United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, DECEMBER 11, 2012 No. 159

# House of Representatives

The House met at noon and was called to order by the Speaker.

## MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

## FISCAL CLIFF UPDATE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair recognizes the gentleman from Ohio (Mr. BOEHNER) for 5 minutes.

Mr. BOEHNER. Mr. Speaker, last week, Republicans made a serious offer to avert the fiscal cliff, and most of it was based on testimony given last year by President Clinton's former Chief of Staff, Erskine Bowles. As Mr. Bowles himself said on Sunday: ''We have to cut spending.'' Well, he's right. Washington has a spending problem. Let's be honest: we're broke. The plan that we have offered is consistent with the President's call for a ''balanced approach.''

A lot of people know that the President and I met on Sunday. It was a nice meeting, it was cordial; but we're still waiting for the White House to identify what spending cuts the President is willing to make as part of the ''balanced approach'' that he promised the American people. Where are the President's spending cuts? The longer the White House slow-walks this process, the closer our economy gets to the fiscal cliff.

But here's what we do know: we know that the President wants more stimulus spending and an increase in the debt limit without any cuts or reforms. That's not fixing our problem. Frankly, it's making it worse. On top of that, the President wants to raise tax rates on many small business owners. Now, even if we did exactly what the President wants, we would see red ink for as far as the eye can see. That's not fixing our problem either; it's making it worse and it's hurting our economy.

I think the Members know that I'm an optimist. I'm hopeful that we can reach an agreement. This is a serious issue, and there's a lot at stake. The American people sent us here to work together towards the best possible solution, and that means cutting spending.

Now, if the President doesn't agree with our approach, he's got an obligation to put forward a plan that can pass both Chambers of Congress. Because right now the American people have to be scratching their heads and wondering: When is the President going to get serious?

## RECOGNIZING VICTOR DICARLO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ALTMIRE) for 5 minutes.

Mr. ALTMIRE. Mr. Speaker, I rise today to recognize Victor DiCarlo for receiving the National Order of the French Legion of Honor, the highest decoration that France bestows for meritorious service. I also want to commend Mr. DiCarlo for his unwavering service to his country during World War II. It's truly a privilege to be able to honor a constituent who so exemplifies patriotism and the American spirit.

Established by Napoleon Bonaparte in 1802, the National Order of the French Legion of Honor is a merit-based distinction awarded for exceptional civilian or military service. The Order's motto, ''Honor and Fatherland,'' reaffirms a celebration of patriotism and service for its recipients.

Victor DiCarlo was drafted into the Army 2 months after he graduated from Pittsburgh's Schenley High School in 1944. He arrived in France in 1945 and was assigned the responsibility of aiding the Allied Forces in reversing gains made by the German Army. He first saw combat in the Moselle region, helping the Allied Forces by breaking through the heavily fortified infamous Siegfried Line, a 390-mile defense system set up by the German Army along the country's western border that contained a series of tank traps and manned bunkers.

After successfully breaking through the Siegfried Line, Victor headed north in order to provide assistance to the undermanned and underequipped Allied Forces during the famous Battle of the Bulge. He also saw combat in the Rhineland region and all around central Europe throughout the duration of World War II. His division also helped to liberate two concentration camps, one in Austria and one in Germany.

Upon receiving an honorable discharge from the service, Victor was awarded the Bronze Star by the United States for his committed, meritorious service to his country during World War II, a fitting honor for a patriot of Victor's caliber. This year, on September 27, 2012, Victor added another decoration when he was awarded the French Legion of Honor during a ceremony here in Washington, D.C. at the French Embassy. He was given the honor for his military service in helping to secure the liberation of France.

The determination, bravery, and selflessness of Victor DiCarlo and so many like him is why we consider his generation the greatest. After the war, Victor returned home, earned an engineering degree from Tri-State College in Indiana, and worked as an engineer until



Printed on recycled paper.

his retirement from Westinghouse in 1989. He and his wife have five children, 13 grandchildren, and one great-grandchild.

I ask my colleagues to join me in celebrating an individual who is emblematic of the greatest armed forces in the world. World War II is filled with stories of heroism, triumph, and patriotism; and it is truly an honor to share Victor's story with my colleagues today.

I again want to commend Victor DiCarlo for his commitment to his country and join with his family in congratulating him for being awarded the prestigious National Order of the French Legion of Honor.

## BIDDING FAREWELL TO OUTGOING OHIO MEMBERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TURNER) for 5 minutes.

Mr. TURNER of Ohio. Mr. Speaker, I am here today to extend my sincere and best wishes as five of my fellow Ohioans will be leaving the House at the adjournment of this Congress.

Ohioans have benefited greatly from the dedication and service of Representative STEVE LATOURETTE, who occupies the Speaker's chair today; Representatives DENNIS KUCINICH; JEAN SCHMIDT; BETTY SUTTON; and STEVE AUSTRIA. On a personal note, I want to thank Representative STEVE LATOURETTE for both his mentorship and his guidance and leadership in Congress.

I've had the privilege of working across the aisle with each of these lawmakers in support of our fellow Buckeyes and Americans. Their service to our home State of Ohio and to our Nation will not end with this Congress. Their innovative ideas and selfless service will be felt long after they leave the people's House.

I look forward to their future roles as Ohioans, committed to advancing the interests of our communities, our State, and our great country.

## AT LAST, FISCAL CLIFF DEBATE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 5 minutes.

Ms. PELOSI. Mr. Speaker, I come to the floor very pleased that our Speaker of the House, Mr. BOEHNER, has brought the discussion of our fiscal challenges to this floor. Indeed, it is long overdue. We have been calling upon the Speaker to bring forth a middle-income tax cut now for a very long time—in fact, since last summer when it passed the United States Senate. The President stands ready and poised with his pen to sign it.

Democrats in the House have a discharge petition to bring that bill to the floor. What stands in the way is an act on the part of the Republican majority to bring a middle-income tax cut to the floor of the House, which across the country has almost universal support and which I think in this body, given the right to vote for it, would have overwhelming support.

Up until now, everybody in the country—in fact, in the world—has been talking about what's going to happen—those who pay attention to such matters—what's going to happen in the budget debate in the Congress and with the President. At last, that subject comes to the floor.

□ 1210

What I would do to respond to what the Speaker has said, though, is to set the record straight. The fact is that the President has, and Democrats agree with him, agreed to around $1.6 trillion in cuts in the Budget Control Act and other acts of Congress in this particular Congress, $1.6 trillion in cuts. Where are the cuts? They're in bills that you, Mr. Speaker, have voted for.

Secondly, on the issue of the entitlements with the Affordable Care Act and with legislation, suggestions and provisions in the President's budget, it amounts to over $1 trillion in savings in Medicare, over $1 trillion in savings which have been redirected to prolonging the life of Medicare, making it stronger for nearly a decade while increasing benefits for our seniors and those who depend on Medicare—not reducing but increasing benefits. There's been a massive misrepresentation about what that is, so I want to set the record straight. So in terms of spending cuts, we are on the record having voted for about $1.6 trillion.

In terms of entitlement reform, there is over $1 trillion already and more savings to be gained in further discussions on the subject by a strong down payment.

What is missing are two elements that the President has put forth in his budget: growth, investments in infrastructure—yes, the President has called for investments in infrastructure to build the infrastructure of America and to create jobs to grow our economy; and, where are the revenues? Where are the revenues? Regardless of the cuts or the changes in entitlements, more is demanded in terms of what seniors would have to pay into Medicare and at what age that would happen, while the Republicans refuse to touch one hair on the head of the wealthiest people in our country.

The public overwhelmingly, 2–1, supports the President's initiative for extending the middle-income tax cuts whereby 100 percent—100 percent—of U.S. taxpayers get a tax cut. Above 250—the people making more than $250,000 a year would be asked to pay a little more to contribute to the fiscal soundness of our country, to pay our bills, the defense of our country, the support of our troops, the pillars of security for our seniors, the education of our children and the safety of our neighborhoods.

This is just asking them to pay a little bit more while they continue to get the same tax cut that everyone does. So it is 100 percent of the American people get a tax cut, the upper 2 percent are asked to pay a little bit more.

So I thank the Speaker for finally at least uttering the words on the floor of the House about what the decisions are that need to be made. Again, we have committed to the cuts, we have acted upon the entitlements, the President has more in his budget, all of this would be a down payment for as we go forward into the next session of Congress to talk about tax simplification and fairness, how we can perhaps lower rates while plugging up loopholes and having a Tax Code that encourages growth in our economy.

But that is a longer discussion as we address the issue of how we strengthen our entitlements not by diminishing benefits but by getting more for what we are spending. So if it's Social Security, any changes in Social Security should be left to strengthen Social Security. If it's Medicare, any changes should be there to strengthen Medicare, not to underwrite and subsidize tax cuts for the wealthiest people in our country.

So, again, I welcome the Speaker's statement that he wants to solve the problem. The President has put forth his budget, which has his initiative in it. He has said that he's willing to make some changes. But it's really important that any changes not hurt the middle class. It comes right down to this. Again, I've said, it's not about the price of the high-end tax cut, it's about the money that it generates. You can find the money another way at the high end. Let's see what that discussion is. But it is not to burden the middle income in order to have bigger tax cuts at the high end.

Those high-end tax cuts only increase the deficit. They have not created jobs. It's simply unfair, and it doesn't work. So hopefully the clock is ticking, we're getting closer to the holidays, and that means closer to the end of the year, which is fraught with meaning in terms of time and the rest of this. I don't think there's any reason for us not to come to the table to make an agreement to give confidence to consumers in this holiday season and to the markets at their end of year decisions so that we will have the growth—the growth, the jobs that produce revenue. That approach is the way to create jobs to reduce the deficit.

We want to fix the deficit, grow the economy, and do so in a way that makes responsible cuts and strong investments for our seniors and the pillars of economic security for them and for their family. It is not a time to inject even more uncertainty into the lives of the American people and the economy of our country—and what that means globally. It simply isn't the time. Many of these ideas are bad at any time, but they're particularly harmful at this time.

So, again, I thank the Speaker for bringing the issue finally to the floor

of the House of Representatives. I look forward to how we can move quickly because time is of the essence, and every day that we can remove all doubt about the full faith and credit of the United States of America, our investments in the future, our creation of jobs and our respect and support for the economic and health security of our seniors, every day we can do that, but more quickly, is a good day.

## THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. AUSTIN SCOTT) for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, ladies and gentlemen of America, every day that I'm on the floor, I can't help but be reminded that facts are a stubborn thing, and I simply want to talk to you about the facts today. You see, the President and the Democratic leadership spent the last 4 years blaming George Bush for driving our economy into the ditch. Now, as President Obama drives our economy towards the fiscal cliff, I'd like to share with you some remarks, remind you, remarks that he made during his Fiscal Responsibility Summit held on February 23, 2009, at the White House.

The President said:

> We cannot and will not sustain deficits like these without end. Contrary to the prevailing wisdom in Washington these past few years, we cannot simply spend as we please and defer the consequences to the next budget, the next administration, or the next generation. We're paying the price for this budget right now.

He continued:

> In 2008 alone, we paid $250 billion in interest on our debt—1 in every 10 taxpayer dollars. That is more than three times what we spent on education that year, more than seven times what we spent on VA health care. So if we confront this crisis without also confronting the deficits that helped cause it, we risk sinking into another crisis down the road as our interest payments rise and our obligations come due. Confidence in our economy erodes, and our children and grandchildren are unable to pursue their dreams because they're saddled with our debts.
>
> That's why today, I'm pledging to cut the deficit we inherited by half by the end of my first term in office. Now, this will not be easy. It will require us to make difficult decisions and face challenges we've long neglected. But I refuse to leave our children with a debt they cannot repay. That means taking responsibility for it right now, in this administration, for getting our spending under control.

Now, let's do the math, Mr. Speaker. The deficit that the President is talking about is this 1.4, the $1.4 trillion deficit that he's talking about. Now, according to his own proposal, if he gets all of the tax increases that he has asked for, and I want to make this clear, his revenue estimate right here assumes that he gets the tax increases that they're asking for.

□ 1220

You still have a $900 billion deficit, ladies and gentlemen. He promised it wouldn't be any bigger than $700 billion. That means that the President owes the American taxpayer $200 billion in cuts, not over the course of 10 years, but over this year right now, the fiscal year 2013 that we're in.

Mr. Speaker, the President made a pledge to cut spending not to the Republican Members of Congress. He doesn't even speak to us, if you want to know the truth of the matter. He made a pledge to cut spending to the citizens of the United States of America so that our children and grandchildren would be able to pursue their dreams instead of being saddled with our debts.

Mr. Speaker, a pledge from the President of the United States to the citizens of this country should mean something. Instead, his plan in his budget, assuming his tax increases, leaves our children and grandchildren with a debt of more than $21 trillion. That, ladies and gentlemen, is something that we simply cannot allow him to do to our country and to our children.

## THE HIGHEST BUDGET DEFICITS IN AMERICAN HISTORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 5 minutes.

Mr. WOODALL. Mr. Speaker, I appreciate the words of my colleague from Georgia. He was the president of this freshman class that the American people elected in 2010, about 99 new Members, mostly Republicans, but Democrats as well. It was one of the largest freshman classes we've had in history.

I remember when the President spoke those words that my colleague from Georgia just quoted, when he said by the end of his first term he was going to cut the deficit in half. I remember chuckling just a little bit and thinking what a low bar to set, having run such a huge campaign as he ran in 2007 and 2008, just to cut the deficit in half. I thought we could do better. I didn't realize at the time, of course, that we were going to begin, during the Obama administration, running the highest budget deficits in American history. Formerly, the Bush deficits had been the highest deficits in American history. Of course, President Obama took those deficits not just to that level, not to just twice that level, not to just three times that level, but almost four times the level of what were formerly the highest deficits in American history.

This campaign, Mr. Speaker, he spent the entire campaign campaigning on raising taxes on the 1 percent. He said he had a mandate to do that because he talked about that for 2 years and folks elected him President, and they did. Candidly, Mr. Speaker, that's not a new idea.

I show you here this red line, which represents the tax burden, the bills that the top 1 percent of America pays; this blue line represents the bills that the 80 percent of the rest of us pay. It goes back to 1979 and Jimmy Carter. You will see that every single President in my lifetime has gone with that tried-and-true formula of asking the top 1 percent to pay more. Every President in my lifetime has gone with the tried-and-true formula of telling the American voter that they can have all the government they want, and they won't have to pay for it.

In fact, as we sit here today, Mr. Speaker, the last year for which the Congressional Budget Office has numbers, the bottom 80 percent of America, most of us, pays only 6 percent of the income tax burden in America. Eighty percent of us pay 6 percent of the burden. The top 1 percent today are paying 39 percent of the burden.

Mr. Speaker, raising taxes on people is easy. In fact, if we give the President every nickel that he wants in tax increases, it doesn't even solve 1 month of deficits in this Congress, not 1 month. In fact, it solves about two-thirds of 1 month, and that's if we don't spend any of it. And as the Minority Leader just so eloquently said, he wants to spend a lot of it on investment in this country. So this whole discussion, this whole business of tax increases that the President spent 2 years building a mandate for, solves less than 1 month of the problem.

Mr. Speaker, my challenge today to the White House, to my friends on the left: Make it hard on me as a freshman conservative. Make it hard. Lay out those tax increases right beside solutions to the real problem, which is spending, and make those spending reductions so large and so powerful and so helpful to the American economy that I'll have no choice but to agree to your tax increases so that we can save the country by solving the real problem, which is spending.

There is no leadership, Mr. Speaker, in raising taxes on the 1 percent. We've been doing it for a long time. The problem in this town is spending, and we have yet to see the leadership from the White House on that problem. If we give them everything they want, it solves less than 1 month of the deficit. We, Republicans and Democrats, Congress and the White House, owe the American people so much better.

Let's not kick the can down the road. Let's do it right now in these discussions.

## TIME FOR LEADERSHIP

The SPEAKER pro tempore (Mr. WOODALL). The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE) for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, I hadn't planned on talking, but as I conclude my service here in the United States Congress, every time somebody comes down to the well and says that they want to set the record straight, the record winds up looking like the hind legs of my dog: very crooked.

Knowing a little bit about this and caring about this issue, as everybody that serves in this Congress does, I

really feel compelled to talk about where we are. And I'm heartened by the fact that both the Speaker and the minority leader spoke today about the need to come up with a solution.

Last spring, a guy named JIM COOPER, a Member from Tennessee, and I offered in response to the budget resolutions that were going on, something called ''Simpson-Bowles.'' Simpson-Bowles is also known as the fiscal commission appointed by President Obama to look at the Nation's fiscal problems and come up with a set of recommendations.

The fact is that, even though it was President Obama's commission, he has not sought to implement one of the recommendations. Why? Because the recommendations are tough. There's a lot of tough love. You don't get into a situation as a country where you owe $16 trillion and not have a solution that involves some difficulty and some sacrifice.

Included in there—and sadly, as you listen to the news accounts and you listen to some of the comments on the floor—the rhetoric is that those mean, nasty, nasty, mean Republicans are so interested in protecting the rich people in this country that they're not willing to increase and ask them to give just a little bit more. As one Republican who, in fact, says give the President the 2 percent of the rate increases that he's looking for—that still doesn't solve the problem, as Mr. WOODALL so eloquently indicated—I would come at it a different way.

If you let the Bush tax cuts expire on the top 2 percent of wage earners in this country, by the President's numbers—not my numbers, not some number that was pulled out of the campaign—it raises about $900 billion over 10 years. Not being the sharpest knife in the drawer when it came to math when I was growing up, even I can do that. If you divide $900 billion by 10 years, you wind up with $90 billion a year. That $90 billion a year is enough to run the Federal Government for 11 days.

The fiscal year around here ends on September 30. The President's proposal, in terms of sticking it to the rich people, making them pay a little bit more, gets you from the end of the fiscal year on September 30 to Columbus Day. Then what? It completely ignores the fact that two-thirds of the Federal budget—the Federal budget is $3.6 trillion.

Two-thirds of the Federal budget is what is called the ''middle class entitlements.'' It's Medicare, Medicaid, Social Security, and the interest on the debt. Those checks go out automatically. There is nothing that any Member of Congress has to vote on, unless you have a proposal, which Simpson-Bowles was and is.

You may hear the ads playing on the radio from the Nation's CEOs and others saying, We can't play small ball. We've got to come up with a package that actually heals the country.

If there is a sadness that I have and one of the reasons I'm leaving is, if you listen to the people talking, the President's advisers are saying, Well, you know, going over the fiscal cliff, we're putting the Republicans in this box and the 2 percent, that's good for the President. And you hear the Democrats saying, Listen, if we can have this discharge petition, make people not like Republicans, that's good for the Democratic Party as we go forward.

□ 1230

Some people, quite frankly, in my party—the Republican Party—are saying, Hey, listen. If we can paint the President and the Democrats as tax and spenders, then that's good for our party.

Mr. Speaker, when are people going to stop thinking about what's good for themselves or good for their parties and start thinking about what's good for America?

What's good for America is that we've got to come together and solve this problem, not just with taking that $90 billion, which really is not much, but with reforming our Tax Code. We have to look at the programs of Social Security and Medicare, not to eviscerate them, not to throw Granny out on the street, not to not have health care for people in this country, but to make those programs not only viable today—but what about the people in their forties and thirties and twenties?

They did a survey a little while ago of high school seniors, and asked: What are you more likely to see, a Social Security check or a UFO, an unidentified flying object? More seniors picked the UFO, and with some of the leadership around here, I'm not surprised that they picked the UFO.

The fact of the matter is that we can't play small ball. When COOPER and I put this thing on the floor last spring, it got 38 votes; 26 Democrats and 12 Republicans were willing to stand up and do this. It's time for the big deal, and it's time for leadership.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Gracious God, we give You thanks for giving us another day.

Throughout history, You have been ever present to all believers. In times of darkness, we readily turn on lights. Millions of Americans in this season have variously turned to the celebration of the Christmas season, with its trees and lights, and Hanukkah, the Festival of Lights.

Even so, in our political world, there remains the reality of considerable disagreement and contention. Where there is darkness here, send forth a spark of inspiration and grace to enlighten minds and warm hearts to respond to Your love for Your people.

Eternal Father of us all, fill Your children with the delight that comes from light. May we walk no longer in the darkness of distrust, but join together in mutual understanding and peace toward the common well-being of our Nation.

May all that is done this day be for Your greater honor and glory. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DOLD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOLD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

## TACKLING OUR OUT-OF-CONTROL SPENDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday, the President and House Speaker BOEHNER met to discuss the impending fiscal cliff. The next

day, the President jetted off to Michigan to campaign for tax increases, instead of staying in Washington to work on a possible plan.

With a national debt of over $16 trillion, Washington's out-of-control spending is placing our national security at risk. Clearly, spending is the threat, with an increase of 93.5 percent over 10 years and revenues increased only 15.7 percent. Raising taxes on the American economy will destroy jobs.

Reports have indicated that raising taxes on the top 2 percent will generate up to $80 billion a year. This amount of money covers less than 10 percent of our Nation's annual deficits. It's my hope that the President will address the fiscal cliff to work with House Republicans to promote small business job growth.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## WORKING TOWARD BIPARTISAN SOLUTIONS

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, today I rise because the fiscal cliff is upon us. And one thing that I know is clear in talking to my constituents, time and time again, they're looking for solutions to the problems that we face. I believe that the solutions that are out there aren't going to come from one party or the other party; they're going to come from us working together, forging a bipartisan solution to the problems that we face. And I hope that we can go bigger than what is simply asked of us.

Mr. Speaker, one of the great pleasures of being here is to be able to work with good friends, and I want to thank my good friend STEVE LATOURETTE for his leadership and JIM COOPER as well for the thought of putting together the Cooper-LaTourette budget based on Simpson-Bowles, that talks about a solution that really helps us get our entitlements under control, helps raise revenues, and puts a solution on the table.

So today, I'm asking my colleagues to join with me to try to make sure that together we put a bipartisan solution on the table. And I want to thank my good friend, STEVE LATOURETTE, for his leadership, and JIM COOPER as well.

## LET'S WORK TOGETHER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. I thank the Speaker this afternoon, and I am grateful for the words, the prayer that was offered about light, both of inspiration and collaboration.

I think there are bipartisan voices crying out for an acceptance of a tax cut on 98 percent of the American people. That is why the President went to Michigan, to speak to working men and women, to be able to reaffirm their voices that were spoken so loudly on November 6. Let us have a tax cut that will impact 98 percent of the American people and businesses. And let us collaboratively work together for the steps going forward.

But let me be very clear. Having spoken to physicians yesterday in meetings in hospitals, you cannot raise the eligibility rate of Medicare recipients. It just will not work. You cannot judge a person's physical condition between 65 and 67. That is not the way to balance the budget and reduce the deficit. We know that entitlements, Social Security, is not the issue. Pass the tax cuts on 98 percent, Mr. Speaker, and work collaboratively in 2013 to find a pathway forward to make this economy the growing economy that it has begun to be. I ask my colleagues, let's work together.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, December 11, 2012.*

Hon. JOHN A. BOEHNER,
*The Speaker, U.S. Capitol,*
*House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 11, 2012 at 11:08 a.m.:

That the Senate passed without amendment H.R. 3187.

That the Senate agreed to S. Res. 612.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, December 7, 2012:

H.R. 6156, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 6 o'clock and 30 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–700) on the resolution (H. Res. 827) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 102, answered ''present'' 3, not voting 54, as follows:

[Roll No. 620]

YEAS—272

| | | |
|---|---|---|
| Ackerman | Carney | Farr |
| Aderholt | Carson (IN) | Fattah |
| Alexander | Carter | Fincher |
| Amodei | Cassidy | Flake |
| Austria | Castor (FL) | Fleischmann |
| Bachus | Chabot | Fleming |
| Barber | Chaffetz | Forbes |
| Barletta | Chu | Fortenberry |
| Barrow | Cicilline | Franks (AZ) |
| Barton (TX) | Clarke (MI) | Frelinghuysen |
| Bass (NH) | Clarke (NY) | Fudge |
| Berg | Clay | Garamendi |
| Berkley | Cleaver | Gerlach |
| Berman | Clyburn | Goodlatte |
| Biggert | Coble | Gowdy |
| Bilirakis | Cohen | Granger |
| Bishop (GA) | Cole | Green, Al |
| Bishop (UT) | Conaway | Grimm |
| Blackburn | Connolly (VA) | Guthrie |
| Blumenauer | Cooper | Hahn |
| Bonamici | Courtney | Hall |
| Bonner | Crenshaw | Hanabusa |
| Bono Mack | Crowley | Harper |
| Boswell | Cuellar | Harris |
| Boustany | Davis (CA) | Hartzler |
| Brady (TX) | Davis (IL) | Hayworth |
| Braley (IA) | DeGette | Heinrich |
| Brooks | DeLauro | Hensarling |
| Broun (GA) | DelBene | Herger |
| Brown (FL) | Dent | Higgins |
| Buchanan | DesJarlais | Himes |
| Bucshon | Diaz-Balart | Hinchey |
| Buerkle | Dingell | Hinojosa |
| Butterfield | Doggett | Hirono |
| Calvert | Dreier | Hochul |
| Camp | Duncan (SC) | Holt |
| Campbell | Duncan (TN) | Huelskamp |
| Canseco | Edwards | Huizenga (MI) |
| Cantor | Ellmers | Hultgren |
| Capito | Emerson | Hunter |
| Capps | Engel | Hurt |
| Carnahan | Eshoo | Israel |

Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Marino
McCarthy (CA)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller, Gary
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nunes
Olson
Palazzo
Payne
Pearce
Pelosi
Pence
Perlmutter
Petri
Pingree (ME)
Platts
Polis
Pompeo
Posey
Price (NC)
Quigley
Rehberg
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Yarmuth
Young (FL)
Young (IN)

NAYS—102

Adams
Altmire
Andrews
Baldwin
Bass (CA)
Becerra
Benishek
Bilbray
Bishop (NY)
Brady (PA)
Burgess
Capuano
Coffman (CO)
Costa
Crawford
Critz
Cummings
Curson (MI)
DeFazio
Denham
Dold
Donnelly (IN)
Doyle
Duffy
Farenthold
Fitzpatrick
Foxx
Gardner
Garrett
Gibbs
Gibson
Graves (GA)
Green, Gene
Guinta
Hanna
Hastings (FL)
Heck
Herrera Beutler
Holden
Hoyer
Johnson (OH)
Jones
Kind
Kinzinger (IL)
Kucinich
Lance
Landry
Langevin
Latham
Lee (CA)
LoBiondo
Loebsack
Lynch
Manzullo
Markey
Massie
Matheson
Matsui
McDermott
McGovern
Miller (FL)
Miller, George
Moore
Mulvaney
Neal
Nugent
Pallone
Pascrell
Paulsen
Peters
Peterson
Poe (TX)
Price (GA)
Quayle
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rigell
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Sewell
Shuler
Slaughter
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Velázquez
Visclosky
Walberg
Wittman
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—3

Amash
Gohmert
Owens

NOT VOTING—54

Akin
Baca
Bachmann
Bartlett
Black
Boren
Burton (IN)
Chandler
Conyers
Costello
Cravaack
Culberson
Deutch
Dicks
Ellison
Flores
Frank (MA)
Gallegly
Gingrey (GA)
Gonzalez
Gosar
Graves (MO)
Griffin (AR)
Griffith (VA)
Grijalva
Gutierrez
Hastings (WA)
Honda
Johnson (IL)
Lewis (GA)
Lipinski
Marchant
McCarthy (NY)
Miller (NC)
Moran
Nunnelee
Olver
Pastor (AZ)
Paul
Pitts
Reyes
Ross (AR)
Royce
Schilling
Schock
Simpson
Sires
Stark
Tierney
Towns
Walsh (IL)
Wilson (FL)
Wolf
Woolsey

□ 1848

Mr. MARKEY changed his vote from ''yea'' to ''nay.''

