

the lack of jobs and the lack of qualified people to fill those jobs.

Secondly, this proposal does not generate the revenue necessary for the country to meet its needs for everything from education to job training, infrastructure, and research and development. The idea that people earning \$300,000 to \$400,000 a year could not pay the taxes they paid in the 1990s when the economy was booming is just plain absurd. But that is what we are being told; that people who make \$300,000 or \$400,000 simply cannot pay the same taxes they would have been paying in the Clinton years.

Furthermore, these wealthiest Americans made a lot of money in the last decade. So what do we do? Now we are raising the estate tax exemption to \$5 million. It was \$1 million under the Clinton tax years. Now the few who are really wealthy, who made a lot of money, and who have accumulated this wealth, we now have raised the estate tax so they can pass it on without any of that gain ever being taxed because the heirs now get it with what they call a stepped-up basis. So none of that is taxed.

So what we see, then, are the few who are wealthy getting more and more wealthy. So wealth becomes even more concentrated under this system.

Now, some will say: What is the problem? You want to protect the middle class. They are in this bill. How can you object if some higher income individuals are protected as well? Well, I point out these are not unrelated matters. With government investments and government spending dropping, being squeezed every year by my conservative friends on the other side of the aisle, and with deficits remaining high, every dollar of sacrifice the wealthy forego is a sacrifice we will later be asking of real middle-class, modest-income Americans. Every dollar the top 2 percent of taxpayers do not pay under this deal, we will eventually ask folks of modest means to forego—to forego on Social Security or Medicare or Medicaid or Head Start benefits or other items that benefit the real middle class.

I believe it is gravely shortsighted to look at these issues in isolation from each other, especially since the Republicans have made crystal clear that they intend to seek mandatory spending cuts just 2 months from now using the debt limit as leverage.

No. 3. Why in this deal do we make the tax benefits for the rich permanent while the progressive tax benefits we put in place in 2009 to help people of modest means—why are those temporary? For example, the estate taxes that benefit the wealthiest are made permanent. The earned-income tax credit that affects the lower income, that is temporary. The income tax rates that are set now are going to be made permanent to benefit higher income individuals, but the child tax credit is made temporary. The AMT fix is made permanent, but the American

opportunity tax credit for modest families to be able to afford to send their kids to college is made temporary.

In this deal we are about to vote on, logic is turned on its head. We provide permanent benefits to those who need it the least, and yet this deal sunsets the modest assistance to middle-class families—again, I repeat, middle class, real middle class; not \$400,000-a-year middle class, I mean the real middle class.

I think it is quite telling that earlier this last evening, Grover Norquist said he is for this bill, but our former Secretary of Labor Bob Reich is opposed.

So maybe now I guess we are all believers in trickle-down economics. Not I. I guess we now redefine the middle class as those making \$400,000 a year when, in fact, that represents the top 1 percent of income earners in America, not the middle class. So I guess that we now accept as normal practice in reaching bipartisan deals that the most vulnerable in our country, such as those who are out of work and who depend on unemployment benefits, can be held hostage as a bargaining tool for more tax breaks for the richest among us.

I am not saying that everything in this deal is bad. There are some good parts. But I repeat, I am concerned about this constant drift, bit by bit, deal by deal, toward more deficits, less job creation, more unfairness, less economic justice—a society where the gap grows wider between the few who have much and the many who have too little.

Mr. President, for these reasons, I must in conscience vote no on this bill.

The PRESIDENT pro tempore. The majority leader.

#### JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 8; that the substitute amendment, the text of which is at the desk, be agreed to; that there be 10 minutes of debate equally divided between the two leaders prior to a vote on passage of the bill, as amended; that there be no other amendments in order prior to the vote; that there be no points of order in order to the substitute amendment or the bill; finally, that the vote on passage be subject to a 60-vote affirmative vote threshold.

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

The Senate proceeded to consider the bill.

Mr. REID. Mr. President, very quickly, we have worked really hard this week. We Senators had to be here and are happy to be here, but there are four individuals who didn't have to work this week, but they volunteered to do so. These four pages have kept this place operating by helping floor staff and us. They could be home with their families and friends enjoying the holiday. Instead, they are here.

We have 18-year-old Jarrod Nagurka, of Arlington. He gave up his winter break to be here; Twenty-two-year-old Priscilla Pelli of Washington, DC, is a staff assistant in my office. She has devoted her time here. Twenty-two-year-old Erin Shields of Takoma Park, MD, is an intern in my office. And 16-year-old Gwendilyn Liu of Kaneohe, HI, the only remaining current page, skipped her winter vacation to help here. I want the record to reflect our deep appreciation for them, and I wish them the very best in their future endeavors.

