of the Department of Justice under President Bill Clinton.

After they finished their law degrees, JEFF and Anne returned to New Mexico, and they both entered the private practice of law. There, JEFF spent 6 years in the Army Reserve, and at that time he and Anne had their son John. Senator BINGAMAN served a year as assistant attorney general before being elected attorney general of New Mexico in 1978. Four years later he was elected to the U.S. Senate.

As time evolves here, you see it in the face of our children. I can remember that when I first came to this body, JEFF had already been here 4 years. We had our Senate retreats, and there was little John, and I watched him grow as we did the retreats. I saw him just a short time ago, this handsome young man, now working on his own in New York in a very important job.

In addition to being a committed advocate for the people of New Mexico, JEFF has been a distinguished chairman of the Energy and Natural Resources Committee. As chairman, he has pushed for solutions to perhaps the greatest crisis of our time: global climate change. He has run into brick walls many times. As the Presiding Officer knows, it has been difficult to get much done. But it is not because JEFF BINGAMAN hasn't tried. I am so disappointed that JEFF is leaving that committee with so much unfinished work. Certain Senators have held up hundreds of bills in that committee. What a shame. But that is what has happened.

The Energy Policy Act of 2005—passed thanks to Senator BINGAMAN's leadership—changed the Federal Government's role in energy policy. It created energy efficiency and renewable tax credits that have grown the crucial green energy industry. He led that charge. Two years later JEFF guided Congress to raise vehicle fuel efficiency standards for the first time in 32 years.

Senator BINGAMAN also serves on the Finance Committee. He is tireless there, whether working on ObamaCare—and he was instrumental in the progress of that, working with Senator BAUCUS, Senator CONRAD, and others. He has also served on the Joint

Economic Committee. He has been a valued Democratic Member of this body. In the caucus, he has been terrific.

He has been someone I can call upon to ask for advice. Over the years we have served together, he didn't come and visit with me often, but when JEFF BINGAMAN wanted to see me, I knew immediately that he had thought through and knew what he wanted to talk about and knew what he wanted me to help him with. I think so much of him, I admire him, and I appreciate him. I will always remember this good man and the work he has done. I am sorry to see this brilliant, hard-working leader depart this body.

When JEFF announced his retirement a couple years ago, this is what he said:

It is not easy to get elected to the Senate, and it is not easy to decide to leave the Senate. There is important work that remains to be done. That is true today, and it will be the case at the end of this Congress. It will be true at the end of every future Congress as well.

Again, he hit the mark: There is plenty of important work left to be done. I am only sorry he won't be here to help us do that work.

I congratulate Senator BINGAMAN and his wife Anne on their long, productive careers. I wish them the very best in the years to come.

RECOGNITION OF THE REPUBLICAN LEADER

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

PLAN B

Mr. McCONNELL. Mr. President, I wish to start out today with a little context.

For more than a year, President Obama and Democrats in Congress have known, as well as I have, that every single taxpayer is scheduled to get slammed with an automatic tax hike on January 1, and for an entire year, they have been running out the clock.

Think about it. For President Obama, there is no better outcome than for taxes to go up on absolutely everybody. Why do I say that? Why does the President want taxes to go up on absolutely everybody? Because, frankly, that is the only way to pay for the big government this President wants. You have to raise taxes on everybody—the super-rich, the rich, the middle class, the lower class—you name it. Everybody has to have a tax increase because if all you do is whack the so-called rich, you only get enough money for about a week of government. If all you do is whack the super-rich, you only get enough money for about a week of government. So let's be clear about this matter. He wants to soak everybody, and there is only one way to do it, and that is exactly what he gets if we do nothing.

If that wasn't obvious before this week, it should be perfectly obvious now. Here we are less than a week before Christmas, and what is the President doing? What is his quarterback here in the Senate, the majority leader, doing? They have been playing Lucy and the football with the American people for months. They have said no to every single proposal that has been offered to avoid this tax hike, including their own. They are running out the clock, moving the goalposts, sitting on their hands. They aren't doing anything.

Well, I say enough. Enough. The time for games is over. The President may want to soak the American people to fund his vision of a social welfare state, but we are not going to let him do it.

Later today Republicans in the House will pass a bill that protects more than 99 percent—99 percent—of Americans from the tax hike Democrats want to slap them with within 2 weeks. The House bill will protect 99 percent of America's taxpayers from the tax hike that is coming in 2 weeks.

As I have said endlessly, we don't want to see taxes go up on anybody or anything. The problem isn't that government taxes too little, it is that it spends too much. The problem isn't that government taxes too little, it is that it spends too much.

But the President is determined to leap off the cliff. Well, we are not going to let him take the middle class with him. We are going to do everything we can to protect the American people from this scheme.

There is no reason in the world that Democrats actually shouldn't join us. I have literally a book of quotes from Democrats saying they want to protect the middle class.

It was the theme of the recently completed campaign. Well, here is your chance. We are at the end of the line. We have one chance to put your money where your mouth is and that is by voting on the bill the House sends over later today.

It will be, obviously, up to the majority leader to act. Will the majority leader act to protect the American taxpayers? Will he sit on his hands and do absolutely nothing? Will the Senate just sit back and watch the tax rates go up or will the Senate act? Enough is enough. Let's get this done. Let's show the American people we are working on their behalf. It is time to act to prevent this tax increase on 99 percent of America's taxpayers.

I yield the floor.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the