Mr. HURT changed his vote from ''nay'' to ''yea.''

Mr. GOHMERT changed his vote from ''nay'' to ''present.''

So the Journal was approved.

The result of the vote was announced as above recorded.

## IMMEDIATE RELEASE OF U.S. MARINE JON HAMMAR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise here to ask for the immediate release of U.S. Marine Jon Hammar, who has been unreasonably imprisoned by Mexican authorities since August, where, for a time, he was actually being shackled to his bed.

Lance Corporal Hammar is an outstanding young American combat veteran who clearly took every reasonable step to ensure that he was safely and legally transporting the antique firearm that he inherited from his great-grandfather. He spoke with our own Customs and Border Patrol agents, who assured him that he would be fine as long as he registered it with Mexican authorities.

Once in Mexico, Jon attempted to register his old-fashioned Sears and Roebuck shotgun and was immediately arrested as if he were a gunrunner.

I am calling on our State Department to act swiftly to get Jon released, and I am calling on our Department of Homeland Security to explain how their agents could have given Jon this wrong instruction.

Jon has suffered enough. Let's bring him home to his family, where he rightly belongs, in time for Christmas.

## CELEBRATING THE LIFE OF DAVE BRUBECK

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, I come to the House floor to celebrate the life of one of California's greatest native sons, the Ambassador of Jazz, Dave Brubeck. The man behind the immortal classics like ''Take Five'' and ''Blue Rondo a la Turk'' was born in Concord, California, a city I'm proud to represent.

Drafted to serve in General Patton's Army during World War II, he formed the Army's first integrated band. He would later tour with black musicians in the Jim Crow South during the height of the civil rights movement, insisting on a mixed-race quartet and integrated crowds. Because of this courageous stand, 23 out of 25 of his shows were canceled one summer.

''Jazz is the voice of freedom,'' he said.

With suave sophistication, Brubeck would become a leader in the West Coast cool jazz scene, putting California jazz on the map. Dave Brubeck performed before Presidents, Prime Ministers, Premiers, and pontiffs. He was named a Jazz Master by the National Endowment for the Arts, and he was awarded the National Medal of the Arts.

On a personal note, during the 16 years I represented Stockton, Brubeck often came there to help the University of the Pacific and many charities.

Today, I hope everyone can Take Five to remember a remarkable American: Dave Brubeck.

□ 1900

## DENOUNCE CASTRO REGIME

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Yesterday, December 10, marked the 60th anniversary of International Human Rights Day. As usual, the Castro dictatorship demonstrated its brutal nature. Cuban state police violently arrested more than 100 dissidents and put another 100 to 150 under house arrest. Among those detained were about 80 members of the Ladies in White organization, a human rights organization that peacefully seeks change in Cuba. Many of them were arrested on their way to mass to celebrate at our Lady of Charity Basilica in the eastern town of El Cobre. About 45 Ladies in White were arrested in Havana, following their traditional march outside the Santa Rita Church after Sunday mass. Thirty-four Ladies in White were detained with violence as they tried to make their way to church.

Mr. Speaker, once again, I call on President Obama, the Obama administration, and the international community to denounce and condemn the terrorist Castro dictatorship's human rights abuses and continue to push for democratic change on that imprisoned island nation.

## RIGHT-TO-WORK IS WRONG FOR WORKERS

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Many decades ago, my father came to this country, like many other immigrants, to seek the American Dream. He got a job

in the auto factory—a job that exposed him to toxins that ultimately killed him. My father died when I was 8 years old.

Today, the Michigan legislature approved right-to-work legislation, intending to roll back the clock on our labor laws. We can cannot allow this to happen. Right-to-work is wrong for workers, and it must be stopped.

## WE GOT HERE BY SPENDING TOO MUCH, NOT TAXING TOO LITTLE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, ''The last thing you want to do is to raise taxes in the middle of a recession because that would put businesses in a further hole.'' That was President Obama in 2009. But that was then and this is now. President Obama now says he wants to save us all by raising taxes on a few Americans. But the idea is flawed. One, the plan only funds the government for a few days. Then what's the plan, Mr. President? Two, according to the Senate Budget Committee, 75 percent of the new taxes will go towards spending, not deficit reduction.

This plan won't work to solve our economic woes. The problem is the government just spends too much. Where's the plan to cut spending? There isn't one. We got here by spending too much, not taxing too little. After all, ''the last thing you do in a recession is raise taxes''—quoting the President.

And that's just the way it is.

## RECOGNIZING DEPARTING MEMBERS OF THE OHIO DELEGATION

The SPEAKER pro tempore (Mr. KINZINGER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. TIBERI) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. TIBERI. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous materials for the RECORD on the topic of the Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIBERI. Mr. Speaker, tonight, we from Ohio would like to recognize and thank for their service five departing Members from the Ohio delegation. Congressmen STEVE AUSTRIA, DENNIS KUCINICH, STEVE LATOURETTE, JEAN SCHMIDT, and BETTY SUTTON will end their service with us at the end of this year. Over the next hour we would like to, as Republicans and Democrats, thank them for their service.

I would first like to recognize my colleague from central Ohio, Congressman STEVE STIVERS, for his remarks.

Mr. STIVERS. I would like to thank the gentleman for yielding.

I would like to say a few things about our five departing colleagues, who have given great service to our country. I want to thank them on behalf of the people of the 15th District for their incredible service and talk a little bit about each one.

I'll start with Congressman STEVE LATOURETTE, whose service in Congress has really been incredible, and he's been a role model for many of us who are younger. He's been a great mentor. He's not afraid to stand up for what he believes in. He knows that we've got to work together as Republicans and Democrats to solve our Nation's problems. He's an illustration of what a good Member of Congress should be—someone who's always thinking about their constituents.

STEVE LATOURETTE had been a mainstay of Congress, and it won't be the same here without him, especially on transportation issues. I'd like to just thank him for his support, as I had a transportation bill earlier in this Congress. He was very helpful. I had a plan to try to fund transportation projects differently, and he sat down with me and worked me through the process and helped me sit down with the folks at the Congressional Budget Office and folks in leadership to sell my idea. That bill passed the House with bipartisan support, with 20 Democrats voting for it and a lot of Republicans voting for it. I know I couldn't have gotten that done without Congressman LATOURETTE. I'm sorry to see him retire. But he's leaving behind a legacy of outstanding service, and he's been an incredible Member of Congress, and I know there are great things in his future.

The gentlelady to my left, Congresswoman SCHMIDT, I grew up in her district. My family lives in her district, and they really appreciate her hard work and constituent service. She's a runner. She runs marathons in her spare time, but she runs her office like a marathon. She's always working for the people of her district, the Second District. It's been incredible just to watch her advocacy for important things in all of her district. We share some territory down in southern Ohio now. She's been a leader on the uranium enrichment plant in Piketon and what it can do for our country, for safety in our nuclear arsenal, and for what it can do as an economic driver in southern Ohio. On behalf of the people of southern and central Ohio, I want to thank the gentlelady for her work on that. She's left a legacy that's really going to make a difference in the future.

The Congressman from the Seventh District, Congressman AUSTRIA, and I served as State senators together. He got up here a couple of years before I did in 2008, back when my race was still in a recount. We came up to orientation together, and he showed a willingness and an interest to run for leadership of the class, to be the president of the class. I worked hard as his campaign manager. He got elected class president that year, and he went on to give great service to this class in Congress. He's also been a leader on the Appropriations Committee for these 2 years.

I've seen him work on some tough issues in the State senate, and I know he's got great things in his future. I'm certainly sorry to see him retire. I'm proud of his service, and I'm happy to call him a friend. I'm looking forward to what is next in his life. And I know he's going to do great things.

Also, our Members from the other side of the aisle. Congresswoman SUTTON and Congressman KUCINICH have really worked hard, and I appreciate all their work and efforts. DENNIS KUCINICH is really a man who sticks up for his principles. I certainly respect him for that. He's willing to stand up for what he believes is right when nobody in this institution will. I really respect him for that. He's also become a good friend. He's a really nice fellow. I want to thank him for his service and wish him great luck in his future.

Congresswoman BETTY SUTTON, I really appreciate her service back to her time on the city council and the Summit County Council and the State legislature. She's advocated for her constituents. I just want to thank her for her service.

I think it's important that we as Republicans and Democrats work together on the issues that are facing our country, and I want to thank these Members for their service to our country and thank them for everything that they've done for the people of Ohio. And as a grateful coworker, I want to say: job well done.

□ 1910

Mr. TIBERI. Mr. Speaker, it is indeed a privilege to recognize one of the more famous members of our delegation because he is the Speaker of the House. Our leader, Mr. BOEHNER, is recognized.

Mr. BOEHNER. Let me thank my colleague for yielding.

I have proudly represented the people of the Eighth Congressional District of Ohio now for 22 years. During that time, our State delegation has had a long line of great leaders and great legislators here in the Congress.

Tonight, I want to recognize the careers and the service of five departing members from the Ohio delegation, each of whom in their own way exemplify the type of leadership for which our great State has long been known.

Congressman KUCINICH has been a passionate advocate for his community. While we haven't always agreed, I respect his courage, his passion, and his commitment to his constituents.

Congressman STEVE AUSTRIA has worked tirelessly on military and veterans issues that are so important to the people we both serve. Steve, for your efforts on behalf of Wright-Paterson Air Force Base, the community, and the people of southwest Ohio,

you deserve a great deal of thanks and applause for your work.

Congresswoman JEAN SCHMIDT blazed the trail as the first woman elected to represent her southern Ohio district. She has served in this Chamber with a deep commitment to her principles and her faith, and I wish her the very best of luck.

Congresswoman BETTY SUTTON sits on the other side of the aisle, but we've always been able to disagree without being disagreeable. Like me, she served in the Ohio House before serving our State here in the Congress. I respect her for her straightforward nature and willingness to fight for her priorities and those of her constituents.

Finally, my friend and close colleague, STEVE LATOURETTE. Now, Steve and I have known each other for a long time. Steve, you've always done things your way; you're truly one of a kind. It really is not going to be the same around here without my good friend, STEVE LATOURETTE, but our friendship will continue; and I'm grateful for the relationship that we've had.

Each of these Representatives focused on different issues and led in their own way, but what they all have in common is a love for Ohio and an unwavering dedication to their constituents. So I'm honored to have worked with each of you, and on behalf of the people of our beloved State, I want to thank you for your service.

Mr. TIBERI. I would now like to recognize the gentleman from Urbana, Ohio (Mr. JORDAN).

Mr. JORDAN. I thank the gentleman for yielding. I thank him for putting this hour together where we can recognize five outstanding Buckeyes for their service to their districts and to our great State.

I want to start first with the two gentleladies—truly gentleladies, poise and grace and passion that they bring to this process. I have appreciated that. I have appreciated BETTY's tireless advocacy for the families that she represents in her district. For JEANNIE and her unbelievable commitment to the sanctity of human life, I respect that tremendously and appreciate that. That's going to be missed around these Halls.

Then to the two Steves. STEVE AUSTRIA, I had the privilege of serving with him in the State senate, outstanding American. He's done a great job representing his district. And then of course STEVE LATOURETTE as well. As I like to call them ''Stevie Wonder Austria,'' ''Stevie Wonder LaTourette,'' both great guys who have served their districts with the kind of commitment that you want in a Representative.

Then, finally, my good friend—we use that term a lot around here, but in this situation it's actually true. DENNIS KUCINICH is a good friend. We have had the privilege of working on a subcommittee together. I've said this back home in our district—it's no secret that I'm a pretty conservative guy and DENNIS is not a very conservative guy, and yet I tell people that we're good friends.

Here is a guy who truly comes to this process with this idea: get your best hole, take your best shot, fight for the things you believe in. That's the way this process should work; that's how Representatives should behave; and DENNIS has done that just as good as anybody, and I respect that tremendously.

So we're losing five wonderful people, but they're going to continue to do great things for our State and continue in some form of public service, I'm sure. So I just want to say thank you and best of luck.

Mr. TIBERI. The next gentleman is not a member of the Ohio delegation, but an honorary member of the Ohio delegation. I certainly enjoy working with him on the Ways and Means Committee; he's a delightful man to work with. The former chairman of the Ways and Means Committee, Mr. RANGEL, is recognized.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Well, I thank you for this opportunity. It's always difficult when Members' political careers are interrupted. We're going to miss BETTY SUTTON on our side, and of course we're going to miss Mr. KUCINICH for all the great work he's done.

I remember, Congressman LATOURETTE, when your former Member, Lou Stokes, was on the floor and he demonstrated his friendship in a way that certainly most Members on both sides will never forget. And Mr. AUSTRIA is leaving.

One of the main reasons why I did come to the floor is because of JEAN SCHMIDT. When I first heard that she was defeated, they told me that her opponent had said that I endorsed her and that's the reason she lost the race. So I wanted to make it abundantly clear that while I did not endorse her politically, I certainly would have said what a nice lady she has been in being kind and gentle and Republican at the same time, and I thought that was quite an achievement.

Ms. SCHMIDT has managed to disagree with so many of the differences we have in policy; and yet the first thing that you would ever see on her face is a smile, asking you how you are feeling and having a genuine concern about that. I personally will miss you and miss the greetings that we had for each other and sharing each other's family experiences. It's really a classic example in showing what this great body used to be and what it can become when people can just take a few minutes and realize that we may all come from different political philosophies, but we are still the brothers and sisters and children of God.

I also want to thank Judge FUDGE for giving me this great opportunity in speaking with her great Buckeye delegation. Thank you so much.

Mr. TIBERI. I would now like to recognize one of our new Members who is returning for his second term from northeast Ohio, Mr. JIM RENACCI.

Mr. RENACCI. I want to thank my colleague for yielding time.

As a Representative of the 16th District of Ohio, I really want to thank each one of the departing Members for their service to not only the State of Ohio, but our country.

First, STEVE AUSTRIA, he has become a friend. As a new Member getting to know the House of Representatives, STEVE has become a good friend, a tireless advocate for Ohio and his district, but even more important, an advocate for Wright-Paterson Air Force Base during the BRAC process. He also fought to keep KC–135s at Rickenbacker Air and National Guard Base and the C–27Js at the ANG base in Mansfield. That's not just important for Ohio, but also for national security. I want to thank him for his service, and best of luck.

The next individual, DENNIS KUCINICH. DENNIS has been a true steward for northeast Ohio. While we don't agree on some of the issues, I have always considered DENNIS a very close friend. He has often offered to help me over the past 2 years when it comes to northeast Ohio. I have genuinely enjoyed our discussions, many times traveling back and forth from Washington, D.C., to Cleveland. I will miss serving with DENNIS and wish him the best of luck going forward.

Congresswoman SCHMIDT also, when I got here 2 years ago, was someone who I knew that I could turn to. She's been a great leader for her district and someone who has really stepped up when it comes to energy issues in the Ohio delegation, specifically on re-enriching uranium. Our Navy relies on uranium, and JEAN made it a point to fight for a domestic source of materials that power our aircraft carriers and submarines. Without a faithful and reliable source of fuel, the Navy would not be able to fully protect the American homeland or protect power abroad. But not only that, JEAN has been a voice of fiscal responsibility during her time in Congress, and I wish her the best going forward.

My colleague, BETTY SUTTON. I want to thank BETTY SUTTON for her service to Ohio and our Nation.

□ 1920

Over the last year, we had a hard-fought and extremely competitive campaign. Throughout it, she maintained a level of professionalism and integrity not often seen in American politics. I want to thank her for her service, and I wish her the best of luck with her future endeavors.

Last, but not least, my friend, STEVE LATOURETTE, has been a friend, a guide, a trusted confidante and someone whom I have looked to as a mentor. He and I both strongly supported a couple of issues: development of fuel cell technology through the Solid State Energy Conversion Alliance program. This technology will increase

the efficient use of our Nation's natural resources, reduce dependence on foreign oil, and enhance energy security. I will miss working alongside him on this issue.

He has always been available if needed for advice or even as a sounding board. His answers have always represented what he believes to be best for me, regardless of his own position on an issue. For that, I was really appreciative. And the rest of Congress are really, we are losing an intelligent, thoughtful, and highly motivated public servant, one who always puts his constituents first.

While it will be sad to see him go, I wish him luck in his future endeavors. I truly thank him sincerely for his 18 years of service to Ohio and America.

Mr. TIBERI. It's a real pleasure to recognize the dean of our delegation, the pride of Toledo, Ms. MARCY KAPTUR.

Ms. KAPTUR. I thank you very much, Congressman TIBERI, for spearheading this Special Order to honor those in our delegation who have served with us so honorably these many years.

I was reflecting and listening to our colleagues that, with the departure of these wonderful, wonderful Americans who call Ohio their home, Ohio will lose over a half a century of seniority as they move on to other pursuits. On top of the seniority that was lost when Ralph Regula retired and Dave Hobson and Lou Stokes, we really have a rebuilding job to do in Ohio to gain footing here and to make sure that the needs of Ohio are met. So as these very able Ohioans leave, they take with them great knowledge and great dexterity in this institution, but we have to be conscious of our added responsibilities as they leave.

I want to say to my two sisters, to BETTY SUTTON, who has been a true champion on the middle class during her 6 years of service here, without question her voice has been heard and will be heard again. She has dedicated her life to public service and the betterment of the lives of Ohioans and all Americans. And what makes her service particularly poignant, I think, she is a very highly educated woman, but she is very, very proud of her working-class roots, her blue-collar roots, and it is not surprising that she was a tireless advocate for working men and women in her service here.

The Cash for Clunkers legislation that gave our economy a much-needed shot in the arm was championed by her. And at every turn, she fought for her convictions that everyone should have access to work, to health care, that we had to grow our economy and create jobs so the middle class could be strengthened and those who want to get into it would have that ladder of opportunity up. She always kept our Nation's servicemen and -women preeminent in her mind. I can tell you, I will miss her so very, very much.

Congresswoman JEAN SCHMIDT, who I'm glad is on the floor with us tonight, was first elected in 2005 and has been an absolutely totally dedicated Representative to her district, to our State, and to the country. I have admired her dedication and her ability to reach across the aisle. I have admired very much her work on new energy systems in all sectors, not picking any favorites necessarily, but trying to help America meet its chief strategic vulnerability, and that is our continued reliance on imported sources of energy. I know how hard she has fought for our troops, both here as a Member and back home, always recognizing their contributions to our country.

And I will miss her. I will miss seeing her, I will miss working with her, and I obviously wish her, on behalf of our side of the delegation, the very best that life can offer and a very beautiful holiday season. I know we have not heard the last of JEAN SCHMIDT. I know that she has much more to give.

To my colleague, DENNIS KUCINICH from Cleveland, we certainly admire his passion and conviction on issues. One doesn't doubt where he stands when DENNIS takes a position. He believes in it, and he believes in the people he represents, and they surely need voice. He has never lost focus on that during his tenure, and I know that all of us will be watching as he makes his way forward. I know that he will be active in the political realm as he so chooses. And we thank him for his great service to the State of Ohio as a Member of Congress, but before that, as well, in service to the State legislature and as mayor of Cleveland. He has had a very illustrious career and many, many accomplishments to show for that service.

I want to say to STEVE LATOURETTE a personal thank-you for the years that we've served together, but also for our work on the Appropriations Committee, the full committee, as well as the subcommittee that we share, Transportation, Housing and Urban Development. Our part of Ohio, in fact all of Ohio, which has more urban areas than any other State in the Union, needs the attention of this committee, and STEVE completely dedicated himself to that so honorably. He's been a commonsense Congressman and an able partner on the many issues that we're able to work on together. We fought against bank bonuses after Wall Street collapsed. We worked together to save the auto industry to ensure that auto dealers got a fair deal, saving thousands of jobs, and to make sure, in the end, Ohio got her fair share.

I will hope that his work in the future will allow him to be a champion for the greater Cleveland area and northeastern Ohio, but for our whole State because of his great acumen and his abilities to work with people of all persuasions. I know how Lake Erie and the entire Great Lakes system has benefited from his years of service, and we have to pick up that mantle and carry it forward for him.

Finally, for STEVE AUSTRIA, what a joy to work with STEVE AUSTRIA, whether it was on Wright Pat, whether it was on the concerns of central Ohio, such a gentleman, so strong and steady, such a voice for his constituents over the last 4 years that he has served. I wish that he could have served longer. I have enjoyed the opportunities I've had to work with him, though not always on shared committees.

I just want to thank Congressman TIBERI for bringing us together tonight to pay tribute to all of these great Ohioans—BETTY SUTTON, JEAN SCHMIDT, DENNIS KUCINICH, STEVE AUSTRIA, and STEVE LATOURETTE—all of whom have made enormous contributions to our State, and I thank you for allowing me to add my words of appreciation to all of you.

Mr. TIBERI. I would like to recognize the gentleman who represents the district that borders Pennsylvania, West Virginia, and Kentucky from northwestern Ohio to southern Ohio, the gentleman from Marietta, BILL JOHNSON, a new Member of our Congress who just got reelected to a second term.

Mr. JOHNSON of Ohio. I thank you for yielding.

As a fledgling new Member of Congress in January of 2011, I realized right away that I had an awful lot to learn. And so many of our Ohio delegation reached out to me and gave me an arm around the shoulder, a nudge on the arm saying, Hey, we can work these things out; just hang in there. I've gotten to know each of our five departing Members from the Ohio delegation in their own unique way.

I remember very early on leading up to the 2010 election coming to Washington to meet with some folks, and it was the first time that I met with JEAN SCHMIDT. JEAN graciously invited me into her office. We sat down. We talked about issues that are important to the people of her district. Her district borders my district, and we have a lot of common interests about that. We sat for an hour or more, and she gave me great insight into the kind of work that I would be doing, and I'm so appreciative of that.

□ 1930

After coming to Washington and beginning to sit on the Foreign Affairs Committee, I sat right next to JEAN. I saw her passion for fiscal issues, spending, issues around the sanctity of human life, around human rights. I saw how she went about the business of not only representing the people of her district, but representing the values that Americans stand for. To Congresswoman SCHMIDT, I just want to say: JEAN, it has been a pleasure working with you. I agree that we haven't seen the last of you. I've enjoyed spending our days at the Bible study on Thursday mornings, and I wish you the very best in your future endeavors. I look forward to seeing you often.

To STEVE AUSTRIA, STEVE is another one that reached out. As a 26½-year

veteran of the Air Force, Wright-Paterson Air Force Base—it is important to the State of Ohio, that is true—but it's important to the Air Force and it's important to our Nation. And I've appreciated the work that STEVE has done there. STEVE might not realize this, but he trained many of the staff that I have today. I'm very pleased with the staff that I have here in Washington. Many of those that serve with me today serving the Sixth District of Ohio came through STEVE AUSTRIA's office where they learned and where they saw the value of hard work in STEVE AUSTRIA. I appreciate so much what STEVE has done for our delegation.

To DENNIS KUCINICH, I had seen DENNIS many times on television prior to being elected myself. I have seen the interviews. DENNIS was a known leader and political figure in the State of Ohio. People told me early on that you don't have to agree with everything that DENNIS says, but one thing you will find out about DENNIS is that he loves the people that he represents and he represents them well. You can learn a lot from DENNIS KUCINICH about constituent services.

In the days since I've been here, one thing I've learned about DENNIS as well is that he is always a gentleman. No matter what the issue, no matter what the crisis of the moment might be, DENNIS would remain calm and would remain poised in the conversations that we've had, even though not necessarily agreeing on the issues, but certainly raising very valid points and doing so in a manner that befits the office. I want to thank DENNIS for that.

To Congresswoman BETTY SUTTON, I did not get a chance to work with BETTY that often. We traveled back and forth on the same flights every now and then to Ohio. We served on the Natural Resources Committee together, but not on the same subcommittee. So I did not get a chance to spend an awful lot of time with BETTY. But like so many of the other comments that you've heard, she represented her district well. She did it in a very professional manner. I want to thank her for her many years of service.

STEVE LATOURETTE, what can you really say about STEVE LATOURETTE? I never once went to STEVE and asked him a question and he said, Hey, can you come back and see me later? I don't have time. He was always willing to stop what he was doing and say, What can I do to help? What do you need to talk about? No matter what the issue, you could always count on STEVE LATOURETTE being a voice of reason. I had, from time to time throughout my Air Force career, those rare leaders who could see beneath the fog and the friction of the battle to see clearly what the issues were. STEVE LATOURETTE possesses that ability. He took me under his wing. He shared with me his wealth of knowledge about the legislative process, helped guide me through some really difficult issues here on the floor. He's so very well respected. One thing I admire most about STEVE is it's so obvious that he is so respected by both sides of the aisle. That's a lesson that I think many of us could learn and take home. I can assure you that STEVE LATOURETTE is going to be missed.

I wish all of our departing Members from Ohio Godspeed, many blessings, and I've enjoyed serving with each and every one of you.

Mr. TIBERI. Thank you.

It's a real pleasure to recognize the gentlelady who represents the bulk of Cleveland and Cuyahoga County, soon Akron and some of Summit County, as well, Congresswoman MARCIA FUDGE, a neighbor to Mr. LATOURETTE and Mr. KUCINICH.

Ms. FUDGE. Thank you very much.

I rise to pay tribute today to my faithful Ohio colleagues who will be leaving our ranks at the end of this Congress. Three of them represent districts that border mine, and all will be missed by our delegation.

At the beginning of 2011, I pulled together a long list, with my friend Mr. RENACCI, of our delegation for dinner. This experience showed everyone who attended that we can work and play together, despite our party affiliations. This isn't true of all delegations. Simply put, it is because of the people who make up the Ohio delegation. Those departing will be deeply missed. I will miss their collective experience, their outstanding wit, and unrivaled passion in serving the people of Ohio. Their departure will truly be a loss to the region, our State, and the Nation.

DENNIS KUCINICH is one of the most enduring public servants in Cleveland history. From city council to what we used to call ''boy mayor,'' to a Member of Congress, DENNIS has represented the city of Cleveland and its citizens with undeniable zeal and passion. First elected to Congress in 1996, DENNIS KUCINICH is the kind of fighter you want on your team, be it fighting for labor rights or against the wars in Iraq and Afghanistan. He left his mark for being fiery, outspoken, and incorruptible, and the city of Cleveland loves him for it. DENNIS was proud to champion liberal causes even when being liberal wasn't popular. He is bright and unflappable in his convictions, traits that earned him admiration from citizens throughout the Nation. Congress will not be the same without him.

BETTY SUTTON is a leader who has and will undoubtedly continue to make a difference in northeast Ohio. She ran for city council during her first year of law school and won. She is the youngest woman to ever serve in the Ohio State House. She fought hard for the middle class by representing unions and their members as a labor attorney. BETTY played a critical role in the passage of the Nation's health care reform bill. She championed the Cash for Clunkers program, helping thousands of Americans afford new cars and helping to revive the economy with this successful program. BETTY has been unwavering in her support of America's veterans of all generations. Notably, she always found time in her schedule to greet World War II veterans from Ohio visiting our Nation's Capital. BETTY's congressional service to Ohio and the Nation will be missed.