Mr. President, working through the night and throughout today, we have reached an agreement with Senator MCCONNELL to avert tax increases on middle-class Americans.

I have said all along that our most important priority was to protect middle-class families. This legislation does that. Middle-class families will wake up today to the assurance that their taxes won't go up \$2,200 each. They will have the certainty to plan how they will pay for groceries, rent, and car payments all during next year. The legislation also protects 2 million Americans who have lost their jobs during the great recession from losing their unemployment insurance.

I am disappointed that we weren't able to make the grand bargain that we tried to do for so long, but we tried. If we do nothing, the threat of a recession is very real. And passing this agreement does not mean the negotiations halt—far from it. We can all agree there is more work to be done. I thank everybody for their patience today—and they have had a lot of patience.

I also thank my friend the Republican leader, Senator MCCONNELL, for his hard work to reach this bipartisan agreement. It has been difficult and very hard. As we have said before, Senator MCCONNELL and I out here do a lot of talking to each other; we kind of go over everybody's head. But he and I know that when the talk is done out here, we work hard to try to help this country. So he is my friend, and I appreciate very, very much the work he has done.

For example, this bill cuts \$4 billion in fiscal year 2013 and \$8 billion in fiscal year 2014. These are real cuts that are in this bill.

I hope the new year will bring a new willingness on the part of the House Republicans to join Democrats in the difficult but rewarding work of governing. The Speaker has said all along that he was waiting for the Senate to act. The Senate soon will act. Now, I hope for America that the Speaker will allow the full House of Representatives to vote on this bipartisan legislation.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I wish to thank my good friend the majority leader for his kind words and thank everyone for their patience and their counsel throughout this process.

I also thank the Vice President for recognizing the importance of preventing this tax hike on the American

people and stepping up to play a crucial role in getting us there. It shouldn't have taken us this long to come to an agreement and this shouldn't be the model for how we do things around here, but I appreciate the Vice President's willingness to get this done for the country.

I know I can speak for my entire conference when I say we don't think taxes should be going up on anyone, but we all knew that if we did nothing, they would be going up on everyone today. We weren't going to let that happen. Each of us could spend the rest of the week discussing what a perfect solution would have looked like, but the end result would have been the largest tax increase in American history.

The President wanted tax increases, but thanks to this imperfect agreement, 99 percent of my constituents will not be hit by those hikes. So it took an imperfect solution to prevent our constituents from very real financial pain. But, in my view, it was worth the effort.

As I said, this shouldn't be the model for how we do things around here, but I think we can say we have done some good for the country. We have done some good for this country. We have taken care of the revenue side of this debate, and now it is time to get serious about reducing Washington's out-of-control spending. That is a debate the American people want. It is the debate we will have next, and it is the debate Republicans are ready for.

Mr. REED. Mr. President, I want to address the bill before us tonight. Despite the best efforts of Senate Democrats to strike a balanced and fair compromise—to avert tax hikes on Americans making less than a quarter of a million dollars, to avert the expiration of unemployment insurance, to avert the damaging automatic spending reductions—we instead have before us a package that is at best a half-measure. This is not how we should govern.

However, the bill before us is better than the alternative facing millions of Americans. If we do not act, taxes for the middle-class will rise tomorrow, support for unemployed workers will lapse, Rhode Islanders will be hurt, and our economic recovery could suffer another Republican induced economic setback.

Unless this bill is signed into law, starting January first, taxes rise on every American and hundreds of thousands middle-income Rhode Island families will see their taxes increase by an estimated \$2,200 in 2013. Rhode Islanders numbering 37,000 would lose a tuition tax credit to help them pay for college and 103,000 Rhode Island families raising children would see an average tax increase of \$1,000 because they would no longer qualify for the Child Tax Credit. The economy is tough enough for most Rhode Islanders, and they shouldn't be asked to absorb a hit like that due to the stubbornness of the other side of the aisle.

This bill will also continue unemployment insurance for 2.1 million

Americans and almost 9,000 Rhode Islanders. Without a continuation of unemployment insurance, millions of Americans actively seeking work will suffer a debilitating economic blow. People will lose their homes and be unable to put food on the table, as they lose one of the few lifelines they and their families have as they look for work in a tough economy. Neighborhood businesses would have taken a hit as well. An estimated \$48 billion in economic activity will be sapped from our recovery and one of our most effective counter-cyclical economic policies would have been lost.

It is a sad truth, but the middle-class tax cuts and unemployment insurance were being held hostage by my Republican colleagues in order to secure even more generous tax cuts for the wealthy. So at least with the permanent extension of tax cuts for the middle-class and a one-year continuation of unemployment, that immediate threat is gone.

However, it is outrageous that this threat has been taken this far and that my Republican colleagues continue to demand a perpetuation of an unfair tax code that is tilted towards the wealthiest.

So I remain committed to reforming the tax system so it is fair for all Americans. I remain committed to ending egregious loopholes that result in absurd and unfair results, like a private equity partner paying a lower tax rate than a janitor.

I do want to stress that, despite Republican demands for big cuts in the social safety net, this bill protects Social Security, Medicare, and Medicaid beneficiaries. Such beneficiary cuts would have made this package even more unbalanced and unfair. Unfortunately, it appears that Republicans are already planning to hold the debt ceiling hostage in order to cut Social Security, Medicare, and Medicaid. Today they will insist on additional tax breaks for the wealthiest Americans, especially estate tax cuts, but then demand that we cut Social Security, Medicare, and Medicaid to cover these and other debts. I will work to prevent such callous efforts.

I am deeply disappointed by the package before us today. I believe the White House should have stood firm on reducing the deficit by nearly \$1 trillion and let income tax rates for those making over a quarter of a million dollars revert to Clinton-era levels. I am disappointed with Republican intransigence and the prospect of once again being on the brink of a manufactured economic catastrophe in order to secure tax preferences for millionaires and billionaires and attempting to pay for them by cutting Social Security or programs that benefit middle-income Americans.

In the coming weeks, I hope Republicans will drop their attempts to cut the deficit on the backs of the middle-class and seniors, and instead work with us to craft a fair and balanced

compromise that strengthens, not endangers, our economic recovery.

Mr. President, I yield the floor.

THE PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the vote will start immediately, and people should get here as quickly as they can.

The PRESIDENT pro tempore. Under the previous order, amendment No. 3448 is agreed to.

The text of the amendment is printed in today's RECORD under ("Text of amendments.")

The PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 251 Leg.]

#### YEAS—89

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Hatch	Portman
Begich	Heller	Pryor
Bingaman	Hoehn	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Risch
Boozman	Isakson	Roberts
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Johnson (WI)	Schatz
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Leahy	Tester
Coburn	Levin	Thune
Cochran	Lieberman	Toomey
Collins	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCain	Vitter
Corker	McCaskill	Warner
Cornyn	McConnell	Webb
Crapo	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Mikulski	Wyden
Feinstein	Moran	

#### NAYS—8

Bennet	Harkin	Rubio
Carper	Lee	Shelby
Grassley	Paul	

#### NOT VOTING—3

DeMint	Kirk	Lautenberg
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The PRESIDENT pro tempore. A 60-vote threshold having been achieved, the bill, as amended, is passed.

The PRESIDING OFFICER (Mr. MANCHIN). The majority leader.

Mr. REID. Mr. President, we don't expect any more votes today, no more votes today. We want to wait and see what the House does on Sandy, and I think whatever we do on Sandy will have to be done by unanimous consent anyway, so I wouldn't expect any votes until we come back here and reconvene on January 3, the day after tomorrow.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent that the title amendment with respect to H.R. 8, which is at the desk, be agreed to.

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

The amendment (No. 3450) was agreed to, as follows:

Amended the title so as to read:

An Act entitled the "American Taxpayer Relief Act of 2012".

#### MORNING BUSINESS

Mr. PRYOR. 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.

#### REMEMBERING DAVE BRUBECK

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring Dave Brubeck, the iconic jazz musician and composer who defined and popularized modern jazz during a pioneering career that spanned seven decades. Mr. Brubeck passed away on December 5, a day before his 92nd birthday, in Wilton, CT.

Dave Brubeck was born in Concord, California, on December 6, 1920. When he was 11, Dave's family moved to the town of Ione in the rolling Sierra foothills of Amador County, where his father, Pete, managed a cattle ranch, and his mother, Elizabeth, a classically-trained pianist, taught Dave and his two brothers how to play various musical instruments. Although his poor eyesight kept him from reading music, this determined young musician learned mostly by listening, and his abundant musical talents made him a popular feature at local events by the time he was a teenager.

At the College of the Pacific, Dave initially studied veterinary medicine before switching to music after one year. It was there that he met Iola Whitlock, a schoolmate who became his wife in 1942. Almost immediately upon graduation, he was drafted into the Army, where his standout performance as part of a travelling Red Cross show prompted a commanding officer to assign him to form a band to play for the troops in combat areas. He recruited black and white musicians to

play together in his 18-piece band, the Wolfpack Band.