STEVE LATOURETTE. July 30, 2012, was not only a sad day for the State of Ohio and the Ohio delegation, but it was a sad day for all reasonable, level-headed Americans. July 30 marked the day that STEVE LATOURETTE, my good friend, announced his retirement from Congress. STEVE is and always will be a champion for all of northeast Ohio. The impact he made on his district and the State cannot be disputed. He is hard-working and easy to work with. STEVE is a master of bipartisanship. He wrote the book on working across the aisle. He and I recently introduced the Restore Our Neighborhoods Act, and we are working together to ensure this bill is included in an end-of-the-year bill. We need more Members of Congress like STEVE. He is one of the few Members I could always rely on to be objective. He was one of only seven House Republicans to vote against defunding NPR. He was only one of two House Republicans who voted against holding Attorney General Eric Holder in contempt of Congress. Words cannot begin to describe the void STEVE's departure will create. We're going to miss him.

JEAN SCHMIDT. I know Congresswoman SCHMIDT is exceptional. To be the first woman elected to represent southern Ohio in Congress is quite a feat; and to be a grandmother and still run marathons is something that I don't know that anyone else could do.

□ 1940

Although we have not always agreed on policy, we can agree on the importance of promoting female athletes and women in general, and we agree on family values. JEAN understands the importance of representing all of the people and all of the parts of her district. We will miss her kindness and her sincerity.

Good luck, my friend.

And STEVE AUSTRIA, he is one of the five that I did not get an opportunity to know very well, but I have watched him. He has an impressive track record. He served both in the State house and the senate, serving as the majority whip in the senate. He was the first first-generation Filipino to become a Congressman. STEVE quickly shot up the ranks to serve on the Appropriations Committee and helped bring much-needed funding to the State of Ohio and to our military installments. He is a principled man, deciding not to run for a third term because he did not want to leave his Beaver Creek home of 20 years as a result of redistricting.

As I have watched him, I know him to be a gentleman. I can tell by a person's demeanor what kind of person he is, and he always carries himself with dignity and respect.

I am sorry that I did not get an opportunity to know you better.

I will close by saying that this House is better and stronger because all of you served here.

Mr. TIBERI. It is a real pleasure to introduce the gentleman of whom you were just speaking, Congresswoman FUDGE, one of the five Members who will not be back with us next year, Mr. STEVE AUSTRIA, who I had the pleasure of having a district next to.

Mr. AUSTRIA. I thank the gentleman.

I want to first thank the Ohio delegation for taking time this evening to recognize the departing members of the Ohio delegation; and to those Members on both sides of the aisle who have supported me and helped me throughout my 4 years of Congress, I thank you.

To those departing Members, for your service and your commitment to the Buckeye State, you will be missed. You've done a great job. I've had the distinct opportunity to work with many of you in the State legislature as well as in Congress, and I thank you for your service, and I especially thank those Members who have given me advice and helped me and supported me through this last year.

As the Members who are here on the floor today know, as well as many of the folks back in Ohio, the Seventh Congressional District that I represent was eliminated with redistricting. This has been a tough year. To those Members who have given me advice, encouragement, and sometimes just that pat on the back to keep going through these challenging times, I thank you for that, and your friendship will always be remembered.

It is truly an honor and a privilege to serve in Congress and to represent the eight counties and the residents of those eight counties that I represent in the Seventh Congressional District; to be blessed with a family and friends and a great staff who have supported and stayed with me during this past year; and to serve in this fine institution with so many good people—and there are good people here in Congress. I will miss serving in Congress, but the friendships that I have made here in Washington and throughout my district will be forever.

It was my father who first introduced me to politics and government. My father came to this country from the Philippines, and he came here to live the American Dream. He became a legal citizen, and he was so proud of that. He met my mother. They got married. They raised a family—nine kids and now 28 grandkids. God bless my mother who is still alive. He started his own business. He always gave back to his community, and he always believed in making this place he called ''home'' a better place for his children and grandchildren to live. I think if he were alive today—and I'm sure he's looking down from heaven somewhere—he'd be very proud of his oldest son, who, to my knowledge, is the first first-generation Filipino American to serve in the United States Congress.

I am proud to be part of the Asian American community. This has been a job for the past 14 years, in having served in the State legislature for 10 years and now in Congress for 4 years, that I have taken very seriously. I've tried to give it my all—100 percent—and have dedicated my life to it. I want to thank my family for all of the sacrifices that they have made to allow me to be the best Congressman that I could be.

Many Members of Congress have family members back home who are making tremendous sacrifices, and I thank you for those sacrifices to allow the Members of Congress to serve our government.

I also must recognize and thank my staff. You see, when I started my service in Congress, I was very blessed with a great staff that I inherited from my predecessor, Congressman Dave Hobson. Most have gone on to bigger and better things, but I am also blessed to end my service here with a very dedicated and committed staff who are dedicated to helping our constituents back in our district—whether they be veterans, whether they be seniors, whether they be hardworking Americans—and having a positive impact on their lives. There is a loyalty that this staff has given to our district. It is a very committed staff both in D.C. and back in the district; and most of the staff, actually, have stayed with me until the very end.

To our staff, to our team, you are the best.

To the freshman class of the 111th Congress that I came in with—in particular, our Republican members of the freshman class—I want to thank you for your service and the friendships and the support that we've had throughout the years.

I came in in 2008. It was a tough year for Republicans, and I was the only Republican in Ohio to win an open seat. Then, in 2010, my colleagues on the other side of the aisle experienced, I think, the same thing. We had a small Republican class that came in—22 members. It was a very talented class, a class that showed great leadership and was very vibrant, and I believe that they will be part of the future of this Congress as far as leadership. It was a great honor to be elected by my Republican peers and my freshman class as our class President. The freshman class of the 111th Congress was a special group of friends on both sides of the aisle that will be remembered forever.

Finally, Mr. Speaker, I want to pay tribute to Ohio's Seventh Congressional District, which I've had the honor to represent for the last 4 years. As I mentioned, this district was eliminated because of redistricting in Ohio; but it's a district with great history and one with great integrity, and it has had great leaders. It has been represented by leaders such as Congressman Dave Hobson, known as ''Uncle Dave'' here on the Hill and back home for the great work he has done in Washington and throughout the State of Ohio; by former Senator and now Attorney General Mike DeWine, a personal friend who continues to lead our great State of Ohio; Congressman Bud Brown and Joyce Brown and his father, Clarence Brown, who also served in the United States Congress. The list goes on and on. To follow these great leaders and to have the opportunity to serve behind my mentors has been a great honor.

When I'm here in Washington, I often walk through the Halls of the Capitol at night when there are very few people around. I can tell you the history, the tradition, the integrity of this Capitol is still there, and it speaks to you at night. Often as I walk through the Halls of the Capitol or am traveling throughout the district, folks will come up to me and remind me that, when one door closes, another opens and that God has a plan for all of us.

So as I begin the next chapter of my life with my wife of 26 years, Eileen, and our three boys—Brian, Kevin, and Eric—I will take this great experience, the knowledge, and the memories here in Congress with me into the future. I always will remember the advice my father gave to me when I ran for my first office nearly 25 years ago—a local precinct, a county central committee—which is: always do the right thing.

To the new Members who are here, I would encourage you to continue to do the right thing.

And to our members of the Ohio delegation, never forget our men and women who are serving in our military and our veterans and the sacrifices that they are making and continue to make for our country and for our freedoms.

May God bless this great country. It has been a privilege to serve you in Congress. Thank you.

Mr. TIBERI. Thank you, STEVE AUSTRIA. It has been a real pleasure working with you.

I got to know STEVE when he came to the Ohio legislature, actually. I was in the Ohio House, and he soon left and went to the Ohio Senate, and then rejoined us here in 2008. We always used to joke around that STEVE AUSTRIA was going to be a heck of a lot less maintenance than Dave Hobson, his predecessor; and he certainly was.

We've enjoyed working with you. You've been a great member of the Appropriations Committee. You have continued to serve the people of Ohio well. You had a great career in the Ohio Senate, and you helped pass some pretty critical legislation, including the Adam Walsh Child Protection and Safety Act. So we wish you well. We wish you and Eileen and your three boys much success in the future.

It is a real pleasure to introduce another departing Member who also was in the legislature before she came here. Unfortunately, I didn't have an opportunity to serve with her; she came just as I was leaving.

□ 1950

When I think of JEAN SCHMIDT, and it has been said before, I think of her faith and I think of marathons because she is an amazing marathon runner. She just completed her 97th marathon in October. And she's obviously a really proud grandma to two young grandsons, and it is a pleasure to recognize the gentlelady from southwestern Ohio.

Mrs. SCHMIDT. Thank you, Congressman TIBERI, my great friend from central Ohio.

I just want to say a few things today. First, I want to say good-bye, not just to this Chamber, but to the good friends who are leaving with me.

BETTY SUTTON from northern Ohio. You know, politically we disagree just about on everything, but we also have something very common together: softball. She, like I, joined an all-female softball team. She's a good player. She can actually throw the ball from third to first without having it hop in between. And her tenacity helped us not lose as readily as we usually do when we play the women of the press. BETTY has fought tirelessly for her district. She has represented it well, and she will be missed.

DENNIS KUCINICH. You know, a lot has been said about DENNIS. He is a man of conviction, and he's a man who's not afraid to be a voice in the wilderness. And all too often we don't agree with DENNIS, but we always understand where his passion comes from, and it comes from his deep faith and the fact that he really believes in America, just as the rest of us do. But on a personal note, DENNIS has become a good friend of mine. We share a deep conviction about obesity in our Nation and ways to conquer it. Who knows, maybe on the outside we will work together to try to find solutions to that.

To STEVE AUSTRIA, who just stood at this podium, I got to know STEVE in the State legislature. While we didn't really work together on bills, we actually went to Arizona to watch Ohio State win its national championship. It was there that I really got to know STEVE and his wife on a personal level. It was there that he shared with me his dream to one day serve in this Congress, and I'm so glad he was able to let that dream come true.

To my good friend, STEVE LATOURETTE, you know, when you come as a special election, you don't get this orientation that people get when they come as a class. You get elected and you're thrown on the floor and you're there to vote. I was put on his committee called Transportation, and I didn't know a whole lot about it, but STEVE LATOURETTE shepherded me through it; and not just on that, on other issues critical to Ohio and critical to our Nation. He gave me great advice. He was a wonderful mentor, and he will be missed in this body.

I don't know whether this is going to be my good-bye speech or not, but I just want to say what an honor it has been to serve in Congress. I came from a background where I truly represent the American Dream. My father grew up in poverty. He didn't have an education, but he believed in himself and he believed in hard work. And he married a woman with a college education—unheard of for a man of that background—and together they instilled in me a couple of really wonderful values. The first is to love God. The second is to love your country. The third is to believe in yourself because we are Americans, and as Americans, we cannot just dream something but work hard to make that a reality.

I never thought that I would serve in this wonderful body, but through a special election, I was able to come here, and it has been a privilege to represent the Second District of Ohio. I truly believe it is the best district in the Nation because of its diversity. One of the communities I represent is one of the wealthiest in the country. Several others are the poorest in the country. But the fabric that weaves through the Ohio River Valley is one that shows me that these people, whether they are rich or poor, are deep, loving people of not just America but of our God.

We are a community that believes in the sanctity of life. We are a community that believes in the right to carry. We are a community that believes in fiscal responsibility. And it was easy for me to carry that message here because, like so many people in the Second Congressional District, I believe in those things, too.

Parting is sweet sorrow. Nobody knows what tomorrow will bring, but I can tell you this: Tomorrow there will be people here championing the cause of America and the American spirit, and I only hope that we are blessed as a Nation to continue to be the beacon of hope and freedom in the world.

Toward that end, I wish all of my departing Members and all of those coming in and all of those that are remaining, Godspeed. God bless you, and God bless the United States of America.

Mr. TIBERI. Thank you, JEAN. We wish you and Peter well in the next door, in the next chapter.

Five—five departing Ohioans, and I get to go last. It's been an honor to serve with all five of them. They leave a big void, Mr. Speaker. STEVE AUSTRIA, JEAN SCHMIDT, BETTY SUTTON—much has been said about all of these five.

I actually knew BETTY before I knew the other four. She and I were part of the freshman class of the Ohio class of Representatives in 1992, and we served 8 years together in the Ohio House. Obviously different political parties, but you knew right away that BETTY was bright, tenacious, and she was a fighter for her beliefs. We rarely agreed on issues. We got to see each other again when she got elected in 2006 to replace SHERROD BROWN, who got elected to the U.S. Senate.

I know her career's not over. It began in the Barberton City Council, Summit County Council, and the 8 years she served in the House. I know she is going to continue to serve in some capacity, and I wish her and her husband, Doug, the best as they move on to the next chapter of their life.

DENNIS KUCINICH, I first knew DENNIS, he didn't know me, when he was the boy mayor of Cleveland and I was growing up in Columbus. He obviously made a lot of headlines around the State as mayor. I still call him ''Mayor'' today. I first got to know DENNIS when he was in the legislature of the Ohio Senate and I was in the Ohio House in the early 1990s. He then got elected to Congress in 1996. I got to know DENNIS better when I was elected here.

And obviously, a lot has been said about DENNIS. A lot has been said about DENNIS, about his passion. The wilderness comment was perfect, JEAN. He obviously is a man who will continue his mission in other ways. He ran for President. He wasn't shy about it. He has strong beliefs, beliefs that are different than mine, but again, someone you could call a friend.

And finally, last but not least, the man who has a different quality than the rest of the four, and what I mean by that, he was the only one of the five who wasn't a legislator before he came to Congress, he was a prosecutor, STEVE LATOURETTE. And ironically, if you talk to Members of the House, they would say he was a legislator's legislator even though he was never a legislator before he got here, which is amazing.

STEVE LATOURETTE is a contrast in so many different ways, and you heard so much about him here tonight in terms of the work he did in such a bipartisan way. But he could be as partisan as they came. In fact, as I think of memories from down on the floor, back in—I don't know what year it was—2007 or 2008, maybe it was 2009 or 2010, STEVE came up with this game show idea about the lack of substantive work that we were doing on the House floor when we were in the minority and the Democrats were in the majority.

□ 2000

And it was funny, but, boy, was it pointed, and it could be absolutely true.

But then again, you just never know where STEVE was going to be. You could be on the House floor and here he is defending Jim Traficant on the House floor, a Republican defending a Democrat. And if you ever need a lawyer, you want STEVE LATOURETTE to be your lawyer because he gave an incredible performance that one time.

But he was a guy that was our dean. He was our dean of our delegation because everybody could go to STEVE

with an issue. Whether it was an appropriations issue, whether it was an internal issue, whether it was an issue for Ohio, he's a guy who would give great advice, and he would work to get an answer for the problem.

So whether it was the Appropriations Committee or—the Transportation Committee, where he served much of his career, was an area where he knew more about transportation, and transportation issues, then anybody in this town. He was just a walking encyclopedia on transportation issues.

It's pretty hard for a Buckeye to talk about a University of Michigan graduate this way, Mr. Speaker, but it's going to be a big void for this House for all five, but especially for STEVE LATOURETTE, who has really given his heart and his soul for 18 years to trying to make this body and our Nation a better place for our kids and for our grandkids.

It really didn't matter who you were or what you were about or if you had an ''R'' or a ''D'' by your name with respect to STEVE. If he believed in your cause, he was your partner, and he was going to do everything within his power to make sure that cause, that issue was going to be solved. He didn't always win, but he surely went down swinging every time he took that cause up.

This place will not be as good as it has been without STEVE LATOURETTE, JEAN SCHMIDT, STEVE AUSTRIA, DENNIS KUCINICH, and BETTY SUTTON.

Mr. Speaker, it has been great knowing these folks. I am pretty sure that all of them we will see again in one capacity or another. I know, STEVE, that we will see you and Jen and Henry and Emma soon.

Mr. Speaker, with that, I think our hour is up. We have no more speakers. It's been a pleasure. It's been a privilege, an honor to serve with all five of these men and women.

I yield back the balance of my time.

## THE IMPENDING FISCAL CLIFF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity. We're going to spend a good portion of this hour talking about something that is on everybody's mind, the fiscal cliff. Oh my goodness, the fiscal cliff is now just, well, 20 days away. So what are we going to do?

Some have suggested that we really have to deal with entitlements, and I'm here to agree that we can and we should deal with entitlements. Certainly, two of those issues, which I really don't think we ought to call entitlements, but they happen to be fundamental programs here in America for Americans, should be dealt with. One that some people want to put on the table really doesn't deal with the deficit at all, and that's Social Security.

So before we even get into this discussion tonight, let's just understand, for anybody that cares to take on this issue, that in dealing with the fiscal cliff, Social Security is not the problem. The deficit is not caused by Social Security. Social Security has never been and in its present form will not be part of the deficit issue. It's separate and apart. It is a special program, has its own source of revenue, has its own trust fund, and frankly, is not even running a deficit at all and has not run a deficit.

So let's put Social Security to the side and say, yes, in the years ahead, maybe even next year, but probably 3 to 4 years out, Social Security will be dealt with, as it must, because we will have to make adjustments. But that is really not the debate about the deficit, sequestration, or the fiscal cliff.

Coming back to the fiscal cliff, let's take up one of the very big programs, and I'm not talking here about the Department of Defense, which is one of the major expenditure items, but that's not the subject for tonight. Tonight the subject is Medicare and Medicaid.

The Medicare program is a big one, and it certainly is a program that is expensive. It's a program that, over the years, has grown on the average faster than inflation. But, in the last 2 years, that's not the case, and we'll discuss that in more detail later. In fact, Medicare has fallen below the general rate of health care inflation.

Let's talk about what we can do about Medicare. Instead of saying what we ought not do, we're going to start this discussion, at least my portion of it, talking about what we can do. And the President has put out several ideas that deserve the attention of the 435 Members of this House and the 100 Senators, because there are things that really can be done immediately to significantly reduce the cost of Medicare.

Just in listening to my colleagues here on the floor discuss the departure of some extraordinary Members from the Ohio delegation, I came across an article in one of the local Hill newspapers, and this article says, ''GAO hits Medicare and Medicaid wasteful spending.'' Turns out that the GAO just issued a report, came out just this week, that Medicare had, in their estimation, $28 billion in fraud and wasteful spending in the year 2011—$28 billion. And in Medicaid, some $21 billion.

Now, the President has suggested that one of the things we ought to do to reform the Medicare system and the Medicaid system is go after waste, fraud, and abuse. Well, there you have, what, 50-plus billion dollars of annual fraud, waste, and expenditure in the Medicare system. That goes a long way to solving the Medicare problem. And we ought to do that. And, in fact, a lot of that was done in the Affordable Health Care Act, and systems were put in place and they're working today.

But there's even more that can be done, according to the GAO. And if we're going to start dealing with Medicare, why don't we start right there with that issue and perhaps some $50 billion, or if you want to be a little conservative, let's just say 40 or $30 billion that we can reduce immediately.

By the way, this is going to take a few Federal employees to do that. Interestingly, in the Affordable Health Care Act there was a provision that added several thousand, a couple of thousand employees to the IRS for the specific purpose of going after Medicare and Medicaid fraud. Well, they were added, and then our Republican colleagues, in a fit of—well, just in a fit, decided that they would somehow save a lot of money by eliminating the men and women that were supposed to be hired to go after fraud.

□ 2010

They tried to do it. Fortunately, they were not successful.

I'm going to just name a couple of other ways in which we can reduce the cost of Medicare, and then I want to turn to my colleague from Illinois to expand on some of these issues.

Very quickly, how about drugs? Would you believe that the Federal Government has no power to negotiate the price of drugs for seniors in the Medicare program? It's true. Congress passed a law back in the 2003–2004 period that denied the Federal Government the ability to negotiate prices. We could save a pile of money right there.

There's some other things we can do—and some of this is already underway. We could penalize hospitals that have high infection rates; readmission to hospitals. Well, the Affordable Health Care Act is already doing that. And it's having an effect. We could also deal with the issues that occur with unnecessary payments. We can reform the system in the way in which payments are made so that they are more efficient and more effective. And those have been proposed by the President.

In fact, there are many, many things that can be done to significantly reduce the cost of Medicare without doing the onerous, damaging proposals that have been made by many of our colleagues on the Republican side, such as increasing the age to 67 when you could apply for Medicare—and we'll discuss that in much more detail in a few moments—and such as going after the privatization of Medicare.

Some really bad ideas are out there. And we don't need those bad ideas. What we need are some really good, solid ideas.

Let me turn to my colleague from Illinois, JAN SCHAKOWSKY. This is a woman who's been deeply involved in this issue. She was on the Simpson-Bowles Committee. That's not the formal name but that's how we know it—the Simpson-Bowles Committee. And she's focused specifically on Social Security and Medicare. She's joining us tonight with extraordinary background and information on this.

JAN, let's talk for a few minutes about your experiences and what you think we can do.

Ms. SCHAKOWSKY. Thank you so much, Congressman GARAMENDI, for leading this hour where, hopefully, we can get just some of the facts out about Medicare and Social Security. I, too, want to concentrate on Medicare.

First of all, I want to ask this fundamental question: do we really think that the United States of America is poorer today than we were 70 years ago, when Social Security came into being; that the United States is really poorer as a country today than 50 years ago, when Medicare and Medicaid came into being? The answer is simply, no. The economy has grown 15 times over since Social Security was enacted. And it was enacted because this country decided that it was really important for us to not have poorhouses for our elderly in this country, and that when Medicare and Medicaid came in, that insurance companies really didn't want to ensure old people, and that they weren't able to get the health care that they needed, and that the right thing to do for the richest country in the world, which we still are, is to set a priority that we're going to address the needs of the elderly—not for free, by any means.

People pay every paycheck that they're working into Social Security, and we created an insurance company for Americans, an insurance policy for Americans, that if you pay in, when you retire, that money will be there for you. And as you pointed out, we have $2.7 trillion in the Social Security Trust Fund right now. If we didn't have that, that means that our deficit would look $2.7 trillion worse than it does. Thank goodness for Social Security and its Trust Fund.

So you're right, Social Security should be off the table. Medicare, too. Every single paycheck people pay in. But the difference is when you get Medicare, you continue to pay. And I want to talk a little bit about the truth of what's going on in Medicare today, and the myths.

Talk about means-testing Social Security. Guess what? We do. We already means-test Social Security. I want everybody to understand that. We means-test Social Security. Medicare part D premiums—that's for doctor outpatient—and part D—that's for prescription drug premiums—are already higher for individuals with incomes over $85,000 a year. Now let's remember we're calling middle class for everyone else up to the $250,000. But we're saying, for Medicare purposes, people who make $85,000 or more, they're going to pay extra costs ranging from $504 a year to $2,270 a year for part B and $139 to $797 more a year for part D. We means-test Medicare. By 2020, with no changes in current law, annual means-tested part B premiums are projected to range from almost $2,700 to $6,000 more. We means-test Medicare.

Higher income households pay more for future Medicare benefits during their working lives as well. There's no cap on the tax that you pay into Medicare. A person with $2 million in wages pays $58,000 into Medicare. So during their working lives, and when they retire and take Medicare benefits, we means-test Medicare.

Mr. GARAMENDI. Let me just interrupt for a second. You started to discuss Social Security. I think what you meant was Medicare, which is where you have been taking the discussion. Medicare part B is means-tested—and has been since its inception.

Ms. SCHAKOWSKY. We means-test Medicare, exactly. We do.

Mr. GARAMENDI. Exactly. The amount that you pay into Medicare is higher as your income goes up.

Ms. SCHAKOWSKY. Yes. So during your working life and when you start on Medicare, you are paying more if you make $85,000 or more.

Mr. GARAMENDI. So the argument that you've got to means-test this program is, Yes. And we do.

Ms. SCHAKOWSKY. Now we means-test Medicare for 5 percent of beneficiaries. Under proposals to cover 25 percent of beneficiaries, call them higher income, means-testing would start at $47,000 in income. Really? These are rich seniors? Covering 10 percent of Medicare beneficiaries would hit individuals with $63,000 in income. Are those wealthy seniors? No. We means-test Medicare right now for people who earn income over $85,000.

Here's the other thing. A couple more points I want to make. There is no cap right now on out-of-pocket costs in Medicare, which today average $4,500 for people over 65 years old. So the out-of-pocket costs for Medicare beneficiaries are very high. The average amounts to about 20 percent of their income, out-of-pocket, already. So Medicare costs are already high. The idea now of going further down in income levels to means-test Medicare beneficiaries makes no sense whatsoever.

The other thing I wanted to point out is half of all seniors live in households with less than $22,000 in income. So here's the part I don't get about the fiscal cliff proposals. It seems as if the trophy that the Republicans want in exchange for asking people whose income is above $250,000, even though they'll get a tax break on that first $250,000, to ask them to pay a little more, the trophy in return is to ask senior citizens, whose median income is $22,000, to pay more?

□ 2020

Why is this a quid pro quo? Why is this fair? Why is that the trophy? Why is that the exchange that makes sense? The American people say no.

Medicare, Social Security, Medicaid, these are programs that keep people healthy. Raising the age of Medicare; really? That's why we have Medicare in the first place; insurance companies don't want to insure people. The Center for American Progress says that if we did that, in a single year, almost 435,000 seniors would be at risk of becoming uninsured. Is this the goal?

I am really confused about these proposals that somehow equate really the wealthiest top 2 percent in our country with extracting something from the poorest adults in our country: seniors and persons with disabilities.

Mr. GARAMENDI. Your points are so very, very well taken. It seems as though—you call it a trophy. The argument made by some is that we ought not raise this top tax rate, but you ought to hit the Medicare program, the beneficiaries, and make them pay more. As you've said, they're mostly middle class and poor. So what's that all about? And raising the age to 67 is really stupid. There is no other way to describe that.

I was the insurance commissioner in California for 8 years, and let me tell you, you raise that age to 67, a lot of very, very bad things are going to happen. First of all, people between 65 and 67 are not likely to get insurance at all, let alone affordable, for the reason you said. That's the population that is almost uninsurable under the present system. Even with the Affordable Health Care Act, they're going to wind up paying a huge amount of money, and you're shifting the cost to them, to their employers, and to their State and local governments. You've saved no money. In fact, you've probably increased the cost because the benefits that go to seniors in the Affordable Care Act are not available to them, such benefits as annual checkups, medical services keeping people healthy.

I'd like to come back to that in a little while, but I noticed our colleague from the great State of Texas is with us. Thank you for joining us once again to talk about something that I know you've spent your career here in Congress working on: Social Security, Medicare, and Medicaid.

Ms. JACKSON LEE of Texas. I thank the gentleman from California, and I thank the gentlelady from Illinois for her persistence on this issue of seniors and Medicare.

Congresswoman SCHAKOWSKY, along with Congresswoman MATSUI, co-chaired a task force that was very effective on making sure that the Democratic Caucus—and, really, Members of Congress—had an understanding of the safety net, but also the issue around the word ''earned.''

For some reason or another, when you put the benefits of individuals on the altar of sacrifice, it's because they didn't earn anything. You can sacrifice them. One thing that the Congresswoman emphasized is the idea that Social Security is earned, Medicare is earned, and, to a certain extent, Medicaid, though it's on a different structure.

To the gentleman from California, I want to speak directly to what you've said as insurance commissioner. We value your experience, because here's my point that I want to make. I want to stay narrowly focused.

First of all, let me say that there are enough bipartisan voices right now to pass the Senate bill. I want to thank Congressman WALZ, whom we have a petition with 178 Democratic names. We welcome our colleagues, Republicans, to get on. But the point I want to make is that—and I want to change my vernacular, I want to change my language—100 percent of the American people will get a tax cut. If we pass the Senate bill, 100 percent——

Mr. GARAMENDI. Let's describe the Senate bill.

Ms. JACKSON LEE of Texas. The Senate bill is $250,000 and below. The income up to $250,000—whatever you make—receives the continuation or a tax cut, and the remaining obviously expire. Simple premise. That means 97 percent of our businesses today, that means all the businesses on Main Streets in everybody's cities and towns will be protected going into the 2013 tax year or the 2012 tax year. But what it means is that middle class Americans will not have a $2,200 per family of four going into January 2013. I just want to lay that on the table, because now I want to move to this question of entitlements, but specifically the eligibility as it relates to age. That's been batted around.

I really wanted to come here today. I was home over the weekend, and I said, I have to get to Washington to convey the thoughts in the minds of my constituents, not only the average citizen, but doctors whom I sat down with yesterday to ask about this question. But here's my point. Now, you can look at it globally, and then I'm going to narrow it down.

Globally, one would say that we're living longer. Of course women are. This is the actuarial genius here, you know, the actuarial tables that you deal with. So women are living longer. It's always been a tradition, et cetera, but the body politic is living longer, maybe because they're healthier. That is not the case in the span of what we're speaking of, because what we're talking about globally, or nationally, are people whose beginnings are different, whose lifestyles are different.

Now, I don't know, but the family farmers—and I'm not picking on that group of people—have worked with their hands. Of course they work with their minds—they have to have a budget and make things work—but they're in the outdoors, foresters. Some would say, well, that's a healthy lifestyle. I don't know until you walk a mile in their shoes. Those who work in the coal mines in West Virginia; those who are in the sanitation department of our municipal cities; those who work in concrete and the building trades; those individuals who work in the energy industry in all shapes, forms, and sizes; those who may be in the vocational trades, maybe even nurses and nurses aids who are lifting patients all day long, thank God for them. We see them all the time when we're visiting the sick and our relatives or even we're in the hospital. So what I'm saying is you cannot have a cookie that fits all. You cannot immediately jump to entitlement reform between now and December 31.

Here's a solution: The bipartisan voices have said pass the Senate bill or pass the elimination of the tax cuts on the top 2 percent—but I, frankly, believe that 100 percent of Americans will get it. We cannot then jump to entitlement reform now. It would not be wise. It is not prudent. It does not work.

When you talk about 65 to 67, that is a lifetime. Because what you do, as the gentleman has said, you throw seniors into the marketplace. You save a buck, and they have to spend two bucks, three bucks, four bucks. And then on top of the four bucks, they will have doors slammed in their face.

The Affordable Care Act was premised on a 65-year-old Medicare admission, if you will—except for those who are disabled—and therefore, now, you want to skew it. You've already claimed that ObamaCare is going to raise prices. Look at the projection of cost to the seniors, trillions of dollars that they will pay in the open marketplace. But more importantly, how many of the poor seniors not having the money to go into the open marketplace will drop dead? I'm being colorful because, in terms of your lifestyle, some people struggle to get to 65. It makes no sense that they should be on the altar of sacrifice.

I'm passionate about this because I just don't understand why we jump so far. I say, Members, let's be deliberative. You cannot throw it out and say, oh, that's what we're going to do, when you don't know the numbers, you don't know the ultimate results, you have not done an analysis on what seniors of this age, what are their particular work histories. Maybe we will have, 40 years from now—let me go 20 years from now, we'll have all white collar seniors. I don't know what we have now, and therefore I can't judge that 65 for one person is 65 for everybody.

Let me say this to my good friends that are here: Let's take raising the Medicare age off the table. I'm delighted to see people here who are 65, 72, 80, 42, fine, but sometimes we do not represent a microcosm of America.

Let me finish on this note. I sat down with doctors and I posed a question. Doctors have a sense of pride. They like their work and they think they can keep us healthy. They could have said a number of things to me: Well, if we stay on a nutritious diet and if we do our exercise, I can see that in the future. They did not say that.

□ 2030

They shook their heads, and they said it is unbelievable. It won't work. It doesn't work. It's not a good answer. They were against raising it on the basis of medical grounds.

So let me just say this: I hope that we stand firm, our caucus. I hope we will work with the White House. I know they are speculating over a number of opportunities and options, but my perspective is you go for this tax relief, and you put on the table for deliberative consideration what is the best approach to have Medicare savings and to provide for the American people. But I can't fathom burdening seniors with raising the eligibility age for Medicare.

Mr. GARAMENDI. I thank you for bringing this issue back. And I don't want to leave it right yet. Our colleague from Illinois started her discussion with the values, the values that we Americans possessed back in the 1960s when Medicare began. That was the value of caring for each other, particularly caring for those seniors who at that time had 50 percent in poverty, I think 70 percent without insurance, and a very bad situation.

I remember when I was a youngster, not even a teenager yet, my father took me to the county hospital. You mentioned the word poorhouse. That's what it was. And that is etched in my mind to this day, what was happening in that county hospital. It was just row after row of beds down a long ward. The cries, the sounds, and the odors were unbelievable. That was the only care available. And then Medicare came in. And we have moved to a different place, fortunately. Our values as Americans expressed in the most meaningful way, taking care of seniors, the issues of poverty, largely eliminated—no, that's not true. The issue of poverty among seniors substantially changed. We still have too much poverty. But medical services available, quality medical services that have extended the life of many.

The point you were making about not everybody is so very, very true. As you were talking, I was just thinking, I read something about this, though increasing overall life expectancy at 65 has not increased equally across the social economic status, from 1977 to 2007, life expectancy for the top half of earners increased by 5 years, but only 1 year for the bottom half of earners. So, once again, you have this disparity class, if you would. White men without a high school diploma have a life expectancy of 67.5 years as compared to 80.4 years for those with a college degree. Once again, two different societies in America.

Since 1990, life expectancy for the least educated whites has decreased—decreased—by 4 years. And now the argument is that we can increase the Medicare eligibility age to 67 because people are living longer. Hello? Who is living longer? Those who have higher incomes. Those who don't—and you said it so very well—those who work with their hands, whether they are a maid cleaning a hotel room or a farmer or a coal miner or any other task which is labor intensive, and that's physical labor intensive—by the time they get to 65, they're broken. Their body is broken. And to deny them the opportunity, I can tell you everybody I

meet who is not 65 wants to live long enough to get to 65 and Medicare.

So for our Republican friends, their principal negotiator has put on the table, the Speaker of the House has put on the table let's raise the eligibility age.

JAN, you were talking about this earlier—let's go back at this—this is a fundamental dichotomy in how we value our seniors, how we value each other and how we are compassionate.

Ms. JACKSON LEE of Texas. Could I say one thing before the gentlelady, and then I will finish on that and then step away.

Mr. GARAMENDI. Sure.

Ms. JACKSON LEE of Texas. I'm so glad you used the statistic of a white male because I want this to be holistic. You did it on income. There are other disparities between African Americans, Asians, and Hispanic based upon a number of factors, a number of factors. So, there is a population that you've just mentioned, I assume there are numbers for white women, and then there are what we call health disparities because of various ethnic differences and distinctions, nothing that would make them different as Americans, but it would make you want to think more closely about a cookie-cutter approach to how Medicare can be. And to raise it to 67 is dangerous for the diversity of this country. And remember what we said. We want to be for the 100 percent.

I thank you for allowing me just to say that point. Thank you, Congresswoman, because I think our fight is a noble fight, and it is not against anybody, it is for something, and I would like our friends to join us and recognize that this is not a good idea. I thank the gentleman.

Mr. GARAMENDI. SHEILA JACKSON LEE, thank you very much. I hope you are able to stick around.

Jan.

Ms. SCHAKOWSKY. Thank you. I wanted to also make the point that there are many people who throughout their life have not been able to afford health care, and so they really are in need of health care when they turn 65. I have people coming into my office every day, or at least once a week—I bet this happens to you and to most Members—who say, I just hope I make it until I'm 65. Then I can have this fixed or that fixed or all these things that are really debilitating me and causing such a loss in lifestyle.

Mr. GARAMENDI. Pain, serious pain.

Ms. SCHAKOWSKY. Yes. I finally am going to be able to take care of it. So a couple of things I want to reiterate that I think are just myths. One, I already said that we already means-test Medicare. Number two, that raising the age of eligibility—and our Democratic leader wrote on December 11 the ''Truth About Medicare Age.'' She wrote an excellent USA Today article. And in it she says:

As one expert, Paul N. Van de Water of the Center for Budget and Policy Priorities, has noted, raising the age 'would not only fail to constrain health care costs across the economy, it would increase them.'

And our leader points out that the Kaiser Family Foundation estimates that higher State and private sector costs that result from raising the age would be twice as large as the total Federal savings. So we aren't even doing ourselves a favor when it comes to expenditures, the cost of health care, if we raise the age. It's, as you said, a really bad idea.

Another thing, I do think that a lot of people, especially younger people, do think that once you get to 65 you just get this health care benefit without realizing that it is an insurance policy that seniors are paying dearly for. It is a good insurance policy, Medicare. In fact, it is far more efficient, with an overhead of about 3 percent, compared to private insurance, which can have as much as, well, you would know better, it is reaching up into 20 percent overhead costs. So Medicare works very well. And it's popular for very good, good reasons.

As you pointed out, we can control the cost of Medicare. I'm not up here saying don't do anything about Medicare. We aren't going to touch Medicare. Yes, we can, as we did through ObamaCare. And you remember the numbers, $716 billion, Democrats were hit over the head with that number, saying that we funneled that kind of money, we stole that money from Medicare, implying that we took it from beneficiaries. The opposite happened.

□ 2040

We were able to create more efficiencies in Medicare, stopping our subsidies of private insurance companies, beefing up our fraud division, even though, as you pointed out, we can do better. We saved $716 billion from Medicare and improved benefits. That was just the beginning.

I was here when we passed Medicare part D. The truth is, the pharmaceutical companies, the drug companies got language written into the bill that said Medicare, unlike the Veterans Administration, shall be prohibited from negotiating for better prices with the drug companies. That cost us about $250 billion over 10 years, the fact that we cannot negotiate for lower prices with the drug companies, who are making money hand over fist from Medicare part D.

If we were to make a change like that, as the Veterans Administration does, drug prices would be lower for the government and for Medicare beneficiaries, as well. It would be a win-win in terms of lowering prices. Yes, the pharmaceutical companies aren't going to like it, but most countries already negotiate for lower drug prices. Why shouldn't we do the same, especially for Medicare?

Mr. GARAMENDI. Only in a free-market system would Congress pass a law to prohibit negotiating prices, which, I think, is kind of the essence of a market system.

You raised a couple of points, and I just want to use a chart to expand on those points. The Affordable Health Care Act—ObamaCare—really significantly enhanced benefits to Medicare recipients 65 and older. They got some really important benefits. You mentioned the drug benefit, benefit part D, the doughnut hole that is being closed. That's worth, I think, some $55 billion a year to seniors. There's other things that are in the Affordable Health Care Act that have already saved vast amounts of money to the Medicare program. For example, annual wellness visits for seniors. Why is it important? Well, you find out certain things, like you've got high blood pressure. And you take a pill—we ought to be negotiating that price—but you take a pill, and suddenly you're able to reduce your blood pressure and avoid a stroke, avoid some other kind of medical incident. You may find that you're on the path towards diabetes or other kinds of long-term, very expensive illnesses. So that wellness visit becomes exceedingly important, and also some treatments are available.

Here's what's happened. Because of ObamaCare, the inflation rate in Medicare has been dramatically reduced. If you take a look at this particular chart, over the years it shows that beginning in 2005 and now in 2012, the annual increase in cost, the inflation rate in Medicare—it peaked in 2005, and then it began to come down. Here is the Affordable Health Care Act, or ObamaCare, and we have seen a decline to about 2½ percent inflation, which is actually less than the general health care inflation rate in the economy. This has occurred because of multiple factors, perhaps—and it's arguable, but we think one of the major factors is the advent of ObamaCare, or the Affordable Health Care Act, and the kinds of programs that are in the Affordable Health Care Act for Medicare recipients that reduce the cost of medical services.

Ms. SCHAKOWSKY. I think it's important to point out too that the full provisions of ObamaCare haven't even rolled out yet, although these preventive services are in place. And look at what's already happened.

Mr. GARAMENDI. Exactly.

As those other services roll out, they will affect not only the Medicare portion of the health care system, but they will also affect the general population and should, because of the availability of insurance and the availability of the ability therefore get to a doctor, to get the continuation of care, should bring down the overall inflation rate for health care, which will dramatically affect Medicare, as well.

What we are on is a track that is reducing what they call ''bending the inflation curve.'' It's happening. Here's the most dramatic chart that I've seen on this issue, that we are, in fact, bending the cost curve. And perhaps even

more important, senior citizens are healthier. They're healthier. They're getting better care. They're getting more care.

Ms. SCHAKOWSKY. Let me just say on that point, though, on the cost savings, that's why when the Affordable Health Care Act passed, the Congressional Budget Office estimated that it saves—people said, How are we going to afford that? How are we going to pay for that? But it actually saved a $1 trillion over 20 years in costs to the government.

Mr. GARAMENDI. That's a very good point, but let me interrupt.

They were calculating an inflation rate that continued at this level. They did not calculate a reduction in the inflation rate. And in the more recent estimates of cost savings, they're now looking at this difference here. They're looking at a lower inflation rate. This saves billions upon billions of dollars in the Medicare system. So we are seeing that.

I don't want to let a point go by that you raised, and that is, yes, all of us Democrats were whacked over the head in the elections about the $720 billion. I was, you were, and I suspect the rest of us were also. The $720 billion of savings reductions in Medicare did not come from benefits. In fact, the benefits were increased just as you said. I don't know how many times I said that over the last several months, but I'm going to say it again: it didn't come from there. It came from three areas. You said this earlier, and it bears repetition.

First of all, it came out of the pockets of the insurance companies that were providing the additional Medicare insurance coverage; secondly, it came out of fraud and abuse; and, thirdly, it came out of payments to medical providers that were not performing good services. Specifically, one of the biggest were hospitals that had high infection rates. The Affordable Health Care Act said, we are not paying for the second admission when there is an infection acquired in the hospital. This is really good news to every Medicare beneficiary because suddenly the hospital goes, Oh, you mean we are going to have to pay for the cost of a readmission because of an infection? The government's not going to pay for it any more? Maybe we ought to clean up our act. Maybe we ought to have a little bit of hygiene in this hospital.

We are now seeing a significant decline in the hospital infection rates. It's not expensive for hospitals to do, but extremely important for every individual that goes into a hospital, whether you're on Medicare or otherwise. Hospitals are now paying attention to hygiene, cleaning up, washing hands, other kinds of very simple, inexpensive things that keep people healthy and reduce the cost of Medicare and general health care.

Ms. SCHAKOWSKY. Exactly.

The real benefit of the Affordable Care Act and it's effect on Medicare and everything else is that we are making this system more efficient. The health care system in the United States of America is very inefficient. We are going to be rewarding outcomes, we are going to be rewarding value and good performance, rather than just getting—you know, a doctor sends a bill or the hospital sends a bill, Medicare sends off a check. We are going to be rewarding efficiency and good practices now in the health care system. I think that that is what everybody wants. You want better results for a lower cost. That's what we are getting.

Mr. GARAMENDI. There are some very simple things in the Affordable Health Care Act that do reduce the cost, and this is the continuity of care. This is the kind of thing you're talking about. It is the management of a debilitating illness, for example, diabetes. If diabetes is properly managed, the kinds of extraordinarily damaging and expensive things that occur to individuals are either delayed or not happening at all. So management systems are put in place that dramatically reduce the overall costs. They cost a little bit up front because people are keeping in touch with the patient. It's not necessarily a doctor. It may be a case worker keeping in touch with the patient and making sure they're taking their medications, making sure they're doing the checkups that they need on a regular basis, getting that kind of thing. How about right now?

□ 2050

I don't know. There are a whole bunch of people in this room—435. They're not here today, but how many have gotten their flu shots? If you want to reduce the costs of health care, get your flu shot. I think I'll go do that tomorrow.

Ms. SCHAKOWSKY. I did that. You should do it, too.

Mr. GARAMENDI. I know. I've got to do it tomorrow. I'll get my flu shot.

So these are the kinds of things that reduce costs, and the Affordable Care Act does that, not just for seniors but all the way down the board.

Go ahead. You were about to make a comment. Then I want to turn to some of the pernicious things that are being proposed to Medicare and to seniors.

Ms. SCHAKOWSKY. I just want to say that this is not about party. This is about people who know the realities of life—Democrats, Republicans, Independents and, I'm sure, some people who are identified with the Tea Party. They don't want to see this Congress cut Medicare, Medicaid, Social Security benefits, and this is overwhelming in every single poll. It's not because people are greedy; it is because they need these bedrock programs—these treasures of our American system—in order to live a decent quality of life. Americans are willing to work hard, to pay into these programs, to follow the rules—to do everything they're supposed to do. Then when they're either disabled or when they're past 65 years old or, in the case of Social Security, 67 years old, they want the fruits of their labor to be there for them. Again, continuing when they get Medicare, they pay dearly for those services. I think it's really important to remember that.

Mr. GARAMENDI. I guess, as politicians—all 435 of us—what happens when we get elected is we often read the polls. Hmm, let's see here: 67 percent of Americans are opposed to increasing the age from 65 to 67—71 percent of Democrats, 68 percent of Republicans, and 62 percent of Independents. That's pretty overwhelming.

So, just to back up to what you were saying a few moments ago about the American public, they viscerally, internally, understand how important Medicare is. It's not just for themselves. They have parents, many of whom are now 65. My mother is 92. She's a Medicare recipient, and she depends upon Medicare for her hospitalization. Fortunately, she hasn't had an incident for more than 2 years now, but when she did, Medicare was there to provide the necessary services for her, and so it is for all of us who have parents who are in the Medicare system.

We understand this, and we really want to make it quite clear that, as Democrats, we are in synchronization with the President on this issue. He has put forward specific proposals that over time will reduce the cost of Medicare without taking away the benefits, without changing the eligibility age.

However, there are proposals—and I spoke earlier about one that has been put forth by the Speaker of the House—to increase the age to 67. No, that's a nonstarter. I'm not going to go into all the actuarial issues—which I could easily do—about why that makes no sense at all for employers, who would wind up paying more. It makes no sense at all for an individual, who is going to wind up paying more. It makes no sense to the Medicaid program, which you've already talked about, and it makes no sense in saving money. The total cost to the system would actually increase. The costs would be shifted, to be sure. No, not so. I guess I will do a little actuarial work here.

Those people who are 65 to 67 years of age are more healthy than people who are 67 and above. You eliminate the healthy people from the risk pool, and guess what happens to those who are left—it's more expensive per person in that smaller risk pool. So what you want to do in all insurance programs is to increase the size of the risk pool so that the cost is shared among a larger population of people. What this proposal does is exactly the opposite. It shrinks the risk pool. It keeps in that risk pool less healthy people; it's more expensive; and those who are more healthy are outside. Yet they are now shifted on to the new exchanges that are going to be created, so the cost in the exchange is increased, and the cost

for the per-person in Medicare is increased. So what's going on here? You've got to think this through. Bad idea. Bad concept.

Ms. SCHAKOWSKY. Your 92-year-old mother, when she goes into the hospital, if she didn't have—she probably does have—a supplemental insurance policy, the copayment on the first day in the hospital, which some seniors have to pay out-of-pocket, is well over $1,000. Medicare, let's remember, does not cover most vision, hearing, or dental, so seniors are still left with not only their premiums and their copayments and their deductibles but lots of things that still aren't covered by Medicare.

With the cost of health care to seniors today, this is no entitlement, which makes it sound like they're getting a freebie here. It's very, very expensive. We want to make Medicare better. We want to make it efficient and actually enhance some of those benefits.

Mr. GARAMENDI. The word ''entitlement'' is really misused for both Social Security and Medicare. Basically, the word means that, when you reach a certain age, the program is available to you. It's not a freebie. Men and women in America who work, even those who are 65 and over, continue to pay what amounts to a health care premium. It's the payroll tax. They're paying that from the first paycheck they get until the last one that they receive. Then when they're no longer working, as you so correctly stated, Medicare does not cover the total cost, so they're going to continue to pay. They're probably going to be paying for a supplemental insurance program, and they're certainly going to be paying out-of-pocket and the like.

There are a couple of other things that have been proposed, and I want to just cover those because they're very important. It has been proposed that the cost of the Medicare system can be reduced by giving every senior a voucher or—a different word but exactly the same thing—premium support, which basically says that the Medicare system, as we have known it for nearly 50 years, is terminated—gone—and that seniors who are 65—or 67 if they get their way—would be thrown into the private health insurance market. I cannot imagine a worse situation for a senior. The private health insurance market is not interested in caring for seniors.

Ms. SCHAKOWSKY. That's why we have Medicare.

Mr. GARAMENDI. They don't want those people because they get sick and they're expensive. They want Medicare, but the voucher program is the privatization of Medicare. It is nothing other than that. It's the termination of this guarantee, and seniors have to go out and negotiate on their own for a health insurance policy.

Good luck, Mom. You're 92 years old. Good luck in getting a health insurance policy from any private health insurance company. It won't happen. It won't happen.

So, with those proposals, they are wrongheaded; they are cruel; they are expensive to the individual; and they ultimately will lead to a system in which health insurance will not be available to seniors. That's a proposal that has been given life and that has actually passed the House of Representatives.

Ms. SCHAKOWSKY. It's part of the Ryan budget.

Mr. GARAMENDI. Indeed, it is. It has passed the House of Representatives twice—not once but twice.

So this is not just some idea floating in the ethereal. This is a real proposal that is sitting in the Senate. Fortunately, it's going nowhere there, but these kinds of programs are there.

The other program—and we've talked around this issue—is just a flat-out assault on the benefits. We're going to cut out drugs. We're going to cut out one or another of the benefits that are in Medicare. The package of benefits in Medicare is designed to provide a continuity of care so that something that is common is going to get covered—hospitalization, a doctor's care, and now, with the Affordable Care Act, annual visits to the doctor. It's very, very important.

Let me be clear that, as Democrats, we understand the necessity of reducing the cost of Medicare. We understand that. In fact, we have done it. The Democrats have done it. We have taken action to reduce the cost of Medicare and to simultaneously maintain the benefits and improve the benefits to seniors.

□ 2100

That is what we have done, and we'll continue to do it. Things I talked about at the very outset are very real. We can take additional steps. We can do more. The President has proposed it, and the Democrats stand ready today to take up those issues and pass them out of the House, give them to the Senate and say we can do more to reduce the cost of Medicare and simultaneously maintain quality care for seniors and the benefits that they have spent their lifetime paying for, paying for those benefits. We can do it. We've done it.

Ms. SCHAKOWSKY. We can do it. And I hope that everyone will stand with our President who has said that we're not going to raise the age of Medicare and that the Republicans now first have to agree that we're going to ask the wealthiest people in our country to pay a bit more, and not to begin with the least able to pay more, the poorest adults, seniors, and persons with disabilities.

Mr. GARAMENDI. Our colleague, SHEILA JACKSON LEE, before she left, she brought this issue up. In the House today is the tax program that would continue the tax reductions for the middle class.

Ms. SCHAKOWSKY. And for the first $250,000 for everyone.

Mr. GARAMENDI. Exactly so. All we need to do is pass that.

The other alternative, which has been proposed, is to keep the taxes low for the superwealthy and to pay for that out of the pockets of seniors. We're not going there, and we shouldn't.

JAN, thank you for sharing this evening with us. This is an important issue.

Ms. SCHAKOWSKY. Thank you.

Mr. GARAMENDI. Mr. Speaker, I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reasons.

## ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova an to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 6, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 6634. To change the effective date for the Internet publication of certain financial disclosure forms.

Karen L. Haas, Clerk of the House, further reported that on December 7, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 6156. To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

## ADJOURNMENT

Ms. SCHAKOWSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 12, 2012, at 10 a.m. for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third and fourth quarters of 2012 pursuant to Public Law 95–384 are as follows:

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ROBERT KAREM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND OCT. 21, 2012

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Robert Karem | 10/15 | 10/16 | France | | 155.00 | | | | | | 155.00 |
| | 10/16 | 10/18 | Senegal | | 204.00 | | | | | | 204.00 |
| | 10/18 | 10/19 | Mali | | 109.00 | | | | | | 109.00 |
| | 10/19 | 10/20 | Burkina Faso | | 184.00 | | | | | | 184.00 |
| Committee total | | | | | 652.00 | | | | | | 652.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MR. ROBERT STORY KAREM, Nov. 19, 2012.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND OCT. 19, 2012

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Anne Thorsen | 10/14 | 10/16 | Belgium | | 546.00 | | [3]2,076.90 | | | | 2,622.90 |
| Tom Wickham | 10/14 | 10/16 | Belgium | | 546.00 | | [3]2,076.90 | | | | 2,622.90 |
| Kyle Nevins | 10/14 | 10/16 | Belgium | | 546.00 | | [3]2,076.90 | | | | 2,622.90 |
| Anne Thorsen | 10/16 | 10/19 | United Kingdom | | 1,497.00 | | | | | | 1,497.00 |
| Tom Wickham | 10/16 | 10/19 | United Kingdom | | 1,497.00 | | | | | | 1,497.00 |
| Kyle Nevins | 10/16 | 10/19 | United Kingdom | | 1,497.00 | | | | | | 1,497.00 |
| Jo-Marie St. Martin Green | 10/15 | 10/19 | United Kingdom | | 1,497.00 | | 1,164.40 | | | | 2,661.40 |
| Committee total | | | | | | | | | | | 15,021.10 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Airfare all inclusive.

HON. JOHN A. BOEHNER, Speaker of the House, Nov. 16, 2012.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 21 AND OCT. 26, 2012

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Ethan Lauer | 10/21 | 10/26 | | 2,729.86 | 2,765.80 | 1,627.81 | 1,649.25 | | | 4,357.65 | 4,415.05 |
| Kirk Boyle | 10/21 | 10/26 | | 2,729.86 | 2,765.80 | 1,331.56 | 1,349.10 | | | 4,061.41 | 4,114.90 |
| Committee total | | | | | | | | | | | 8,529.95 |

MR. ETHAN LAUER, Nov. 14, 2012.

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30,2012

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Tim Holden | 6/30 | 7/01 | Latvia | | 382.14 | | (3) | | | | 382.14 |
| | 7/01 | 7/03 | Kazakhstan | | 720.00 | | (3) | | | | 720.00 |
| | 7/03 | 7/05 | Kyrgyz Republic | | 402.00 | | (3) | | | | 402.00 |
| | 7/05 | 7/06 | Tajikistan | | 198.00 | | (3) | | | | 198.00 |
| | 7/06 | 7/07 | Uzbekistan | | 289.16 | | (3) | | | | 289.16 |
| | 7/07 | 7/08 | Spain | | 323.55 | | (3) | | | | 323.55 |
| Hon. Rick Crawford | 8/02 | 8/04 | Panama | | 354.97 | | (3) | | | | 354.97 |
| | 8/04 | 8/06 | Columbia | | 824.33 | | (3) | | | | 824.33 |
| Hon. Tim Holden | 8/10 | 8/12 | Morocco | | 496.05 | | (3) | | | | 496.05 |
| | 8/12 | 8/15 | Kenya | | 1,050.00 | | (3) | | | | 1,050.00 |
| | 8/15 | 8/15 | South Sudan | | | | (3) | | | | |
| | 8/15 | 8/18 | Tanzania | | 563.10 | | (3) | | | | 563.10 |
| | 8/18 | 8/19 | Spain | | 220.69 | | (3) | | | | 220.69 |
| Hon. Terri Sewell | 8/10 | 8/12 | Morocco | | 496.05 | | (3) | | | | 496.05 |
| | 8/12 | 8/15 | Kenya | | 1,050.00 | | (3) | | | | 1,050.00 |
| | 8/15 | 8/15 | South Sudan | | | | (3) | | | | |
| | 8/15 | 8/18 | Tanzania | | 563.10 | | (3) | | | | 563.10 |
| | 8/18 | 8/19 | Spain | | 220.69 | | (3) | | | | 220.69 |
| Committee total | | | | | 8,154.49 | | | | | | 8,154.49 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. FRANK D. LUCAS, Chairman, Nov. 15, 2012.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8667. A letter from the Acting Administrator, General Services Administration, transmitting a report of a violation of the Antideficiency Act by the Working Capital Fund, Treasury Symbol 47X 4540, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8668. A letter from the Acting Administrator, General Services Administration, transmitting a report of a violation of the Antideficiency Act by the Working Capital Fund, Treasury Symbol 47X 4542, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8669. A letter from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Delayed Implementation of Certain New Mortgage Disclosures [Docket No.: CPFB-2012-0045] (RIN: 3170-AA32) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8670. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8255] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8671. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8257] received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8672. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain persons to the Entity List [Docket No.: 12100957-2527-01] (RIN: 0694-AF80) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8673. A letter from the Acting Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign the Capability Management Updates Project Arrangement pursuant to the memorandum of the Understanding between Australia, Canada, Denmark, Republic of Italy, Kingdom of Norway, United Kingdom, and the United States; to the Committee on Foreign Affairs.