After the war, Dave returned home to study music on a GI bill scholarship at Mills College under the tutelage of French composer Darius Milhaud. During this period, he met the musicians who would later form the Dave Brubeck Quartet. With Mr. Brubeck at the helm, the quartet's unique and groundbreaking style earned wide acclaim and a legion of fans from across the country, and eventually from around the world. In 1954, in recognition of his fame and prodigious talents, he was featured on the cover of Time Magazine. In 1959, the quartet's recording of "Take Five" became the first jazz single to sell a million copies. Over the years, he would produce other iconic jazz hits such as "Time Out" and "It's a Raggy Waltz," record more than a hundred albums, and even write two ballets.

A man of strong convictions, Mr. Brubeck used his musical gifts and celebrity to stand up for principles and causes in which he believed. In 1958, at the invitation of the U.S. State Department, he led the quartet on a good will tour that introduced jazz music to countries and audiences behind the Iron Curtain and in the Middle East. That same year, he refused to tour in South Africa when promoters insisted that his band be all white.

Mr. Brubeck performed for eight presidents and composed the entrance music for Pope John Paul II's 1987 visit to Candlestick Park in San Francisco. He was named a Jazz Master by the National Endowment for the Arts and received a Kennedy Center Honor for his contribution to American culture. His alma mater, now known as the University of the Pacific, established the Brubeck Institute to further his lifelong work and goal to use the power of music to "transform lives as well as to enlighten and entertain."

On behalf of the people of his home state of California, I extend my deepest sympathies to Dave Brubeck's wife of 70 years, Iola; sons Darius, Chris, Dan and Matthew; daughter Catherine Yaghsizian; 10 grandchildren; and four great-grandchildren. Dave Brubeck was an American treasure, and he will be dearly missed.

#### ADDITIONAL STATEMENTS

##### CELEBRATING THE 75TH ANNIVERSARY OF THE HAWAIIAN ROOM

• Mr. AKAKA. Mr. President, I rise today to recognize and celebrate the 75th anniversary of the opening of a historic and famously popular Manhattan attraction—the Hawaiian Room at the Hotel Lexington in New York City. Throughout its 30 years of quality cultural performances, its authentic and captivating shows were widely praised for giving audiences not only an exotic, entertaining experience, but also a raved off-Broadway production, not to be missed.

In the 1930s, the newly built Hotel Lexington at 48th and Lexington in New York City was an impressive hotel and with prestige and grandeur. At the cost of \$5 million to build in 1929, the iconic hotel became an instant favorite for global leaders, celebrities, business executives, and some of America's most famous sports icons including Joe DiMaggio, who famously lived in a penthouse suite during his whole career playing for the Yankees.

The manager was Charles Rochester, and in the late 1930s, he decided to open a Hawaiian-themed room in a large unused area of the hotel to try and attract new uppercrust business to his establishment to help with "the bottom line." At the time, Hawaiian and Polynesian cultures were growing in popularity and interest across the country. However, the creation of the Hawaiian Room was still a bold move not only because of the Great Depression, but also an increasingly complicated global scene as world conflicts were escalating in both Asia and Europe. Nevertheless, on June 23, 1937, the Hawaiian Room opened its doors for the first time.

The Hawaiian Room found success for an unprecedented 30 years straight in its presentation of Hawaiian culture and aloha, with the unique music and indigenous hula as its foundation. The room became a gathering place for many with Hawaii ties to share the knowledge and influence of the Hawaiian culture throughout the East Coast and the world. The venue became "the place to be" for celebrities in New York City, and it was the people who worked in the Hawaiian Room who made it such a success. Because of their talents, island ways, and authentic aloha many were able to enjoy a piece of Hawaii, even if they were on another "island" 5,000 miles away.

Recently, I was fortunate to meet with some of the gracious ladies who performed at the Hawaiian Room so many years ago. Their stories and spirit of aloha embody the qualities that made the Hawaiian Room so great for so many years.

I would like to commend TeMoana Makolo, Hula Preservation Society, and the dozens of Hawaiian Room members who worked in the room during its 1937–1966 run for their partnership and efforts in creating the Hawaii Room Archive to perpetuate this great piece of Hawaii's history. The oldest living former Hawaiian Room member is Tutasi Wilson at 98 years old, who was a featured dancer at the Hawaiian Room in the 1940s and 1950s.

Living members include Leonani Akau, Pua Amoy, Leilehua Becker, Iwalani Carino, Martha Carrell, Loma Duke, Wailani Gomes, Mamo Gomez, Mealii Horio, Mona Joy, Leialoha Kaleikini, Leialoha Kane, Manu Kanemura, Ed Kenney, Nona Kramer, Nani Krisel, TeMoana Makolo, Tautaise Manicas, Torea Ortiz, Olan Peltier, Vicky Racimo, Io Ramirez, Alii Noa Silva, Kauai Virgeniza, Tutasi