8674. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-145, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8675. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2912); to the Committee on Foreign Affairs.

8676. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8677. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8678. A letter from the Honorary Secretary, Foundation of Japanese Honorary Debts, transmitting the 216th petition to the Prime Minister of Japan; to the Committee on Foreign Affairs.

8679. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2012, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

8680. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8681. A letter from the Deputy Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8682. A letter from the Presiding Governor, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2012 to September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8683. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8684. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8685. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Federal Benefit Payments Under Certain District of Columbia Retirement Plans (RIN: 1505-AC02) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8686. A letter from the Special Assistant to the President and Director, Executive Office of the President, Office of Administration, transmitting accounting expenditures from the Unanticipated Needs Account for fiscal year 2012, pursuant to 3 U.S.C. 108; to the Committee on Oversight and Government Reform.

8687. A letter from the Chairman, Federal Labor Relations Authority, transmitting the semiannual report of the Inspector General of the Federal Labor Relations Board for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8688. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Report for FY 2012; to the Committee on Oversight and Government Reform.

8689. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements [FAC 2005-62; FAR Case 2012-010; Item II; Docket 2012-0000, Sequence 01] (RIN: 9000-AM36) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8690. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Updates to Contract Reporting and Central Contractor Registration [FAC 2005-62; FAR Case 2010-014; Item I; Docket 2010-0014, Sequence 01] (RIN: 9000-AL99) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8691. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Small Entity Compliance Guide [Docket: FAR 2012-0081, Sequence 7] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8692. A letter from the Chief Information Officer, National Aeronautics and Space Administration, transmitting the Administration's final rule — Update of Existing Privacy Act — NASA Regulations [Document Number NASA-NASA-2012-0005] (RIN: 2700-AD86) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8693. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8694. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program Coverage for Certain Intermittent Employees (RIN: 3206-AM74) received November 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8695. A letter from the Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Performance and Accountability Report for fiscal year 2012, as required under OMB Circular No. A-11 and A136; to the Committee on Oversight and Government Reform.

8696. A letter from the Vice Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General for the period of April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8697. A letter from the Branch Chief, Endangered Species Listings, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Revised Critical Habitat for the Northern Spotted Owl [FWS-R1-ES-2011-0112] (RIN: 1018-AX69) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8698. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric

Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC319) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8699. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC211) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8700. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off the West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons [Docket No.: 100804324-1265-02] (RIN: 0648-XC302) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8701. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Debris Removal: Eligibility of Force Account Labor Straight-Time Costs under the Public Assistance Program for Hurricane Sandy [Docket ID: FEMA-2012-0004] (RIN: 1660-AA75) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee; Guidance for the 2013 Fee Year [Notice 2012-74] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8703. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segement Rates [Notice 2012-66] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Salvage Discount Factors and Payment Patterns for 2012 (Rev. Proc. 2012-45) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8705. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2012 Base Period T-Bill Rate (Rev. Rul. 2012-22) received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8706. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012-2013 Special Per Diem Rates [Notice 2012-63] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. H. Res. 827. A resolution providing for consideration of motions to suspend the rules (Rept. 112–700). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BERMAN (for himself and Mr. CONNOLLY of Virginia):

H.R. 6644. A bill to establish a framework for effective, transparent, and accountable United States foreign assistance, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 6645. A bill to amend title XVIII of the Social Security Act to save and strengthen the Medicare program; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCHANAN (for himself and Mr. JONES):

H.R. 6646. A bill to prohibit United States assistance to the country of Egypt; to the Committee on Foreign Affairs.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BRADY of Texas, and Mr. MARCHANT):

H.R. 6647. A bill to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 6648. A bill to provide for the establishment of the Post Office Consumer Action Group, Incorporated; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H.R. 6649. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Affairs.

By Mr. KUCINICH (for himself, Mr. CARSON of Indiana, Mr. CONYERS, Mr. MICHAUD, and Mr. MORAN):

H. Res. 828. A resolution calling for the unconditional release of Nasrin Sotoudeh and all prisoners of conscience in Iran, and the utilization by the United States of direct multilateral and bilateral diplomacy with Iran to address Iran's human rights situation; to the Committee on Foreign Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BERMAN:

H.R. 6644.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the authority delineated in Article I section I, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mr. HERGER:

H.R. 6645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. BUCHANAN:

H.R. 6646.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9 of the U.S. Constitution.

By Mr. SAM JOHNSON of Texas:

H.R. 6647.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. KUCINICH:

H.R. 6648.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 which provides Congress with the power to establish and regulate the United States postal system.

By Ms. ROS-LEHTINEN:

H.R. 6649.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Mr. TIERNEY.

H.R. 1448: Mr. DEFAZIO.

H.R. 1897: Mr. FRANKS of Arizona and Mr. DOGGETT.

H.R. 2104: Mr. LATHAM.

H.R. 2595: Ms. ESHOO.

H.R. 2701: Mr. CICILLINE.

H.R. 2770: Mr. CRAVAACK.

H.R. 3014: Mr. DAVIS of Illinois.

H.R. 3506: Mr. YODER.

H.R. 3627: Mr. BLUMENAUER.

H.R. 3652: Mr. GOODLATTE.

H.R. 3713: Mr. BURTON of Indiana and Mr. CARNAHAN.

H.R. 4209: Mr. WELCH.

H.R. 4216: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4336: Mr. BILIRAKIS.

H.R. 4390: Mr. CUMMINGS.

H.R. 5741: Mr. WELCH.

H.R. 5943: Mr. LOEBSACK.

H.R. 6154: Mr. SCHWEIKERT and Mr. PASTOR of Arizona.

H.R. 6322: Mr. HARPER.

H.R. 6364: Mr. GRAVES of Missouri and Mrs. HARTZLER.

H.R. 6388: Ms. ZOE LOFGREN of California.

H.R. 6437: Mr. CONNOLLY of Virginia and Ms. MCCOLLUM.

H.R. 6446: Mr. GUTHRIE.

H.R. 6490: Mr. SHUSTER, Mr. GRAVES of Georgia, Mr. TURNER of New York, Ms. PINGREE of Maine, Ms. TSONGAS, Mr. PLATTS, Mr. LUETKEMEYER, Mr. BILIRAKIS, Mr. ROGERS of Michigan, Mrs. CAPITO, and Mr. ACKERMAN.

H.R. 6504: Mr. KEATING.

H.R. 6575: Mr. BOSWELL, Mr. KING of Iowa, and Mr. LOEBSACK.

H.R. 6590: Mr. CARNEY, Ms. NORTON, Mr. CICILLINE, Mr. SCOTT of Virginia, and Mr. RUSH.

H.R. 6613: Mr. LYNCH.

H.R. 6628: Mr. MICHAUD and Mr. COSTA.

H. Con. Res. 116: Mr. MCDERMOTT.

H. Con. Res. 142: Mr. TERRY, Mr. GUTHRIE, Mr. NUNNELEE, Mrs. BLACKBURN, Mr. OLSON, and Mr. PEARCE.

H. Res. 193: Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ENGEL, Mr. JONES, Mr. OLVER, Mr. TOWNS, Mr. MARKEY, Mr. KEATING, Ms. BORDALLO, Mr. CONYERS, Mr. CAPUANO, Mr. KILDEE, Mr. ACKERMAN, Ms. BROWN of Florida, Mr. CICILLINE, Mr. SIRES, Mr. SHERMAN, Mr. MCGOVERN, Ms. SCHWARTZ, Mr. LYNCH, Mr. MILLER of North Carolina, Mr. WELCH, Mr. PETERS, Mrs. MALONEY, and Mr. MEEKS.

H. Res. 824: Mr. WALBERG, Mrs. MYRICK, Mr. MULVANEY, Mr. SCHOCK, Mrs. LUMMIS, Mr. MANZULLO, Mr. FLORES, Mr. NEUGEBAUER, Mr. SMITH of New Jersey, Mr. BRADY of Texas, and Mr. SAM JOHNSON of Texas.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, DECEMBER 11, 2012 No. 159

# Senate

The Senate met at 10 a.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Gracious God, infuse our Senators with the spirit of peace in the midst of the twists and turns of these uncertain times as You guide them to do what is best for this land we love. Lord, guide them beyond the meager resources of their talents so they will trust and lean on You. Give them the wisdom to believe that in every circumstance You can provide them exactly what they need. May they find opportunities to honor You in each challenge they face as You empower them to lift burdens that are heavier than they can bear.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, December 11, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. WEBB 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 we will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the final half. Following morning business we will resume consideration of the motion to proceed to S. 3637.

The Senate will recess as we normally do on Tuesdays from 12:30 p.m. to 2:15 p.m. to allow for our weekly caucus meetings.

At 2:15 p.m. there will a cloture vote on the motion to proceed to S. 3637. There could be additional votes today.

## TRIBUTES TO DEPARTING SENATORS

JIM WEBB

Mr. REID. Mr. President, I would note the Acting President pro tempore today. I had the good fortune of being able to come to the floor last week to talk about the Acting President pro tempore's tenure in the Senate—some 6 years—and I talked about some of the many accomplishments he had in that relatively short period of time, as we call Senate time.

But I am reminded again of the Senator from Virginia, having spent an hour on Friday with Bob Kerrey. Bob Kerrey and I reflected back on his experience here in the Senate, and one memorable meeting he and I had. The purpose of that meeting was for Bob Kerrey to introduce me to Senator WEBB. It was a wonderful meeting because when the meeting finished—and I won't go into the details of everything I said, but the Senator from Virginia knows—I came out of that meeting recognizing what kindred spirits these two gallant warriors were and are, both having been highly decorated, one in the Navy, the other a marine; one with a Medal of Honor, the other—the Acting President pro tempore—the Navy Cross, Silver Star, more than one Bronze Star for Valor, and a number of Purple Hearts.

So I say again, but I can't say it too much, what an honor and pleasure it has been to serve in this body with the Senator from Virginia, JIM WEBB. I have learned so much about what a difference a positive attitude will make. And there is no better example of that than the new GI bill of rights. To think a new Senator—a brand new Senator—would have the idea, the confidence that he could do this; not only the confidence that this bill is important, but he wrote it himself. The Acting President pro tempore wrote that bill himself. He didn't go to bill drafters, as most of us do, he wrote it himself and proceeded to get it passed. So this is a man I will miss a whole lot.

DANIEL AKAKA

Mr. President, I want to spend a little time today talking about the junior Senator from Hawaii, DANIEL AKAKA, as he retires from a life dedicated to his community and this country.

Senator AKAKA's service to this Nation began during wartime, when he was a teenager. He graduated from high school and the war was ongoing. Of course, people were watching Hawaii very closely because they had such a huge Asian population—a huge Japanese-American population. So it was watched very closely, and for reasons that weren't valid, but that is what we did then.

DAN AKAKA spent 2 years as a civilian worker with the U.S. Army Corps of Engineers and 2 years on active duty in the U.S. Army. His duties with the Army, as I recall, having talked to DAN

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



Printed on recycled paper.

AKAKA, were to protect the water in Honolulu.

After the war, DAN attended the University of Hawaii, using the original GI bill. Years later, he would receive his master's degree from the University of Hawaii as well as his bachelor's disagree. Senator AKAKA believes he would never have become a U.S. Senator if not for the GI benefits he received through his service in the military. That is why, as a member and past chairman of the Veterans' Affairs Committee, he has worked to make important improvements to the 21st Century GI Bill. Today's GI bill is modeled, after the work done by JIM WEBB, after the educational opportunity program that DAN took advantage of when he was a young boy.

Senator AKAKA was chairman of the Veterans' Affairs Committee from 2007 to 2010, as thousands and thousands of Iraqi and Afghanistan veterans were coming home from combat. As Democrats collectively worked to bring our troops home from Iraq, DAN AKAKA labored with the Veterans' Administration to meet the needs and challenges of a new generation of veterans. The 21st Century GI Bill ensures those veterans get the educational opportunities they deserve.

DAN so valued his own education that he went on to serve his community as a teacher after he graduated from college. He became a principal, worked for the Department of Health, Education and Welfare, and the Hawaii Office of Economic Opportunity. He served 14 years in the House of Representatives before he was appointed to the Senate in 1990. He won election to the Senate later that year.

As chairman of the Indian Affairs Committee, DAN has been a strong voice and tireless advocate for Native Americans. He has taught us all about history—the history of Hawaii and its native communities, as well as the issues facing indigenous Hawaiians today.

Senator AKAKA is a descendent of native Hawaiians. He is 75 percent Hawaiian and he has Hawaiians on both sides of his family. He is very proud of his heritage. DAN was the first Native Hawaiian in the Senate.

He is also a deeply religious man who comes from a strong faith tradition. His devout mother taught her children a custom of charity. His mother was really a soft touch. Anyone coming by with a sad story, she would invite them in. Sometimes her hospitality only allowed her—because she had nothing else—to give them something to drink. His family was very poor when he was young. But DAN was able to work through this. Even if his mother had spent the grocery money for the month, strangers were always welcome at her table.

A friend of DAN's brother came to Hawaii from Chicago for a very brief period of time, and his mother took him in. He never left. He basically was raised in the Akaka home. A boy named Anthony from Chicago, as I indicated, came to visit DAN's brother and he never left. Anthony became such a part of that family that, before he died, he wanted to make sure he was buried in Hawaii. He wanted to be buried with DAN's siblings and family in Hawaii. And he was.

Senator AKAKA served as choir director of the Hawaii Christian mother church, where his brother was minister. His brother was minister there for some 17 years. Senator AKAKA is still a member of that church.

He is blessed with a wonderful family as well as a rewarding career. He and his wife Millie have 5 children, 15 grandchildren, and 14 great-grandchildren.

Senator AKAKA has served his constituents well and with distinction. He has served not only his constituents and the State of Hawaii but our country with distinction. He has enjoyed a long and productive career and his presence in the Senate will be missed.

I offer congratulations to Senator AKAKA on his dedicated military and public service and wish him and Millie happiness in their retirement.

## RECOGNITION OF THE MINORITY LEADER

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

## THE FISCAL CLIFF

Mr. MCCONNELL. Mr. President, with the fiscal cliff fast approaching, I feel the need to point out something this morning that is perfectly obvious to most Americans but which Democrats in Washington still don't seem to grasp. I am referring to the fact that any solution to our spending and debt problem has to involve cuts to out-of-control Washington spending.

I know that might sound obvious to most people, but for all the President's talk about the need for a balanced approach, the truth is he and his Democratic allies simply refuse to be pinned down on any spending cuts. Americans overwhelmingly support some level of cuts to government spending as part of a plan to cut the Federal deficit. Yet the President will not commit to it. He refuses to lead on the issue. The President seems to think if all he talks about is taxes, and that is all reporters write about, somehow the rest of us will magically forget that government spending is completely out of control and that he himself has been insistent on balance.

A couple of weeks ago we saw his plan. After four straight trillion-dollar deficits and 2 years of running around calling for a balanced approach to bring those deficits under control, we saw his idea of balance—a $1.6 trillion tax hike, new and totally unprecedented power to raise the Federal debt limit at his whim, and a $50 billion stimulus for infrastructure; in other words, even more spending.

So when it came to offering his idea of a balanced approach, the President was vague about cuts but very specific in his request for more government spending—something no reasonable person had publicly contemplated previously. It raises the question: Do Democrats even believe their own rhetoric on spending? Or, contrary to the clear wishes of the majority of Americans, do they just want more tax revenue to fund a government without any limits—any limits whatsoever—which keeps getting bigger and bigger with every passing year?

Think about it. The Federal Government spent $1.8 trillion in 2001, and last year—10 years later—$3.6 trillion. These are nominal dollars, I realize, but by any measure the size of government has grown well beyond its means. Government spending is completely and totally out of control and we need to start acting like it.

Yesterday the Government Accountability Office revealed that government workers and private contractors are doing the same exact work on Medicaid claims, leading to billions in waste. Meanwhile, Senator COBURN has shown all of us some of the ridiculous things taxpayers are paying for with their tax dollars—some of the things that caused us to spend a trillion dollars more than we take in every single year.

Last year he put out a report showing how we could save more than $100 billion—about one-tenth of the annual deficit—by eliminating duplicative and overlapping government programs. We have 94 Federal initiatives aimed at encouraging green building through 11 different Federal agencies. We have 14 programs with the sole purpose of reducing diesel emissions.

A few weeks ago Senator COBURN issued a study that showed taxpayers are funding Moroccan pottery classes, promoting shampoo and other beauty products for cats and dogs, and a video game that allows them to relive prom night.

Taxpayers also just spent $325,000 on a robotic squirrel named Robo-Squirrel. The President just sent us a 73-page report detailing how $60 billion in Sandy funds would be spent. Don't you think he could put together a list of spending cuts that would at least include Robo Squirrel?

We are still waiting. Why? Because for Democrats apparently every dollar in Federal spending is sacred; once secured, it can't be cut. That is why we have trillion-dollar deficits. The truth is, until the President gets specific about cuts, nobody should trust Democrats to put a dime in new revenue toward real deficit reduction or to stop their shakedown of the taxpayers at the top 2 percent. As one liberal lawmaker put it last week, that's just the beginning.

When it comes to deficit deals, the taxpayers need to trust but verify. On cuts, that means specifics.

RICHARD LUGAR

Mr. President, as we enter the final weeks of the 112th Congress, one of the toughest tasks for me is saying goodbye to colleagues who will not be with us at the start of the next Congress.

I would like to kick it off this morning by spending just a few minutes bragging on my longtime friend and neighbor to the north, Senator DICK LUGAR.

Let me start by saying I am grateful to have served alongside this good man and to have had a front-row seat for much of his illustrious career.

To give an idea of the kind of career DICK LUGAR has had, consider this: He was an Eagle Scout, first in his class in high school, first in his class in college, a Rhodes Scholar, Naval intelligence briefer, corporate turnaround artist, and big-city mayor. That was all by the age of 35. He has excelled at everything he has ever done. Most incredibly, he has done it with perfectly smooth elbows. Walk into any office on Capitol Hill and you would not find a single person who would say a bad word about DICK LUGAR. He has earned the respect and admiration of everyone who ever crossed his path. I assure you, in the world of politics, that is nothing short of a miracle. Now DICK has decided to press his luck. He is moving into the only line of work where rivalries are even more vicious than in politics—he is becoming a college professor.

DICK and I go all the way back to my first Senate race in 1984. He was the head of the NRSC at the time. He took a chance on me, and I have always been grateful. He has been a friend ever since.

A lot of Hoosiers cross the Ohio River every day to work in Kentucky, but it is not often a Hoosier Senator crosses it to help a Kentuckian making his first bid for the Senate. Since we are from neighboring States, our work in the Senate has often overlapped over the years. I truly lucked out. DICK has always been helpful and cooperative and a perfect gentleman.

With his six terms in the Senate, Senator LUGAR is the longest serving Member of Congress in Indiana history. He ranks 10th on the list of Senators who have cast the most rollcall votes.

As the longtime chair or ranking member on the Foreign Relations Committee, he has become one of America's most respected voices on matters pertaining to foreign policy. Indeed, Senator LUGAR commands the highest respect not only from his peers in the Senate but around the world, for his deep knowledge of foreign policy, national security, agriculture, and trade.

To a lot of liberals, he is a walking contradiction: a Republican intellectual. He has always worn that reputation lightly. Anyone who has ever been on a CODEL with DICK has seen his method. He stuffs his carry-on to the point of bursting with memos, newspapers, magazines, journals, reports, survey data, you name it. Apparently, Trent Lott sat next to him on the plane once and was horrified at the way he tore out the pages and scribbled notes on them. We all know Trent would never be so indelicate.

Senator LUGAR has always had a global view. It started during his days as a Rhodes Scholar and an intelligence briefer in the Navy and he brought that global view back to Indiana. After the untimely death of his dad, DICK and his brother took over the family business and reinvented it from a struggling domestic operation to a global leader in the manufacture of baking machinery.

He went from success to success, moving from a seat on the Indianapolis school board into the mayor's office, and then, in 1996, on to the Senate. What a Senate career it has been.

For my part, I think Senator LUGAR's achievement in passing the Nunn-Lugar Cooperative Threats Reduction Program in 1991 was a great achievement, not just for himself but for the entire world.

The Nunn-Lugar program provides assistance to former Soviet states such as Russia, Ukraine, Kazakhstan, and Belarus in helping them dismantle and destroy their nuclear, chemical, and biological weapons, in order to prevent them from coming under the control of terrorists.

As of 2011, Nunn-Lugar has deactivated over 7,600 strategic warheads, 791 intercontinental ballistic missiles, 669 submarine-launched ballistic missiles, 32 nuclear submarines, and 194 nuclear test tunnels. It has neutralized 1,395 metric tons of chemical weapons, and it has certified that the countries of the Ukraine, Kazakhstan, and Belarus—which once held the third, fourth, and eighth largest nuclear arsenals in the world, respectively—are now nuclear-free. What an incredible legacy.

After the September 11 attacks, Senator LUGAR called for and helped pass the expansion of the Nunn-Lugar approach, resulting in the Global Threat Reduction Initiative, which aims to prevent chemical and biological weapons from falling into the hands of terrorists. He has been a leader in Congress on the issue of ensuring food safety and supply internationally for years.

It is the mark of a leader that he thinks not only of his own moment in time but of the future of his community and of his fellow man, here and around the world. I think it is safe to say few Senators embody that spirit as fully as Senator LUGAR. That is not just my opinion. For his work to make the world a safer place, Senator LUGAR has been justly nominated for the Nobel Peace Prize.

Senator LUGAR was first elected to the Senate in 1976 and has served for six terms. He is beloved in his home State of Indiana and in bordering Kentucky too. There is not only a lot of admiration but a lot of affection for this giant of the Senate just south of Hoosier territory.

Senator LUGAR has put his extraordinary talent to the service of this institution and his fellow countrymen, and I have no doubt he will be remembered as one of the best.

Senator LUGAR would probably tell us his greatest achievement was marrying Char. They have been married now for more than 50 years. They are proud of their four sons and their 13 grandchildren, and they can be proud of the great teamwork they have had together over the years, from their time as co-presidents of their senior class at Denison University. Char and the boys were involved in all his campaigns. The Senate family is sad to see them go as well.

Senator, you are a treasure to the Senate and a model of the public servant. We are sorry to see you go, and I am sorry to lose your wise counsel. I know that whatever you turn to next, you will be a great success, and I look forward to hearing all about it. Thank you for your tremendous service to this body, to the State of Indiana, and to the Nation.

## 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 morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Illinois.

## RICHARD LUGAR

Mr. DURBIN. Mr. President, let me first echo the comments of the Republican leader, Senator MCCONNELL, about our colleague and friend, Senator DICK LUGAR of Indiana.

It has been my good fortune now for some 16 years to serve in the Senate with Senator DICK LUGAR and to come to know him and his wife Char and, more importantly, to come to know their work together on behalf of Indiana and the United States. DICK LUGAR is truly a giant in the Senate. We are going to miss him. There aren't many with the vision of DICK LUGAR.

There is something about standing in the middle of this country, Adlai Stevenson II once noted, with the flatlands all around you that gives you a perspective on the world a little different. DICK LUGAR's perspective on the world has been so insightful and so important for decades.

His work with Senator Nunn in dealing with the proliferation of nuclear weaponry and the dissolution of the Soviet Union was truly historic and

may have saved the world from catastrophe time and again. He reached out to a young Senator from Illinois by the name of Barack Obama and took him on a congressional delegation tour to look into this issue. I think at the end of the day their friendship was solid, and President Obama notes it was one of the more important overseas visits he made as a Member of the Senate.

I know DICK LUGAR as well from the many times we came together with our wives at the Aspen Institute. It is truly unfortunate that there aren't more Senators participating in the Aspen Institute. It is a meeting, usually overseas, of members of the Senate and their spouses with experts to discuss some of the most important problems facing us in this world. No lobbyists are allowed to attend; it is truly 2 or 3 days of work. But it is also a time in the evening to sit together and come to know a family. Loretta and I have come to know Char and DICK LUGAR as exceptional people. Char and I would sit and talk about books—which she loves to read and I do too—and DICK and I would talk about the topic of the day, and we created a bond of friendship in those experiences.

He has done so much work in the Senate, as Senator MCCONNELL noted, starting as the mayor of Indianapolis and working his way up to the Senate. He became a powerful force in the Senate Foreign Relations Committee, and I was honored to serve on that committee over the last several years and watch his work unfold and evolve.

DICK LUGAR is going on to great things, I am sure. This is not the end of his service to our country. I wish him and Char the very best, whatever their next undertaking may be.

As you receive praise from the Senator from Kentucky to the south of Indiana, accept some from the Senator from west of Indiana in the State of Illinois. I am honored to count DICK LUGAR as a friend, and I am sure going to miss you. You have been an extraordinary ally and colleague on so many important issues.

DANIEL AKAKA

Mr. President, I also add my comments in chorus to what the majority leader said about Senator DAN AKAKA of Hawaii.

I came to know him—and I have spoken about this on the floor—and Millie who are the perfect Senate family. They have devoted a major part of their lives to serving Hawaii and serving in the national interest.

The legacy Senator AKAKA leaves behind is substantial when it comes to legislation, particularly in helping veterans and agricultural issues. But, more important, what DAN AKAKA leaves behind is the feeling of kinship and camaraderie which he has with so many Members of the Senate. He is a stalwart at the Senate Prayer Breakfast, leading the singing every Wednesday morning, and it is heartfelt and very genuine.

As Senator REID mentioned earlier, his family background of Hawaii—which he shared with us one afternoon at a lunch—is a tradition of giving and hospitality which we find built in to DANNY AKAKA. We are going to miss him.

JIM WEBB

To the Presiding Officer—I said a few words on the floor before—we thank you for your service. You did an extraordinary job here. There aren't many one-termers who make a mark in the Senate and on the Nation. You did it.

I can remember—I thought it was a little bold of you, maybe even more—when you came in and said: I want to rewrite the GI bill, and you did it and it was exceptional. You have helped thousands of men and women who have served in our military come back to America and be welcomed and be productive parts of our future.

In so many ways, I wish to thank Senator JIM WEBB, our Presiding Officer, for being an important and viable part of the Senate. I know you will continue to serve our Nation in many different capacities in the future, and I am sure they will be equally exceptional.

## THE FISCAL CLIFF

Mr. DURBIN. Mr. President, I have to answer some of the comments made earlier by the Republican leader as he talked about the state of negotiations between the President and Congress as we face the fiscal cliff. He said at one point that the President is calling for raising taxes $1.6 trillion. That is true. But I would call to his attention that the Simpson-Bowles Commission suggested that 40 percent of the $4 trillion in deficit reduction comes from revenue and taxes. What the President is suggesting is entirely consistent with that bipartisan group's call for more revenue and taxes as part of our deficit reduction.

The President has made it clear, though, that he wants to protect and insulate middle-income families from any income tax increases, and I agree with him. We should not raise the income taxes on those making less than $250,000 a year. I voted that way in July. We sent the bill to the House. It sits there. It languishes in the House because the Speaker will not call it. He has his chance this week or next to call that bill on the floor of the House of Representatives to avoid any tax increase on middle-income families. That is an important bill for us to get done before we leave at the end of this particular session of Congress.

Let me say that $1.6 trillion in taxes over 10 years is not an unreasonable amount. The tax rate the President is asking for is the rate that was in place during the expansive period in our economy under President Bill Clinton. To argue that the President has gone too far in asking for tax and revenue is to ignore the obvious. It is the same percentage asked for by Simpson-Bowles, if not less, and it is a tax rate that, frankly, ruled in this country at a period of time when we had more jobs and businesses created than ever in recent history.

A second argument that was made by the Republican leader is that there is a proposal from the President to raise the debt ceiling at his whim. Those are his words. I beg to differ. What the President has proposed is exactly the McConnell procedure. Senator MCCONNELL of Kentucky suggested to us that we have a process for extending the debt ceiling that allows Members of Congress to vote to approve or disapprove and ultimately for the President to decide whether to sign into law—their resolution of disapproval, for example. That, of course, could lead to a veto and another opportunity for Congress to vote again.

This was a process Senator MCCONNELL suggested. It was a way out of a bind when the House Republicans and others threatened to shut down the economy over the debt ceiling extension, which is, in fact, the mortgage of the United States of America. It would have otherwise led to the first major default on America's debt in our history, with calamitous results when it came to the impact on our economy.

For the Republican leader to come to the floor and criticize the very same procedure he suggested and voted for I think is hard to understand and explain. Last week he came to the floor and suggested that we enshrine it in law. He offered the bill on the floor. Senator REID came and said: We accept your invitation, and we will take a rollcall vote on that, at which point Senator MCCONNELL filibustered his own bill that he had introduced, I recall, earlier in the day. I think he made history in the Senate, filibustering his own bill when we had a chance to vote and pass it.

I would say this notion that the President is looking for an extraordinary power when it comes to the debt ceiling is not quite accurate. I say to the Senator from Kentucky, if we accept your approach to it, it will give the Senate and House a voice, but we will not risk default.

Third, the Senator from Kentucky was lamenting the size of government growth. When we took a look at the last time we balanced the budget and had a surplus in Washington, it was under President William Jefferson Clinton, a little over 12 years ago. What has happened to spending since President Clinton's balanced budget? It has gone up substantially. Where has it gone up? In domestic discretionary accounts, which are often the target of speeches like Senator MCCONNELL's today? No. That has basically been flatlined when you take inflation into consideration. The dramatic growth in government spending since we were last in balance has been in two areas. One of those was in military spending. I might add that the reason it has grown dramatically is we have been at war in Afghanistan and Iraq. The

President has extricated us from Iraq, and we are in the process of leaving Afghanistan.

If you want to know why government spending has gone up so fast, there has been a 64-percent increase in military spending since the budget was last in balance. There was no increase in domestic discretionary spending when you take inflation into account but 64 percent in military spending. That is why spending has gone up. Yet, when they suggest we will cut spending in the sequester, people say: You cannot touch it; it has to continue to grow. I question that. I think we can be safe as a nation and really address the wasteful spending taking place in the Pentagon as well as every other government agency.

Where else is there a growth in government spending? The same analysis by Senator INOUYE says that since the budget was in balance, the expenditures in entitlement spending have gone up 30 percent—30 percent. It is a substantial pool of money. Why? Because yesterday 10,000 Americans reached the age of 65, today another 10,000, tomorrow another 10,000 and every day for the next 18 years as the boomers arrive. To lament the growth in entitlements is to ignore the obvious: we have more people calling on Social Security and Medicare for help. People have paid into these systems for a lifetime and now—I think quite rightfully—expect to be covered by the same programs they have supported for so many years in their working lives.

Is the Senator from Kentucky suggesting that we need to cut back when it comes to eligibility in Social Security and Medicare? That would sure restrain the growth, but it would be fundamentally unfair and unwise to tell people who paid in a lifetime to Social Security and Medicare that now you do not get your benefits.

Let's be honest about the growth in government spending. When you have wars that you do not pay for, when you have entitlement programs created, such as the Medicare prescription Part D, unpaid for, when you have a growth in entitlements just by the demographic growth in America, that accounts for a lot of the increase in spending.

There is one other key element. A large measure of the increase in Federal spending has been increased health care costs, and we estimate that in the next 10 to 20 years, 70 percent of Federal budget outlays will grow because of increased health care costs. We addressed this. We went after the growth in health care costs with the President's ObamaCare—the health care reform bill—in an attempt to contain it and had not one single Republican who would join us in that effort. Not one. We ended up passing it exclusively as a Democratic bill. That is a shame because I think Democrats and Republicans should share the same goal of trying to reduce the increased cost of health care spending.

When it comes to the President's offer, we need a bold approach again. We need to contain the spending costs as we already have, already cutting $1 trillion in spending to date. We need to have revenue sources, which the President has asked for, and we need to look at entitlement programs—I want to be very specific—not entitlement cuts per se but entitlement reform. Untouched, Medicare runs out of money in 12 years. That is a challenge to each and every one of us today—not 12 years from now but today. What will we do in the next year, looking at entitlement programs such as Medicare, to make sure they have a life well beyond 12 years? I think that is a responsibility we should face squarely, and it should be part of this deficit negotiation. I am not for a quick fix that is introduced in the next couple of days or hours; rather, I would like to see a thoughtful repair and reform of Medicare and other entitlement programs so they will continue to be in service in the future.

## GREATER EXPORTS TO AFRICA

Mr. DURBIN. Mr. President, I have visited Africa many times. When I have, I have left with an amazing impression of this great continent and all that it contains. It really does lure one and draw you back to the different places in Africa that offer such a rich history but also offer great opportunity.

What I find in Africa today is that China has an increasing presence on that continent. China has a plan when it comes to the future of Africa. America does not. That is why I am going to offer as an amendment to the TAG bill which is currently pending before the Senate the American Jobs Through Greater Exports to Africa Act. My partners on the bill are Senators CHRIS COONS, BEN CARDIN, JOHN BOOZMAN, and MARY LANDRIEU, as well as support in the House from Representative CHRIS SMITH.

At the heart of this bill is the creation of jobs in America. Exporting more goods to Africa will help create jobs here. Every $1 billion in exports supports over 5,000 jobs. I believe we can increase exports from the United States to Africa by 200 percent in real dollars over the next 10 years, and we cannot wait any longer.

If there are some who say that Africa is so backward and so far behind, what is it in the United States they can afford to buy if they even wanted to, that is old thinking. Let me give you some new reality. In the past 10 years, 6 of the world's fastest growing economies are in Sub-Saharan Africa, and in the next 5 years Sub-Saharan Africa will boast seven of the top fastest growing economies in the world. The number of Africans with access to the Internet has increased over the last 10 years fourfold to 27 percent. From 1998 to today, the number of mobile phones on the continent have grown from 4 million to 500 million, and 78 percent of Africa's rural population has access to clean water. These are signs of a growing middle class.

China sees it. We have to see it. China is insinuating itself into the economy of major Africa nations. They are offering concessional loans, and they are offering their contractors, their engineers, and their investment in Africa. We are not. We are going to rue the day. Africa is a great opportunity for us, and this bill addresses it.

I sincerely hope my colleagues in the Senate will consider supporting this greater exports to Africa trade bill. This is something we can do to increase jobs in America, increase trade with Africa, and really build those countries that share our values. The difference between the United States, China, and other countries? We come to the marketplace with values, and we have to make certain those values are protected and encouraged. We can only do that if we are honest traders and we are actively engaged in expanding the markets for our goods and services.

Over the years and during my travels, I have heard from African leaders and American businesses the same story—the U.S. has fallen woefully behind other countries in its commercial engagement with Africa. And our government does not have a coordinated strategy to help match the aggressive efforts of other nations trying to invest in Africa. In endorsing this bill, the U.S. Chamber of Commerce has written that, ''Congress has an opportunity to reverse this decline.''

But why would U.S. businesses and groups representing them, groups like the U.S. Chamber of Commerce and the Corporate Council on Africa, think this effort is so important? As I have said, in the past 10 years, 6 of the world's fastest growing economies are in Sub-Saharan Africa, and in the next 5 years Sub-Saharan Africa will boast 7 of the top 10 fastest economies.

From 2000 to 2009, the number of Africans with access to the internet has increased four-fold to 27 percent.

From 1998 to today, the number of mobile phones on the continent has grown from 4 million to more than 500 million, and 78 percent of Africa's rural population has access to clean water.

These are signs of a growing middle class and what the World Bank has called ''the brink of an economic take-off'' for Africa. U.S. businesses must be a part of that take-off, and our government must provide a cohesive system of support and a coherent national strategy to enable it. That is what this bill does, and it does so at almost no cost. It would develop a comprehensive strategy to coordinate the work of several U.S. government agencies that help U.S. businesses export American products and services to Africa.

The bill creates a Special Africa Export Strategy Coordinator to ensure that these government agencies are working together efficiently, and in a way that businesses of all sizes can navigate easily. It is smart, low cost,

and it creates enormous returns on investment in jobs, diplomatic influence, and engagement.

Meanwhile, other countries are positioning themselves to be there for the coming African economic boom—countries like Brazil, India, and you guessed it, China. China has aggressively moved in. In fact, today, China is Africa's largest trading partner. China has pumped billions of dollars into Africa, often in the form of concessional loans—loans below market rates that have favorable payback options. These loans are hard to resist for developing countries, and they're hard for American companies to compete with.

Between 2008 and 2010, China provided more financing to the developing world than the World Bank—loans totaling more than $110 billion. This money buys China access to markets, natural resources, consumers, and political influence. A recent story on CNN.com, entitled ''Chinese Media Make Inroads into Africa,'' shows the kind of aggressive engagement we are up against.

This past January, state-owned Chinese Central Television opened its first broadcast hub outside of Beijing. Where did they put it? Mumbai? London? Rio? Try Nairobi. Another Chinese state-run news organization has more than 20 bureaus on the African continent, part of what is called the China Africa News Service. According to the article, it's all part of an effort ''to win the hearts and minds of people in the continent and create a more fertile business environment.'' And it's at our expense. It should make us take a hard look at what the U.S. Government is doing to promote and support our own businesses. And that is what this bill does.

But this bill is not just good for American interests, it is also good for Africa—something our competitors are not always concerned with. While the Chinese may offer sweetheart deals that buyers can't resist, the price of doing business with China is much higher than just the cost of repaying loans.

To calculate the real price you have to add to the sum the precious natural resources that China gobbles up for its growing economy back home and the environmental devastation that comes from its general lack of concern for environmental standards. You have to add the cost of Africans losing out on work when the Chinese ship in their own labor to build the projects they are bankrolling. And when Africans do get the jobs you have to consider the cost of the poor labor standards and working conditions they have to endure. And lastly you have to consider China's indifference to democracy, corruption, and human rights standards.

A recent New York Times article illustrated an even greater cost—a far more deadly side of Chinese involvement in Africa. It dealt with the resurgence of ivory poaching in Uganda and Kenya and the DRC. It is a resurgence that has resulted in tens of thousands of elephants being slaughtered over the past several years and, get this, it is a resurgence fueled by Chinese demand—as much as 70 percent of the ivory is smuggled to China. In fact, the article goes on to say that there is growing evidence that ivory poaching actually increases in elephant-rich areas where Chinese construction workers are building roads.

Now, I said this was a deadly consequence of Chinese involvement in Africa, but I didn't mean just for elephants. Much of the money from this Chinese-fueled increase in the ivory trade ends up in the hands of international fugitive Joseph Kony and his band of murdering thugs. It is widely believed that Kony's Lord's Resistance Army has embraced ivory poaching to fund its reign of terror.

The U.S. Government should seek a level of engagement with our African partners that makes American companies and American products competitive alternatives to what China has to offer. That's what this bill does. It would establish a minimum number of commercial Foreign Service officers to be stationed at U.S. embassies in Africa and the multi-lateral investment banks. It would increase the Export Import Bank staff presence on the ground in Africa. That means better support for U.S. businesses on the continent and better interface with African governments. The bill would also formalize the training economic and commercial officers receive, so they are fully aware of all the tools available for export promotion and financing—a benefit to businesses who want to do business in Africa, or anywhere in the world. And finally, it would equip the U.S. government to counter the aggressive concessional—or below market—loans that many African nations cannot resist.

The Increasing American Jobs through Greater Exports to Africa Act has something for everyone to support. It is good for the American economy. It helps U.S. businesses create jobs here at home by tapping into a burgeoning overseas market hungry for our products. It is good U.S. foreign policy. It positions America to maintain our global leadership in a shifting geopolitical landscape. And it is good for the people of the African continent. Superior American products and business practices would become more competitive and financially accessible to them.

That is why the Senate Foreign Relations Committee unanimously approved this common sense bill. Now the full Senate has a chance to do the same. I urge all of my colleagues to support this critical effort. We must commit today that the United States will not be left behind in Africa. Every day we wait, countries such as China expand their economic, political, and diplomatic footprint on the continent.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

## WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I come to the floor again to urge my colleagues to extend the production tax credit for wind energy. I would like to note that on the heels of Senator DURBIN's comments about China, we wish the Chinese energy industry well, but we do not want to outsource our wind energy jobs to China needlessly. We are on a path to do so.

I see my colleague from Iowa here, Senator GRASSLEY, who I know will speak later on the wind production tax credit, but it is going to expire in less than 1 month from now—December 31, to be specific—if we do not act. That means we are 1 month away from pulling the rug out from under an industry that is currently playing a key role in revitalizing American manufacturing, creating jobs, and powering our Nation. We are literally 1 month away from ending a credit that supports tens of thousands of workers right here in the United States.

Each day that we wait to extend the PTC, we risk losing more good-paying American jobs. We also risk doing away with a credit that is a major contributor to the success and development of our Nation's wind industry. This credit has helped companies leverage billions of dollars' worth of investments and created thousands of made-in-America manufacturing jobs.

If history is any guide, allowing this critical tax credit to expire would be disastrous. The expiration of the PTC in 2000, 2002, and 2004 led to massive drops in wind energy installation. Already in my home State of Colorado this year we have seen hundreds of layoffs across the Front Range due to our heel-dragging on the PTC.

Each time I discuss the PTC on the Senate floor, I highlight a different State to show the vitality of the wind industry in that particular State, how this important credit has created jobs for that State's economy. Today I am here to talk about Iowa, America's heartland and the homeland of the PTC.

In Iowa wind power is no longer an alternative source of energy. In fact, Iowa has become the Nation's No. 2 producer of wind energy, providing close to 20 percent of the State's electric power. Its potential is not even close to being fully tapped. Iowa's wind resources could someday produce up to 44 times the State's current electricity needs.

Let me share some specifics with my colleagues. Nearly 3,000 turbines spin statewide in Iowa, and Iowa is home to various manufacturing facilities that produce wind turbines and components. The industry employs nearly 7,000 Iowans, half of whom are located at manufacturing facilities all across the State.

Take, for example, Pocahontas County. We can see the map of Iowa here. There are a total of 216 wind turbines that have been constructed in Pocahontas County. When all turbines are

at full taxable value, they will contribute an estimated total of almost $190 million to the total county tax base. This means additional revenue for local budgets and additional money for investments in schools and critical community projects.

Iowans know the possibilities and potential a continued investment in wind energy holds for their future. However, I wish to underline again that if we do not act, good-paying jobs will continue to be lost and an industry that is critical to our energy independence will be hit very hard.

This is simply unacceptable. Already Siemens Energy is laying off 615 workers in three States, including Iowa. The company Siemens has acknowledged that difficult market conditions are due to congressional inaction on the PTC.

My colleagues from Iowa, Senators GRASSLEY and HARKIN, have been standing with me to fight for the renewal of the production tax credit. Senator GRASSLEY is known as the father of the wind production tax credit. He led the charge some 20 years ago to establish this credit, and I applaud him and Senator HARKIN for their work in the renewable energy sector and their dedication to extending this important credit. They know the PTC is a win for Iowa and a win for the United States. That is why it is so important—beyond important—to extend the PTC as soon as possible. The PTC equals jobs, and we ought to pass it as soon as possible.

As my colleagues keep telling me and we hear from the American people, there is no reason to outsource these jobs. There is no reason to outsource energy production, and there is no reason to damage a growing industry that is helping America become energy independent. Congress needs to pass an extension of the production tax credit today. We can't wait any longer.

Let's create jobs and build the clean energy economy of the future. Let's extend the wind production tax credit and let's do it now. It is that simple. The production tax credit equals jobs. Let's pass it ASAP.

Again, I wish to acknowledge my colleague from Iowa, Senator GRASSLEY, who has been a leader in this important policy area for the last 20 years.

Mr. President, I yield the floor, and I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, first of all, I had an opportunity to hear what Senator UDALL of Colorado had to say about Iowa and my participation, and I thank him very much for his kind remarks.

This year Senator MARK UDALL is the champion of people speaking about the wind energy tax credit. I have spoken a few times, but he has spoken for every State that has a wind energy business. He has spoken many times more than I have, and I wish to compliment Senator UDALL from Colorado for doing that.

I think it is a foregone conclusion that after 20 years' of investment of taxpayer money in what we call the tax incentive for wind energy, and with the industry just about becoming a mature industry—and there are different points of view within the industry, but in just a few years it will be starting to phase out—this wind energy tax credit can go away because it will be a mature industry much as the ethanol tax credit went away at the end of last year. So with this tremendous investment, it seems to me it would be a shame not to continue it so we can get to maturity, and then in a sense ratify the decision of the good investment of taxpayer money that has already been made.

So today it is my privilege to join my colleague, Senator UDALL of Colorado, on the floor of the Senate to discuss the importance of wind energy and the need to extend the production tax credit for wind. I appreciate Senator UDALL's commitment to the production tax credit for wind energy. As I have said before, but I wish to say it again, he has come to the floor many times during the past several months to highlight the importance of wind energy in the various States. He has been a real leader on this issue.

As Senator UDALL has said, I have been a longtime supporter of the wind energy tax credit beginning with my authorship of the first wind production tax credit in 1992. At the time, I have to confess I didn't see coming, for my State or for the Nation as a whole, the big deal it has become not only in the production of wind energy and Iowa being No. 2 in the Nation, but also the component manufacturing that goes on in most every State involved in wind energy, including my own State. Particularly, I didn't foresee, at a time when most of our talk about exporting jobs is actually exporting jobs, and in my State, at least from two countries, Spain and Germany, we have been able to import jobs—or I should say import the ability to create jobs through foreign investment—for the component manufacturing. So it has been a success in so many ways.

Maybe one other point that ought to be emphasized at this time: Some Members—and maybe more Members in the other body—seem to be more cynical about any sort of investment in green energy because of Solyndra and other places where taxpayer money has gone in the way of grants and then there has been immediate bankruptcy, resulting in a waste of taxpayer money. There is absolutely no benefit from the wind energy tax credit unless energy is actually produced. So it is not going to be one of those situations where through taxpayer money, through a tax incentive, money is going to some company and not reaping the benefits of it, the end result in this case being the production of wind energy.

The production tax credit for wind is working and should be a part of the effort in Washington to get more Americans working. Nationally, the wind energy industry supports 75,000 jobs. There are more than 400 manufacturing facilities nationwide supplying wind components. Thirty-five percent of all new electricity generation added during the last 5 years was from wind, and this happens to be more than from coal and nuclear combined. Today, 60 percent of a wind turbine's value is produced in the United States, compared with just 25 percent in the year 2005.

As I have said so often, my home State of Iowa is a leader in wind energy production and component manufacturing. Nearly 20 percent of Iowa's electricity needs are met from wind energy, powering the equivalent of 1 million homes. Almost 3,000 utility-scale turbines in Iowa generate lease payments to landowners, worth $14 million every year. Iowa is behind only Texas nationally in terms of installed wind capacity. The wind energy employs more than 6,000 Iowans. These jobs are at risk because Congress has so far failed to extend the production tax credit which is set to expire at the end of the year.

In fact, hundreds of Iowans employed in wind energy have already been laid off because of slowing demand over uncertainty of tax credits, and there will be more laid off in my State except in one city where they are manufacturing components to go to Canada for use in wind energy in Canada. Certainty about tax policy and affordable energy, then, are factors for economic growth and getting unemployed workers back on the assembly line.

As much energy as possible—both traditional and renewable—should be produced at home to create jobs and strengthen national security. Wind energy is obviously a free resource, and it is abundant in many places around the country. I suppose we could say wind is abundant every place, but at speeds that make the production of energy from wind cost-effective.

In my State, most of these facilities are in northwest Iowa where the wind averages about 14 miles per hour compared to going diagonally down to the southeast corner of the State where it averages about 8 miles per hour. So if there is enough constant wind, this is very definitely a free resource.

Wind is also a homegrown resource. The electricity it generates is produced on local farms for local customers and often adds investment value to the community. A clean, renewable source such as wind is not dependent on faraway countries with leaders, in the case of petroleum, for instance, who happen to be so hostile to the United

States even as they take our energy dollars and maybe use those against us. That is why there is broad support for extending this worthwhile policy.

Legislation in the House of Representatives to extend the production tax credit has 119 cosponsors, including 25 Republicans. In August the Senate Finance Committee, with a bipartisan vote, passed my extension of the wind energy production tax credit amendment I offered at that particular time.

The Governors' Wind Energy Coalition and the Western Governors' Association have called for an extension of the production tax credit. The Western Governors' Association is an independent organization representing Governors of 19 States, and current membership includes 13 Republicans and 6 Democratic Governors. So there is pretty broad bipartisan consensus among Governors that this ought to be extended.

I was pleased to join a press conference a few weeks ago with Senator MARK UDALL and over 40 military veterans representing Operation Free. They were visiting Capitol Hill to meet with Members of Congress, encouraging Congress to extend the wind production tax credit.

The wind energy production tax credit was created to try to level the playing field with coal-fired and nuclear electricity generation. The production tax credit for wind is available only when wind energy is produced. There is no benefit for simply placing the turbine in the ground. It is a tax relief that rewards results, and that is much different than failed taxpayer-funded grants and loans made since 2009 when a lot of that money went to companies that are now bankrupt.

Those who want to do away with the wind energy tax incentive don't seem to mention that other forms of energy have received far more generous tax incentives for many decades longer than the wind energy industry. Oil and gas and nuclear power all received longstanding Federal support. I wish to emphasize, because I believe I read someplace, that one of the opponents of the wind energy tax credit being extended comes from nuclear.

Do my colleagues think we would even have a nuclear industry in the United States since the 1950s or 1960s if it weren't for the Price Anderson Act that supports it as kind of a super—or an insurer of last resort? It would never have developed, and it is still in existence. Isn't it a little bit intellectually dishonest to say that wind should not have the tax incentive when other industries wouldn't even exist if they hadn't had it already?

If we are going to have a discussion of which industries merit Federal support and which industries don't, the discussion needs to be intellectually honest. If we are having that discussion, everything needs to be on the table, not just wind energy. Can you think of 60 extenders that are going to sunset at the end of this year? Only one—wind—seems to be attacked right now.

This extension deserves a place in our year-end package of tax extenders to help give confidence investors want and employers need to keep and hire workers.

There is no reason to exacerbate the unemployment problem by failing to extend this successful incentive. America's security in the short- and long-term depends on a robust effort to develop domestic energy sources.

Before I leave the floor, this can be done by the extender bill all by itself being passed or it can be, as we hope, that President Obama and Speaker BOEHNER have some sort of framework for us to put meat on that framework so we do not go over the cliff and have this bill be a part of it. When that whole fiscal cliff debate is about jobs, we do not want to forget about these 75,000 jobs that are in wind energy. A lot of these jobs have already led to some layoffs. We could bring those people back to work pretty fast.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## SENATE RULES CHANGES

Mr. JOHANNS. Mr. President, the Founders of this great country clearly wanted the Senate to serve as a deliberative body anchored with the ability to fully amend and to fully debate issues. Yet there has been a lot of talk lately about Senate rules changes to limit Senators' ability to make their voices heard.

To many, this may sound like inside baseball, limited to the concerns of just a handful of Senators. But let me assure you this issue is so much more than that. The changes that are being contemplated would significantly impact everyday Americans, especially those who live in rural or less-populated States.

Take Nebraska, for example. We do not necessarily consider ourselves small. We have almost 2 million people and several Fortune 500 companies. But we also do not like the idea of getting steamrolled by high-population States; for example, California, New York or Illinois. But that is exactly what these Senate rules changes would allow.

This is not just some wild supposition on my part. The majority leader himself said the filibuster ''is a unique privilege that serves to aid small States from being trampled by the desires of larger states.'' He went on to say it is ''one of the most sacred rules of the Senate.''

Of course, that was a few years ago, before he proposed to do the very thing he has criticized. He now appears ready to undermine the most important rule, not by a two-thirds vote, as clearly required by Senate rule XXII, but by a simple majority fiat. This contradicts longstanding practice and disregards the 67-vote threshold President Lyndon Baines Johnson said ''preserves, indisputably, the character of the Senate.''

This is the same so-called nuclear option Democrats previously decried as breaking the rules to change the rules. For example, the senior Senator from New York previously opposed such a blatant power grab saying:

> The checks and balances that Americans prize are at stake. The idea of bipartisanship, where you have to come together and can't just ram everything through because you have a simple majority, is at stake. The very things we treasure and love about this grand republic are at stake.

Those are pretty powerful and unequivocal words, but it does not stop there.

The senior Senator from Illinois called it '' . . . attacking the very force within the Senate that creates compromise and bipartisanship.'' So that reflects a trifecta of the Democratic leadership saying it is a bad idea. Yet they keep pushing it like it has somehow magically been transformed into a good idea.

But it does not matter how long we polish the tin cup; it will not magically become the golden chalice. Again, you do not have to believe me. One of the Senate's great historians, Democratic Senator Byrd of West Virginia, was very clear on this issue. He said: ''Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights.''

When faced with the idea of limiting these basic underpinnings of the Senate, he concluded: ''We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.''

I had the great privilege of working with Senator Byrd when I first came to the Senate. We offered an amendment together which would have prevented the majority from stretching the Senate rules to enact Draconian cap-and-trade legislation on a simple majority vote—interestingly enough, a situation not so different from today's proposals.

Senator Byrd was very wise in these matters, serving as his party's leader in both times of majority and minority. He had seen both sides of the fence, if you will. He had studied the Framers and had determined that such a blatant power grab could not stand. In fact, the vast majority of our colleagues, on a bipartisan basis, agreed and our amendment passed on a vote of 67 to 31. That is exactly what should happen. If changes are needed, a bipartisan supermajority should approve them, not a simple majority changing the rules to break the rules, not a simple majority steamrolling the Nation.

Senator Byrd left no doubt about his opinion of the so-called nuclear option when he implored us: '' . . . jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule 22 where a two-thirds majority is required.''

He concluded with a statement more eloquent than any original words I might speak. So allow me to once again quote him. I implore my colleagues to listen carefully:

> . . . the Senate has been the last fortress of minority rights and freedom of speech in the Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

It is often said those who fail to study history are doomed to repeat it. I hope my colleagues will study this history, discover the wisdom of Senator Byrd, and decide to abandon this ill-advised hostile takeover of the Senate, this attempt to put a gag on the minority.

One of my favorite statements on this subject from Senator Byrd is: ''. . . before we get all steamed up, demanding radical changes of the Senate rules, let's read the rules.''

Let's do that. Senate rule V clearly states that ''the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.''

Rule XXII is very clear. It unquestionably says the necessary affirmative vote shall be two-thirds of the Senators present and voting to change the Senate rules.

Again, very clearly, this is all about breaking the rules to change the rules.

The sad thing for our Senate and our great Nation is that once the bell is rung, it cannot be unrung. Simple majority votes to change our Senate rules, I guarantee you, will become commonplace. Whenever a new party takes control, they will change the rules by a majority vote. Whoever occupies the majority at the moment will then run roughshod over the minority party, the laws they passed when they were in the majority, and their constituents. It is absolutely inevitable.

Today's assurances that it only applies to motions to proceed will eventually ring hollow when it extends to judges, to bills, and then to conference reports. There will be nothing to stop it.

One day we will awaken with a Senate that basically is the House of Representatives, where majorities rule and only their leadership decides what amendments will be considered and what votes will occur and when they will occur. We will have a legislative branch that does not resemble even faintly what the Framers of our great Constitution envisioned.

But maybe, just as important, we would find entire states of constituents who have no voice in the policies that affect their daily lives. That would be a travesty.

I implore my colleagues one last time to listen to the wisdom of their leaders of today and throughout our history—people such as our majority leader, who said: ''For more than 200 years the rules of the Senate have protected the American people, and rightfully so,'' and Senator Byrd, who said: ''As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.''

But, unfortunately, this great institution has evolved into a constant cycle of bringing flawed legislation to the floor, filling the amendment tree to prohibit all amendments, daring the minority party to vote no to protect the rights of their constituents, and when they do so, claim they are filibustering and obstructionist.

If we could fix this one basic problem, if we could return the Senate to its most basic principle of open debate and opportunity for amendments, maybe we would realize the folly of these proposed rules changes and we would get back in the business of being Senators again and working together again.

This quick fix is not the answer. I hope between now and January cooler heads will prevail, and we will put ourselves back on a path to finding bipartisan solutions to our Nation's most pressing problems.

I yield the floor.

Mr. UDALL of New Mexico. Mr. President, I ask through the Chair if the Senator from Nebraska will yield for a question.

The PRESIDING OFFICER. The Senator from New Mexico asks the Senator from Nebraska to yield.

Mr. JOHANNS. Yes, I will.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. The Senator from Nebraska has talked about the rules not being able to be changed because internally in the Senate rules there is a provision that says you need a supermajority, two-thirds of the Senate, to change the rules. This is the proposition we are hearing argued by many Senators, that we are breaking the rules to change the rules. We have heard that repeated several times over and over on the Senate floor.

The other side of the argument, as the Senator I think well knows, as he worked up here and was around and saw Senator Byrd, is that the Constitution is superior to the Senate rules. And the Constitution specifically says, in article 1, section 5, that each House may determine the rules of its proceedings. Statutory construction applied to that means a simple majority determines the rules of its proceedings. This is a standard interpretation construction.

We know supermajorities are only indicated at several places in the Constitution, and every place else it is implied that it is by a majority. Here you have a supermajority in the Senate rules and you have the Constitution saying at the beginning of a Congress you can change the rules by majority vote. So the question to the Senator is: Does not he agree the Constitution is superior to the Senate rules?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, the Constitution would always trump, but that is a misinterpretation of what we are doing here. Let me play this out, because I am pretty confident I know how this is going to work if this is pursued. What would happen in January is there would be a request for a ruling by the Parliamentarian, and the Parliamentarian would correctly rule that in order to change the rules you need two-thirds of the Senate. Then they would use the procedure of overruling our Parliamentarian with a majority vote. That will then stand as the ruling for the Senate. Very clearly what you are doing is you are skirting both the Constitution and the rules of the Senate.

Let me, if I might, take the Senator's question and show the shocking result we are going to end up with. Do you realize there was a day in this body where judges were not filibustered? We can look at Supreme Court judges who might be controversial to one side or the other who were approved by a majority vote.

So what happened? My friends on the other side of the aisle sat down, they brought in some constitutional scholar. He said: Well, why are you not filibustering judges? And now it is very routine and very common—and both sides do it. So here is what is going to happen. Every time you have a majority that comes to power—and we all know the pendulum swings. In our lifetime we will see Republicans returned to the majority. That is how elections go—once this is cracked open, then they as the majority party can come in to change the rules and basically say: It is open season. We will get a ruling from the Parliamentarian just as the Democrats did. We will overrule that ruling of the Parliamentarian by a 51-vote majority or 50, if you have the Vice President in the chair, and then Katy-bar-the-door. All laws passed by that majority are now subject to being repealed by a majority vote.

If you can do it on the motion to proceed, there is not any reason you cannot use this very flawed procedure to do it on every other piece and step along the way. That is what Senator Byrd was warning us about. He was basically saying: Members of the Senate, once you crack this door open, there is no turning back. And there will not be any turning back.

So what happens to our country? Well, No. 1, the minority becomes powerless in the Senate. As a Member of the minority, I could come down here, I could offer an amendment. I could join forces with Senator Byrd on using reconciliation on climate change, and we could get 67 votes. But all of a sudden what is going to happen here is your minority is going to be basically

without a voice in the Senate because the majority rules. That was never intended. That has not been part of our history.

So I think to directly answer the question, you are misinterpreting what this is all about. The net effect of where we are going to end up, if we go in this direction, I guarantee you, in our lifetime we will look back at that moment in history and we will say that changed the operation of the Senate forever.

As I said in my comments, once the bell is rung, it is impossible to unring the bell. We will not have stability in our laws and we will not have stability in our Senate and we will have a minority that is absolutely powerless. I do not believe that is what was intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

## FOOD STAMPS

Mr. SESSIONS. Mr. President, that was very good debate. I would share the concern of Senator JOHANNS. I remember we backed off this dangerous trend of changing the rules when we fixed the filibuster politically in this political institution. We need to figure out a way to solve this problem. I would say, without any doubt in my own mind, the real reason we have had to filibuster is because the majority leader, to a degree unprecedented in history, is controlling and blocking the ability of the minority party to even have amendments on bills. That goes against the great heritage of the Senate and cannot be accepted. That is why we are having this problem.

I wanted to share a few thoughts this morning about the food stamp program and some of the developments that have been going on. America is a generous and compassionate Nation. We do not want and will not have people hungry in our country. We want to be able to be supportive to people in need.

But every program must meet basic standards of efficiency and productivity and wisdom and management. This program is resisting that. It is the fastest growing major program in the government. In the year 2000 we spent $20 billion on food stamps nationwide. Last year it was $80 billion. It has gone up fourfold in 10 years. That is a dramatic increase. It is increasing every year and virtually every month. The most recent report in September had one of the largest increases in the program's history—another 600,000 added to the rolls, totaling now 47.7 million. One out of every six Americans is receiving food stamps. Oddly, when we attempted to confront our debt and our spending, we had huge reductions for the Defense Department. Some other departments took big cuts. The food stamp program was set aside. President Obama and the Democratic leaders said: We will not even talk about it. No less money, no savings, no review of food stamps. It cannot be changed. It should be left alone.

Well, that is not a good plan. As the ranking member on the Budget Committee, I have begun to look at the program to see how it is we have had such great increases. The agriculture establishment says every single dollar that is spent is needed for hungry people. I offered an amendment that would have reduced spending over 10 years from $800 billion total to $789 billion, reducing spending by $11 billion based on closing a loophole, a categorical eligibility gimmick that should not be there, allowing people to receive benefits who did not qualify for them.

It was said: Oh, you want people to be hungry. It was voted down. I thought it was a very modest, reasonable change. By the way, agriculture spending in our government is different than a lot of people—Mr. President, what is the status of our time?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I have another 6 minutes.

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

Mr. SESSIONS. That is where we are, I think, in terms of spending on the program and the need to examine it and see how it works. The establishment says every dollar is needed, not a dime can be reduced. I certainly agree that no one should be hungry in America. But we must know that the SNAP program, the food stamp program as it is commonly known, is not the only benefit that people have.

Indeed, an average family without income in America today would receive as much as $25,000 in total benefits per year from the government if they did not have an income. They get things such as Temporary Assistance for Needy Families, they get SSI, housing allowance, free health care through Medicaid. They get food stamps and other benefits totaling at least $25,000.

By the way, if you took all of the means-tested welfare-type programs that are in existence in America today, there are over 80. If you divide it up by the number of households who fall below the poverty line in America, it would be $60,000 per household—$30 per hour, on average, for a 40-hour work week. That is how much it would amount to.

The median income in America is less than that. The median income—and they pay taxes on that—is maybe $25 an hour. This would be over $30 an hour based on if we were just to divide up our welfare programs. So to say we should not examine those programs and ask ourselves can we do better is a mistake. The question I would ask is, can we improve it? Can we help more people move from dependence to independence? Is the program functioning as we would like it to function?

I have been asking questions of the Secretary of Agriculture Tom Vilsack. He provided some information that was very troubling to me. I have submitted additional information to him. Now we are not getting any more answers. They have just shut the door. The Secretary basically said: Well, you are a Member of the Senate. You are asking too many questions. I am not giving you any more information. You raise concerns when I give you information. You point out problems. I do not like that. You are not getting any more.

I would note in some of our first inquires in the examination of their program, we found they are on a determined effort to expand the number of people who get on welfare or food stamps even if they do not want to be on food stamps. One of the things that is interesting is they gave a person in western North Carolina, one of the agricultural people, an award for overcoming ''mountain pride.'' Basically what they said was this lady should be given an award because when people in the mountains who are independent and believe they can take care of themselves, thank you—without the Federal Government—she overcame that. They have a brochure telling people what to say when people say, I do not need food stamps, to get them to sign up for food stamps.

I have to say, and I am not happy about it. So now the Secretary has failed to comply with oversight requests from the Senate Budget Committee. Secretary Vilsack has missed the October deadline that we asked him to meet by nearly 2 months. My staff has been provided no update despite repeated requests, and apparently no letter is being drafted from the Department in response to our request. Just stiff you guys.

Well, last I heard he worked for the American people. So do I. And one of my jobs is to make sure the American people's money is well spent. I am asking him about how he is spending our money, and he does not want to respond.

My letter asked questions about two main issues: First, the USDA's acknowledged relationship with Mexico to place foreign nationals almost immediately on food stamps. One of the questions I asked was simply how the U.S. Department of Agriculture interprets the Federal law.

Well, we make Federal law, we pass laws. I would like to know how they are enforcing them and what standards they are using. Federal law says those likely to be reliant on welfare cannot be admitted to the United States. If they want to come to the United States, and they meet the qualifications, they get to come. But they have to show they are not going to be dependent on the government for their food, aid, and health and everything when they come.

We have lots of people who want to come to America. Most of those people probably can come and sustain themselves. Why would we be admitting

those who can't, who are going to immediately go on the government assistance programs? But this law is effectively not being enforced.

Senators GRASSLEY, HATCH, and ROBERTS are ranking members on key committees, and I sent a letter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 3 minutes.

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

Mr. SESSIONS. So another question I asked was concerning the Department's goal to place more people on food stamps. Here is part of the question from the letter: According to USDA, ''only 72 percent of those eligible for SNAP benefits participated,'' adding, ''their communities lose out on the benefits provided by new SNAP dollars flowing into local economies.''

If USDA's enrollment goals were reached, we asked, how many people would be receiving food stamps today? We have gone up dramatically; how many more would be of benefit? I would simply ask that question.

I will ask him again on the Senate floor. How many millions more people would be on the Food Stamp Program if 100 percent of those qualified had enrolled? In 2011 USDA gave a recruitment award, as I mentioned, for overcoming ''mountain pride.'' They produced a pamphlet instructing their recruiters on how to ''overcome the word 'no.' '' The USDA claims the chief obstacle to recruitment is a ''sense the benefits aren't needed.'' That is an obstacle.

USDA asserts that ''everyone wins when eligible people take advantage of benefits to which they are entitled,'' claiming that ''each $5 in new SNAP benefits generates almost twice that amount in economic activity for the community.''

Well, I guess we just ought to do it another fourfold. That would really make America prosperous.

USDA produced a Spanish-language ad in which the main character is pressured into accepting food stamps.

This is what is on the video: The lady said, ''I don't need anyone's help. My husband earns enough to take care of us.'' Her friend mocks her and replies—this is the Department of Agriculture pitch—''When are you going to learn?'' Eventually, she gives in to her friends who are pressuring her and agrees to enroll.

Is this the right approach for America? We need to work, to help people with pride, help people to assume their own independence, to be successful, take care of their own families and move them from dependence to independence. That ought to be the fundamental goal of our system. It was the goal in the reform of 1996 in the welfare reform that worked very well. More people prospered, fewer people are in poverty, and more people are taking care of themselves. It really was a success. We have been drifting back away from that.

What I sense is when you ask questions about it, you are treated as someone who doesn't care about people who are hungry, who do need our help. We want to help. All we are asking is, Can't we do it better? Can't we look back to the principles of independence, individual responsibility, and individual pride that Americans have and nurture that and use that as a way to help reduce dependence in this country? So those are the things I wanted to share.

I would just say this: The Secretary of Agriculture has the responsibility to answer.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I don't want to get in a fight with it, but, if necessary, I will use what ability I have in the Senate to insist that we get responses.

Mr. President, I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed on S. 3637, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I would ask to speak as if in morning business.

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

### SENATE RULES CHANGES

Mr. UDALL of New Mexico. Mr. President, there has been much discussion about the need to reform the Senate rules, and I have listened closely to the arguments against these changes by the other side. Today I rise to address some of their concerns. My Republican colleagues have made impassioned statements in opposition to amending our rules at the beginning of the next Congress. They say the rules can only be changed with a two-thirds supermajority. They say any attempt to amend the rules by a simple majority is breaking the rules to change the rules. This simply is not true.

Repeating it every day on the Senate floor doesn't make it true. The supermajority requirement to change Senate rules is in direct conflict with the U.S. Constitution. The Constitution is very specific about when a supermajority is required and just as clearly when it isn't required.

Article I, section 5 of the Constitution States:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

When the Framers require a supermajority, they explicitly said so. For example, for expelling a Member. On all other matters, such as determining the Chamber's rules, a majority requirement is clearly implied.

There have been three rulings by Vice Presidents sitting as President of the Senate. Sitting up where the Presiding Officer is sitting, three Vice Presidents have sat there. And the meaning of article I, section 5, as it applies to the Senate, this is what they were interpreting. In 1957, Vice President Nixon ruled definitively, and I quote from his ruling:

While the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress, which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

That was Vice President Nixon. Vice Presidents Rockefeller and Humphrey made similar rulings at the beginning of later Congresses.

I have heard many of my Republican colleagues quote Senator Robert Byrd's last statement to the Senate Rules Committee. The Presiding Officer knew Senator Byrd well. He is from his State of West Virginia. Senator Byrd came to that Rules Committee. I was at that Rules Committee, and I was at the hearing where he appeared—and I have great respect for Senator Byrd. He was one of the great Senate historians. He loved this institution, but we should also consider Senator Byrd's other statements and the steps he took as majority leader to reform this body.

In 1979 it was argued that the rules could only be amended in accordance with the previous Senate rules. Majority Leader Byrd said the following on the floor:

There is no higher law, insofar as our Government is concerned, than the Constitution. The Senate rules are subordinate to the Constitution of the United States. The Constitution in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

That was Senator Robert Byrd. This Congress is not obliged to be bound by the dead hand of the past.

As Senator Byrd pointed out, the Constitution is clear. There is also a

longstanding common law principle upheld in the Supreme Court that one legislature cannot bind its successors. For example, the Senate cannot pass a bill with a requirement that it takes 75 votes to repeal it in the future. That would violate this common law principle and be unconstitutional. Similarly, the Senate of one Congress cannot adopt procedural rules that a majority of the Senate in the future cannot amend or repeal.

Many of my Republican colleagues have made the same argument. In 2003 Senator JOHN CORNYN wrote in a Law Review article—as many of you know, Senator CORNYN was an attorney general in Texas, was a distinguished justice. Senator CORNYN said the following in this Law Review article:

> Just as one Congress cannot enact a law that a subsequent Congress could not amend by a majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by a majority vote. Such power, after all, would violate the general common-law principle that one parliament cannot bind another.

That was Senator JOHN CORNYN.

Amending our rules at the beginning of a Congress is not breaking the rules to change the rules, it is reaffirming that the U.S. Constitution is superior to the Senate rules. And when there is a conflict between them, we follow the Constitution.

I find some of the rhetoric about amending our rules particularly troubling. We have heard comments that any such reforms, if done by a majority, would ''destroy the Senate.'' Again, I can turn to my Republican colleagues to answer this accusation.

In 2005 the Republican Policy Committee released a memo entitled ''The Constitutional Option: The Senate's Power to Make Procedural Rules by Majority Vote.'' That memo supports the same arguments I make today for reform by a majority, and it also refutes many of the recent claims about how the Senate will be permanently damaged.

One section of the memo titled, ''Common Misunderstandings of the Constitutional Option'' is especially interesting and enlightening. It responds to the argument that ''the essential character of the Senate will be destroyed if the constitutional option is exercised,'' and it responds with the following words:

> When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

What is more important about the Republican memo is the reason they believed a change to the rules by a majority was justified. Because of what Republicans saw as a break in longstanding Senate tradition. They claimed they weren't using the constitutional option as a power grab, they were using it as a means of restoring the Senate to its historical norm.

This is exactly where we find ourselves today. Back then, the Republicans argued the constitutional option should be used because 10 of President Bush's judicial nominees were threatened with a filibuster. I believe the departure from Senate tradition now is far worse.

Since Democrats became the majority party in the Senate in 2007, we have faced the highest number of opposition filibusters ever recorded. Lyndon Johnson faced one filibuster during his 6 years as Senate majority leader. In the same span of time, HARRY REID has faced 386.

For most of our history, the filibuster was used very sparingly. But in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered—every procedural step of the way, with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

Since the Democratic majority came into the upper Chamber in 2007, the Senates of the 110th, 111th, and current 112th Congresses have witnessed the three highest total of filibusters ever recorded. A recent report found the current Senate has passed a record low 2.8 percent of bills introduced. That is a 66-percent decrease from the last Republican majority in 2005 and 2006 and a 90-percent decrease from the high in 1955 and 1956.

So the Republicans argued in 2005, ''[a]n exercise of the constitutional option under the current circumstances would be an act of restoration.'' An act of restoration. I cannot improve on that statement. We must return the Senate to a time when every procedural step was not filibustered.

I respect the concerns some of my Republican colleagues have regarding the constitutional option, but there is an alternative. We don't have to reform the Senate rule with a majority vote in January. This is up to my colleagues on the other side of the aisle. Each time the filibuster rule has been amended in the past, a bipartisan group of Senators was prepared to use the constitutional option. But with a majority vote on the reforms looming, enough Members agreed on a compromise and passed the changes with two-thirds in favor. We could do that again in January.

I know many of my Republican colleagues agree with me that the Senate is not working. Some say we don't need to change the rules, we need to change behavior. But we tried that—the changing of behavior—with a gentleman's agreement at the beginning of this Congress. It failed. So now it is time to make some real reforms.

This is not a ''power grab,'' as some have charged. We want to make the Senate a better place—a place where real debate happens for both parties. So I ask my friends on the other side of the aisle to bring their own proposals to the table. Let's work together to restore the deliberative nature of the Senate where all sides have the opportunity to debate and be heard.

I said 2 years ago I would push for reforms at the beginning of the next Congress regardless of which party was in the majority. I will say again that our goal is to reform the abuse of the filibuster, not trample the legitimate rights of the minority party. I am willing to live with all the changes we are proposing whether I am in the majority or the minority.

The American people, of all political persuasions, want a government that actually gets something done, that actually works. We have to change the way we do business. The challenges are too great, the stakes are too high, and we do not want a government of gridlock to continue.

I thank the Chair for the time, and I 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RELEASE JOHNNY HAMMAR

Mr. NELSON of Florida. Mr. President, a very disturbing thing has happened in Mexico with one of my constituents—a U.S. marine who served honorably.

Johnny Hammar fought in Fallujah and was honorably discharged in 2007. He and another marine, both having suffered under posttraumatic stress disorder, were taking advantage of the fact they were surfers to lessen their stress. They had surfed up and down the east coast. This is a marine whose family lives in Miami, so they had gone to Cocoa Beach, and they were going to others. They wanted to go to Costa Rica to catch the big waves in the Pacific, and so Johnny bought a camper and entered Mexico at Matamoros.

As they crossed the border, he checked with United States Customs because he had a shotgun that was an antique that had been owned by his great-grandfather. He registered the weapon with U.S. Customs so that when he returned Customs would have a record of it. But when he went from the American side of the U.S.-Mexico line into Mexico, and openly showed his great-grandfather's antique shotgun, the Mexican authorities arrested him.

His companion, another marine, after interrogation was released, but they put Cpl Johnny Hammar, now age 27, in the general prison population in Matamoros, Mexico.

This case came to my attention last August, and I immediately responded. As a result of my contacting the Mexican Government, they moved him from the general population of the jail into an individual jail cell. But as they have

gone in to interrogate him, they have manacled him, shackled him, and at one point they had him chained to the bed.

This has gone on long enough. If it is against the law to take a gun into Mexico, even though he had already declared it at U.S. Customs, the Mexican authorities could have, when they released his fellow marine to go back into the United States, sent him back into the United States and told him don't bring your great-grandfather's shotgun into Mexico. If that is against Mexican law. But they didn't. They have put a U.S. Marine, who has honorably served his country, in a Mexican jail, and he has been there since last August.

Enough is enough. I called my friend Arturo, the great and well-respected Mexican Ambassador, yesterday and I can't get a return call from the Mexican Ambassador, so I am bringing this to the attention of the Senate so we can further get through to the Mexican Government and indicate to them they have made a bureaucratic mistake.

Obviously, if it is against Mexican law to take a weapon in, then under these circumstances, this young U.S. marine does not deserve the treatment he is getting—holding him in a Mexican jail at the border of the United States for the past 5 months.

I hope cooler heads will prevail. If it requires me speaking on the Senate floor day in and day out to keep this issue alive, I will do so. Clearly, it has been in the press. It has been in the Miami Herald several times, a much more detailed account of his background, his service to the country, and his struggling with PTSD ever since he got home.

Mr. President, I thank the Chair for the opportunity to bring this to the attention of my colleagues, and once again I say to the Mexican Government: Send this marine home. Now that you have a new President installed in Mexico, relations with the United States are especially important and United States citizens who are peaceful in their intent, innocent in their observation of the Mexican laws, where no harm has been done, should be treated respectfully. Send that U.S. marine back to America and back to his family in Miami.

Mr. President, I yield the floor, and I 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. JOHNSON of South Dakota. 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. JOHNSON of South Dakota. Mr. President, I want to express my support for S. 3637, a temporary extension of the Transaction Account Guarantee, or TAG, Program.

The program, which is administered by the FDIC for insured depository institutions and the NCUA for credit unions, provides unlimited insurance for non-interest-bearing accounts at banks and credit unions. These transaction accounts are used by businesses, local governments, hospitals, and other nonprofit organizations for payroll and other recurring expenses, and this program provides certainty to businesses in uncertain times.

These accounts are also important to our Nation's smallest financial institutions. In fact, 90 percent of community banks with assets under $10 billion have TAG deposits. This program allows these institutions to serve the banking needs of the small businesses in their communities, keeping deposits local. In my State of South Dakota, I know that the TAG Program is important to banks, credit unions, and small businesses.

Our Nation's economy is certainly in a different place than it was in 2008 at the height of the financial crisis when this program was created, but with concerns about the fiscal cliff in the United States and continued instability in European markets, I believe a temporary extension is needed. Therefore, I believe that a clean 2-year extension makes the most sense and provides the most certainty for business and financial institutions and also provides time to prepare for the end of the program in 2 years.

I wish to note that this legislation has a cost recovery provision that ensures no taxpayer is on the hook for this insurance. Financial institutions pay for the coverage. This is not and never will be a bailout. This is simply additional insurance paid for by the banks to ensure these accounts remain stable.

I thank Leader REID for making this issue a priority in the lameduck session. I also thank Senator SHERROD BROWN for being a great partner for many months on this important topic. The administration has just issued a SAP in support of TAG, and I ask unanimous consent to have it printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, December 11, 2012.*

STATEMENT OF ADMINISTRATION POLICY

S. 3637—TRANSACTION ACCOUNT GUARANTEE PROGRAM TEMPORARY EXTENSION

(Sen. Reid, D–NV)

The Administration supports Senate passage of S. 3637, which would temporarily extend the unlimited deposit insurance coverage for noninterest-bearing transaction accounts. The Transaction Account Guarantee (TAG) Program played an important role in maintaining financial stability and banking system liquidity for consumers and businesses during the financial crisis. While the Administration supports a temporary extension of the program, it remains committed to actively evaluating the use of this emergency measure created during extraordinary times and a responsible approach to winding down the program. The Administration looks forward to working with the Congress to move forward other measures that will support small businesses and accelerate the economic recovery.

Mr. JOHNSON of South Dakota. I ask my colleagues to support the extension of TAG.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## RECESS

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Senate recess until 2:15, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:21 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer, (Mr. COONS).

## TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER (Mr. COONS). The Senate will come to order.

The clerk will report the motion to invoke cloture.

The legislative 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. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Richard Blumenthal, Mark Begich, Jon Tester, Max Baucus, Herb Kohl, Kay R. Hagan, Barbara A. Mikulski, Tim Johnson, Mary L. Landrieu, Kent Conrad, Jeanne Shaheen, Jeff Merkley, Daniel K. Akaka, Mark L. Pryor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—76

| | | |
|---|---|---|
| Akaka | Franken | Moran |
| Alexander | Gillibrand | Murkowski |
| Baucus | Grassley | Murray |
| Begich | Hagan | Nelson (NE) |
| Bennet | Harkin | Nelson (FL) |
| Bingaman | Hoeven | Portman |
| Blumenthal | Hutchison | Pryor |
| Blunt | Isakson | Reed |
| Boozman | Johanns | Reid |
| Boxer | Johnson (SD) | Rockefeller |
| Brown (MA) | Kerry | Sanders |
| Brown (OH) | Klobuchar | Schumer |
| Burr | Kohl | Shaheen |
| Cantwell | Kyl | Snowe |
| Cardin | Landrieu | Stabenow |
| Carper | Leahy | Tester |
| Casey | Levin | Udall (CO) |
| Coats | Lieberman | Udall (NM) |
| Cochran | Lugar | Vitter |
| Collins | Manchin | Warner |
| Conrad | McCain | Webb |
| Coons | McCaskill | Whitehouse |
| Cornyn | McConnell | Wicker |
| Durbin | Menendez | Wyden |
| Enzi | Merkley | |
| Feinstein | Mikulski | |

NAYS—20

| | | |
|---|---|---|
| Ayotte | Hatch | Roberts |
| Barrasso | Heller | Rubio |
| Coburn | Inhofe | Sessions |
| Corker | Johnson (WI) | Shelby |
| Crapo | Lee | Thune |
| DeMint | Paul | Toomey |
| Graham | Risch | |

NOT VOTING—4

| | |
|---|---|
| Chambliss | Kirk |
| Inouye | Lautenberg |

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to proceed is agreed to.

## TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

AMENDMENT NO. 3314

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3314.

The amendment is as follows:

At the end, add the following new section:

**SEC. _____.**

This Act shall become effective 5 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3315 TO AMENDMENT NO. 3314

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3315 to amendment No. 3314.

The amendment is as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 3316

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, S. 3637, to the Senate Committee on Banking, Housing, and Urban Affairs, with instructions to report back forthwith with an amendment numbered 3316.

The amendment is as follows:

At the end, add the following new section:

**SEC. _____.**

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3317

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3317 to the instructions (amendment No. 3316) of the motion to commit.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3318 TO AMENDMENT NO. 3317

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3318 to amendment No. 3317.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

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

The 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 S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Debbie Stabenow, Tom Harkin, Jeff Bingaman, Robert Menendez, Tom Udall, Jack Reed, Kay R. Hagan, Tim Johnson, Richard Blumenthal, Bill Nelson, Patrick J. Leahy, Sherrod Brown, Robert P. Casey, Jr., Max Baucus, John F. Kerry, Thomas R. Carper.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, as provided under the previous order, at 4 p.m. today, the Senate will proceed to executive session to consider Calendar Nos. 762 and 829. For the information of the Senate, we expect at least one rollcall vote on the nomination of John E. Dowdell to be U.S. district judge for the Northern District of Oklahoma and Jesus G. Bernal to be U.S. district judge for the Central District of California at about 4:30 today.

The PRESIDING OFFICER. The Senator from Utah.

SENATE RULES CHANGES

Mr. HATCH. Mr. President, some things never change in the Senate. For more than 200 years, our practice of extended debate has been the single most defining characteristic of the Senate. For more than 200 years, extended debate has annoyed the majority and empowered the minority.

What has changed, however, is that the majority today threatens not only to change Senate rules and practice in order to cripple this tradition and consolidate power but to use unprecedented tactics to do it. I urge my colleagues on both sides of the aisle to come together and preserve the fundamental integrity of this body, even if we may disagree about some of the political issues.

I wish to explain to my colleagues why neither the ends nor the means that the majority has been discussing are legitimate. First, there is no debate crisis on the Senate floor, none whatsoever.

In fact, it is easier to end debate today than during most of American history. For more than a century since we had no cloture rule at all, ending debate required unanimous consent. A single Senator could filibuster merely by objecting. From 1917 to 1975, ending debate required a supermajority of two-thirds, higher than the three-fifths required today. As I said a minute ago, extended debate has always annoyed the majority.

Today is no different. Yet we hear the majority claiming there have been hundreds of filibusters, that the rules are being abused, that obstruction is at

an alltime high. The American people likely do not know the particulars of our debate rules and practices but Senators making such claims certainly should.

The majority pumps up the filibuster numbers by claiming that every cloture motion is evidence of a filibuster. They know that is not true. As the Congressional Research Service says:

> The Senate leadership has increasingly utilized cloture as a routine tool to manage the flow of business, even in the absence of any apparent filibuster. . . . In many instances, cloture motions may be filed not to overcome filibusters in progress, but to preempt ones that are only anticipated.

That is what is going on today. The majority leader often files a cloture motion as soon as a motion or a bill becomes pending. He does that to prevent debate from starting, not to end debate that is underway. In the last three Congresses under this majority, a much higher percentage of cloture motions got withdrawn without any cloture vote at all than under the last three Congresses under a Republican majority.

The majority leader appears to think that debate itself is simply dilatory. While extended debate has long been annoying to the majority, this majority leader apparently believes any debate is annoying.

Neither filing a cloture motion nor taking a cloture vote is evidence of a filibuster. A filibuster occurs when an attempt to end debate, such as a cloture vote, fails. That is why some on the other side of the aisle want to address what they claim is a filibuster problem by changing the cloture rule.

Let's use some common sense and stop misleading our fellow citizens about how this body operates. A filibuster is a debate that cannot be stopped. During this 112th Congress a much smaller percentage of cloture votes have failed than in the past. That is right. Cloture votes today are more successful in preventing filibusters than in the past.

The same is true about motions to proceed, which is the particular focus of those who are now threatening to weaken debate by forcing a rules change. In the 112th Congress, 32 percent of cloture votes on motions to proceed have failed, compared to an average of 54 percent during the previous dozen congresses. Put simply, the current Senate majority has used cloture to prevent filibusters on motions to proceed more effectively than in the past.

By the way, during the last several Congresses when the Democrats were in the minority, the current majority leader and majority whip voted to filibuster motions to proceed dozens of times. As I said, extended debate has always annoyed the majority and empowered the minority.

Once again, it is easier to end debate today than during most of American history. The majority has done so more effectively in the current Congress than in the past, both in general and on motions to proceed. There simply is no crisis, no unprecedented abuse that requires some sort of fundamental change in the rules and traditions of this body.

Rather than blowing up the Senate, I suggest that the majority actually try working with the minority. That is something we have not seen under the current majority leader's tenure. Since the Democrats took control of the Senate in 2007, the majority leader has not only routinely filed cloture motions to prevent debate, but he has severely limited the minority's ability to offer amendments. Since the majority leader is at the front of the line in this body, he uses that preference to offer amendments so the minority cannot. He did that here just a few minutes ago.

The current majority leader has used this tactic more than 60 times, more than any previous majority leader of either party. In fact, he has done so more than all previous majority leaders combined. It is one thing to require a majority to pass an amendment, but the effect or, rather, the intent of this tactic is to require Senators in the minority to obtain the majority leader's permission to even offer amendments in the first place.

Isn't that ironic? The majority leader uses the rules to his legislative advantage but wants to strip from the minority the ability to do the same. The Senate is not supposed to work that way and did not when Democrats were in the minority. Back in April 2005, when he was the minority whip, our distinguished current majority leader defended the minority's ability to offer even nongermane amendments because doing so prompted Senate consideration of subjects that the majority may have ignored.

That was then; this is now. Today it does not require three-fifths to block an amendment. The majority leader can and has done the same thing all by himself. This kind of silencing of minority views does not even happen in the House of Representatives, which operates by majority rule across the board. In the House, the majority party, either Republican or Democratic, often limits amendments, sometimes barring them entirely.

But at times the minority is entitled, before final passage, to a motion to recommit, which means a chance to propose a different version of the bill. This motion is not merely symbolic. Not infrequently that motion carries. In contrast, when the Senate majority leader fills the amendment tree, as he just did, he precludes anything such as the House's motion to recommit.

When the minority's rights are trampled like this, what is it to do? Acquiesce or respond in self-defense? Frankly, it should be no surprise that a minority blocked from influencing legislation through amendments would demand extended debate by opposing cloture. But look what happens. The majority obstructs the minority's right to participate in the development of legislation and then attacks the minority for opposing the passage of that same legislation.

Again, that is not the way the Senate is supposed to operate. It is not just the minority who suffers from this strategy. More to the point, the American people suffer. They sent us to be real Senators, individuals who represent them and their concerns. They expect us actually to legislate, which means to amend as well as debate legislation, not simply to vote on whatever the majority puts in front of us.

Our constituents want us to force attention to public issues, even when the majority would prefer to avoid them. This is the caliber of representation our constituents both demand and deserve. The rules and practices of the Senate have been designed to facilitate just this kind of representation. It is these same rules that the majority now seeks to change because they find them inconvenient.

There is a conceit expressed in Washington that what happens in Congress is beyond the comprehension of interest of most Americans. But that is not so. When our voice is stifled, full representation for our constituents is denied. When we are gagged, the people are gagged. Nothing can be easier to grasp or to provoke greater public indignation.

So my first point is that debate is not the problem. If there is a crisis, it is the majority's gambit of preventing amendments and then filing hundreds of cloture motions to prevent debate. My second point is that the unprecedented tactic threatened by the majority to limit debate even more will only further undermine the integrity of this body.

Some of those pushing in that direction have never served in the minority. But all Senators should be alarmed by this prospect. The majority has talked about changing Senate rules to eliminate the opportunity to filibuster motions to proceed. This opportunity has been available to Senators since at least 1949, and as I have mentioned, the majority leader himself repeatedly seized that opportunity when he was in the minority.

I do not believe the cloture rules need to be changed. I do believe, however, that if the Senate is to consider a change, it should follow the process laid out in our rules.

That process exists for a reason. It is the process we have used to change rules in the past, and there is no reason other than a raw power grab to do it any other way.

Senate rules specify that ending debate on a rules change needs approval by two-thirds of Senators present and voting, and there is a very good reason this is so. This cloture hurdle on rules changes exists to ensure that such amendments are not made without bipartisan cooperation. If anything should require broad consensus, it should be the rules by which this institution itself operates.

That is how, for example, we changed the rules in 2007 concerning the content of conference reports and the use of earmarks or how we established a way to provide for public disclosure of holds. All of these changes, some of which require amending the rules, occurred during the tenure of the present majority leader. None was muscled through by majority fiat or forced on an unwilling minority. Bipartisanship was possible because these changes were good for the Senate.

But now we have learned that the majority may begin the next Congress by disregarding our rules and attempting to change those they find inconvenient by a simple partisan majority. They threaten, as they did before the start of the current Congress, to use the so-called nuclear option to force new rules by single-party will. The substantive changes they have proposed would be degrading enough to the Senate. The method they propose to impose them would be catastrophic.

I urge my colleagues, from freshmen to the most senior Members, to take some guidance from our predecessors, such as Senator Mike Mansfield, who served in the minority and later became majority leader. In 1975, when Senators similarly proposed using this same nuclear option similarly to change the cloture rule by simple majority, he said this tactic would ''destroy the very uniqueness of this body . . . and . . . diminish the Senate as an institution of this government.'' He said it would ''alter the concept of the Senate so drastically that I cannot under any circumstances find any justification for it.''

Senator REID expressed a similar view in 2003 when he was the minority whip, arguing that rules changes should be considered through regular order, through the process our rules provide. Senator REID reaffirmed that view in 2005 when he was minority leader, saying that the so-called nuclear option would amount to breaking the rules to change the rules.

Senator REID further observed:

> One of the good things about this institution we have found . . . is that the filibuster, which has been in existence since the beginning, from the days of George Washington—we have changed the rules as it relates to it a little bit but never by breaking the rules.

In other words, if the majority wants to grab even more power, if blocking amendments is not enough for them, if debate is too annoying for them, if they want to rig the rules to further sideline the minority, then they should use the process we have here in place in the Senate. They should make their case and present their arguments, and if they are compelling enough to attract a wide consensus, then the rules of this body can be changed. That is the way we have changed rules in the past. Senator REID expressed this view when he was in the minority.

Former Senator Chris Dodd, a good friend to many of us still in this Chamber and someone who, I would surmise, would be sympathetic to the current majority's views on policy, did so while in the majority. He stated in his farewell address his opposition to changing the Senate rules in the way the majority leader presently proposes.

My friend Senator Dodd had this to say:

> I have heard some people suggest that the Senate, as we know it, simply can't function on such a highly charged political environment, that we should change the Senate rules to make it more efficient, more responsive to the public mood, more like the House of Representatives . . . I appreciate the frustration many have with the slow pace of the legislative process . . . Thus, I can understand the temptation to change the rules that make the Senate so unique—and simultaneously, so frustrating.''

Senator Dodd continued:

> But whether such a temptation is motivated by a noble desire to speed up the legislative process, or by pure political expedience, I believe such changes would be unwise.

In conclusion, Senator Dodd said:

> We 100 Senators are but temporary stewards of a unique American institution, founded upon universal principles. The Senate was designed to be different, not simply for the sake of variety, but because the framers believed that the Senate could and should be the venue in which statesmen would lift America up to meet its unique challenges.

Those who know both Senator Dodd and me know that we didn't agree on much during our years together in the Senate. However, on this point, I have to say that Senator Dodd couldn't have been more right. We did agree on a number of things, but it took bipartisan agreement to be able to accomplish that.

Rules changes such as the ones proposed by the majority would alter the very nature of the Senate and undermine its unique purpose. For more than two centuries, the procedural rights of individual Senators, both in the majority and in the minority, have been a hallmark of this body. Those rights and the rules and practices developed to protect them have earned us the reputation as the world's greatest deliberative body. Among those rights are the minority's right to offer amendments and debate. The majority has already put the former under attack, and now the majority leader threatens to undermine the latter. Quite simply, the majority would weaken this institution in a partisan quest for power. Do these steps serve the Constitution? Do they maintain checks and balances? Do they foster bipartisanship? Do they benefit the American people? The answer to all of these questions is resoundingly negative.

I urge my good friend the majority leader and my friends and colleagues on the other side to exercise serious self-restraint over whether and how Senate rules changes proceed. Those who are unhappy with the rules are free to propose amendments. As we have done in the past, those proposals should be referred to the Rules Committee and considered in the regular course of business. If the proposals have merit, support for them will cross party lines.

Bipartisan solutions are urgently needed to resolve the Nation's problems. I speak as a Senator with a long record of working with Democrats to achieve bipartisan consensus and answers. But invoking the nuclear option will unnecessarily start a new Congress on a divisive and discordant tone. It will generate a poisonous climate guaranteed to impair our capacity to cooperate. No majority can expect the minority to stand on the side lines while its rights are destroyed and its place in this body is diminished. Any minority of either party would defend its place and defend the integrity of this body. We will do so now if the majority pursues this reckless and entirely unnecessary course.

I urge the majority to respect the traditions of the Senate and to follow our rules. I urge the majority to avoid rather than generate those crises.

I have to say that we do not want to be like the House. This is a place where legislation has to be cooled, according to Washington. This is a place where we have to do more reflection. This is a place where there are rights in the minority that are time-honored rights, for good reasons. Yes, we don't always get our will or our way here. That is tough for some of us sometimes. But, on the other hand, rather than throw these rules out or to modify them in ways that really diminish them and to use a nuclear option, it is less than honorable, in my opinion.

But the fact is that I have been through a lot of this, and I have to say there is a reason these rules are in existence, and you don't just throw them out the door for political advantage. The fact is that this body was never intended to be one where you could just sluice things through any way you want to and where the majority could get its will no matter what happens. This is a body where literally we have to deliberate. This is a body where we need to bring about a bipartisan consensus. Now, that is hard sometimes, it is painful sometimes, it is irritating as can be sometimes, but it is the right thing to do.

I really don't believe the majority leader is going to push this. I think he is a better man than that. And I don't believe most Senators in the majority would put up with that because they are better men and women than that.

I have to say, on our side, we would like to see full debate. We get a little tired of the majority leader calling up the bill, filing cloture immediately, and then filling the amendment tree so no amendments can be brought up unless he approves them. That is not the Senate's way. I am not saying you can never fill the amendment tree, but that should only be used at the end of the debate when it has gone on too long and it has to be brought to a close. It should not be used at the beginning of

the debate. This is a body where we allow nongermane amendments. It is a body where we have rights. It is what makes it the greatest deliberative body in the world. It is a body where rules make a difference.

Even though they are to our disadvantage now, I will argue exactly the same if anybody on our side, when we get in the majority, decides to change these rules this way. So I hope we all think it through because there will be all-out war from this day on, from the day on that we use the nuclear option to change perhaps the most important rule in the Senate.

The filibuster rule is a time-honored right by the minority. It is one of the only protections the minority has—or should I say one of the few protections the minority has—and it should not be thrown away frivolously.

I say to my colleagues on the other side, you may not believe it, but someday you are going to be in the minority, and you don't want to see these rules thrown out any more than we do. If we ignore this, ''Katy, bar the door.'' We will have obstructed and hurt the greatest deliberative body in the world and the system that has allowed us to be the greatest deliberative body in the world.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from California.

Mrs. BOXER. I ask unanimous consent to speak as if in morning business.

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

Mrs. BOXER. Mr. President, I rise to speak on a number of matters.

Before Senator HATCH leaves the floor, I really do think it is important that we listen to what he said, but I also think his criticism of the majority leader was really over the top. We just finished a defense bill, I say to my friend, that had over 100 amendments. I chair the Environment and Public Works Committee. We had a transportation bill that had endless amendments.

Mr. HATCH. Would the Senator yield for a colloquy?

Mrs. BOXER. I yield to the Senator.

Mr. HATCH. There was no intention in my mind to disparage the majority leader. I disparage what the majority leader is doing.

Mrs. BOXER. I am glad the Senator cleared that up.

Mr. HATCH. Well, I want to clear it up because he is a friend.

Mrs. BOXER. That is fine.

Mr. HATCH. But these rules are friends, too, and I feel really deeply about this. I hope the Senator and other Democrats feel deeply about it too, because you might wind up in the minority someday when some people on our side might want to do what is being done here today. There is a reason for these rules.

Mrs. BOXER. Reclaiming my time.

Mr. HATCH. I appreciate that.

Mrs. BOXER. I was here in the minority, and I was able to exercise the filibuster, and I was able to stop a lot of legislation that came over from Newt Gingrich's House. I believe in the filibuster completely, and I think it is important to protect minority rights. But I do think there is such a thing as the use of the filibuster versus the abuse of the filibuster. So my position has always been clear that I think the abuse of the filibuster is wrong.

When I first came here, I thought, well, we should just do away with the 60-vote rule. I came to understand that I didn't really, at the end of the day, wind up believing that was wise. So I am working with colleagues to figure out a way we can have a talking filibuster but protect the rights of the minority. But I have to say, I don't think there ought to be a filibuster allowed on a motion to proceed to a bill. We have seen that abused and abused and overused. These are the kinds of things we should get together on as colleagues, as friends, across the issues that divide us and not engage in filibusters on a motion to proceed to a bill. There is plenty of time to filibuster the bill itself. There is plenty of time to argue. But it seems to me whoever is the majority leader, be it a Democrat or a Republican, he or she should have the right to take us to a bill. I think that is a power that should lie with the majority, whoever that majority is. So I would certainly approve of fixing that problem.

In addition, how many filibusters do we have to have before we go to conference? I will support one and we will fight it out. But three motions that can be filibustered before going to conference? That is not doing the people's business. Imagine if a bill gets all the way to that conference phase. Remember, it has gone through the committees of the House and Senate, it has gone through the votes of the House and Senate, it has gone through the conference committee to a vote of the conference committee. Why on Earth should we be allowed to filibuster three motions? So I think there are ways we can work together.

I know my friends from Tennessee and New York at one point were working on ways to prevent any President, be it a Democrat or Republican, from facing filibusters on more or less routine nominations. I could support that change too. But I do want to say, as I look at the abuse of the filibuster versus use of the filibuster—and, again, I believe the rights of the minority must be protected—we have to look at the bold, stark facts. Since HARRY REID became the leader here, he has had to face 388 filibusters. The last time the Democrats were in the minority we forced half as many. I think that is too much, but it is only half as many. So we have our majority leader facing twice as many as Democrats led, and it has gotten out of hand.

Members can stand up here and say it is a horrible thing to try to change the rules, but my test is abuse versus use. I think we can come together and avert any type of showdown at the OK Corral. That is ridiculous. We don't need that. We can talk as friends and figure out some of these commonsense reforms that we can do without having to get angry at one another. I don't think it serves anyone's purpose if we are all angry at one another over this.

THE FISCAL CLIFF

My last comments have to do with the fiscal cliff. I stand here 21 days before a tax increase on all Americans is going to occur. This tax increase will go up $2,200 for an average middle-class family.

That is the bad news. Taxes are going to rise. Here is the great news. The great news is the Senate already passed legislation to fix the problem. And guess what. We didn't do it yesterday or the day before yesterday. We saw it coming and we passed it on July 25, 2012. We passed the middle-class tax cuts. My understanding is we took care of the AMT.

The fact is all that now has to happen is for the House to take up our bill. If they take up our bill and they pass our bill, we will see everyone in America keep their tax cuts up to $250,000 in income, and after that $250,000 we will go back to the Clinton rates.

But here is the really good news, if we do that: We will raise $1 trillion and reduce our debt by $1 trillion. There is no reason why Speaker BOEHNER shouldn't bring this bill to a floor vote. He will win the vote because I know Democrats and some Republicans will definitely support him. He needs to be Speaker of the House, not Speaker of the Republicans, just as Tip O'Neill, when I was there, wasn't Speaker of the Democrats, he was Speaker of the House.

As a matter of fact, the way Tip did it is, he would get half the Democrats and half the Republicans—and he didn't care what you were, an Independent, whatever your affiliation, conservative, liberal—and he would go up to you and say: Can you be with me on this? It is good for the country. Ronald Reagan and I agree.

That was Tip O'Neill. And I know what that is like. Ronald Reagan and Tip O'Neill. So it ought to be President Obama and JOHN BOEHNER saying: We should pass this middle-class tax cut.

Here is the thing I don't get. When the Bush tax cuts went into place they were passed overwhelmingly by Republicans. Why wouldn't the same Republicans want to make sure they continue for 98 percent of the people? I don't get it. I did not vote for the Bush tax cuts then. I am going to vote for them now, for the 98 percent, because we are coming out of a tough time. I didn't vote for them then. You know why? I said we would go into huge deficits. And I don't want to say I was right, but we did go into a huge period of deficits. It was that, plus two wars on a credit card, and it was a prescription drug benefit that was not paid for by allowing Medicare to negotiate for lower prices. I voted against that too.

So here we are at a magic moment in time—a magical moment because it is the holiday season—and we know the Senate passed the middle-class tax cuts in July, and we know there are 21 days left before taxes go up on 98 percent of the people. Rhetorically, I ask the Speaker: Why don't you just pass this?

Today I read the Speaker of the House said: Well, I don't want to do this until I see what programs Barack Obama is going to cut. That is his latest thing. To which I respond: Here is the deal. In the debt ceiling fight we cut $1 trillion of spending. It is shown in those caps that we vote on. Very tough, $1 trillion in spending cuts over 10 years. That equals what we will get from the tax hikes on those over $250,000. Plus, as part of health care reform, we found savings in Medicare of $700 billion.

By the way, the Republicans ran ads against our people saying the Democrats cut Medicare, and we explained they were savings, because what we did is we told providers: Cut down on fraud and abuse—you are overcharging. Be that as it may, the Republicans were just wiping their brow and crying for the Medicare recipients and saying we cut Medicare. Now they want more Medicare cuts. They have come up with a plan which would raise the age of Medicare, which I think is completely disastrous, and I will tell you why.

If we were to raise the age of Medicare recipients, we would leave 300,000 seniors uninsured. Just what we want. Happy New Year, Merry Christmas, and Happy Hanukkah all in one. We would increase the cost to businesses by $4.5 billion because people would stay longer on the business payroll—their medical payroll—at an age when they are getting older. We would increase out-of-pocket health care costs for those age 65 and 66 by over $3 billion. We would increase costs to the States by $700 million. We would cost millions of seniors age 65 and 66 $2,200 more for health care. And we would increase premiums for all other seniors enrolled in Medicare by 3 percent because the population enrolled in Medicare would be older and less healthy.

In other words, we would be pulling the healthiest seniors out of Medicare so that those who are left are sicker, and premiums would go up on everybody else.

The source for these statistics is the Kaiser Family Foundation and the Congressional Budget Office. I ask unanimous consent to have printed in the RECORD these facts regarding the raising of the Medicare eligibility age.

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

Raising the Medicare eligibility age would:
Leave nearly 300,000 seniors uninsured.
Increase costs to businesses by $4.5 billion.
Increase out-of-pocket health care costs for those aged 65 and 66 by $3.7 billion.
Increase costs to states by $700 million.
Cost millions of seniors age 65 and 66 an average of $2,200 more for health care.
Increase premiums for all other seniors enrolled in Medicare by about 3 percent, because the population enrolled in Medicare would be older and less healthy.

Mrs. BOXER. I want to say this rhetorically to Speaker BOEHNER, and I will quote Senator STABENOW, who is quite eloquent on this point. You have a three-legged stool here: You have reductions in spending, which we did in the debt ceiling argument of $1 trillion. It is done. You have cuts in the so-called entitlements of $700 billion, which was done under Obamacare—that is Medicare. The only thing we haven't taken care of is the third leg, which is revenues, and we are suggesting for that $1.7 trillion that we get $1 trillion in revenues.

There have been no revenues put on the table. The Republicans in the House are defending the billionaires, the millionaires—the Koch brothers and all the rest—from having to pay their fair share.

In closing, I would say the American people are very smart. I believe they understand this. They understand what it means to raise the age of Medicare, which we are not going to do. They understand what it means if we do not make sure they get that renewed tax cut. They understand what it means when they see millionaires and billionaires who not only have made even more millions and billions, but the disparity between the middle class and the millionaires and billionaires has grown wildly.

This last election was a lot about that. In this election that was not a side issue—that millionaires and billionaires aren't paying their fair share. It was not a side issue that we should have a budget issue that is fair. It is not a side issue.

It is very easy to resolve this. It is not a good idea for us to fall off that cliff. It is not a necessary thing. So I say to the Republicans, you want a tax cut for everyone, including billionaires. How about taking it for 98 percent of the people? I think that is a deal you should grab and leave Medicare alone. Let's do this now, and when we come back we can get a budget deal that is fair all around.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mr. ALEXANDER. Mr. President, while the Senator from California is still on the Senate floor, I want to thank her for her comments on the Senate rules.

I would agree this is something we should be able to talk amongst ourselves and work out. Some of us who have been here for a little while and watch the Senate know it is a unique institution. Fundamentally, most of us on both sides of the aisle know we are not functioning as effectively as we should. And there are only two things that need to happen: We need to get bills to the floor, and then we need to have amendments. Historically, it has been the responsibility of the majority to decide what comes to the floor, and historically the minority—whoever that happens to be—has an opportunity to have amendments.

Over the last 25 years, a couple of things have happened. One is the motion to proceed has been used to block bills coming to the floor. That happened rarely 25 years ago. But, on the other hand, something else happened over the last 25 years: a procedure called filling the tree—which is really a gag rule on amendments—was once rarely used but is now abused. During his tenure, Senator Bob Dole used the so-called filling the tree procedure, and used it seven times. Later, Senator Byrd used it three times when he was the majority leader. Senator Mitchell used it three times; Senator Lott, 11; Senator Daschle, only once, this gag rule; Senator Frist, 15. All those leaders used it 40 times. Our majority leader, Senator REID, has used it 68 times.

So we can all come up with statistics on both sides, but shouldn't we just resolve that what we would like to do is show the country we are grown-up, responsible adults; that we can sit down and say, yes, we can agree on ways to make sure that most bills come to the floor and Senators get to offer most of the amendments they want to offer on the bill? I think we can do that. I think there is a spirit on both sides of the aisle to do that, and I am working toward that goal and I know a number of Democrats and Republicans are doing that. I appreciate the spirit of the Senator's remarks on the rules.

The Senator from California also mentioned the fiscal cliff, and I would like to talk about that in two ways. I have a little different perspective.

The campaign is over. Congratulations to President Obama. He won it. He won the campaign. Isn't this an opportunity for the President to now shift gears, to become President of the United States—to do for the debt that we have, for the social safety net programs that are in jeopardy, to show the same kind of leadership on those issues that President Eisenhower did on the Korean war; that President Lincoln did on the Civil War; that President Reagan did working with Tip O'Neill as was mentioned on Social Security—that was a difficult thing to do back in the early 1980s—and President Clinton did on welfare reform.

Robert Merry, who wrote the biography of James K. Polk, said the other day: In the history of the United States every great crisis has been solved by Presidential leadership or not at all.

A number of us have made our suggestions about what to do about the fact that our debt is too big, we are spending money we don't have, and one way or the other we have to fix it. It is that simple. We shouldn't be borrowing 42 cents of every dollar we spend. So we have to fix it. And a number of us have said on the Republican side: We will hold our noses and do some things we normally wouldn't do.

If the President will come forward with a reasonable proposal on restraining entitlement spending, we will help

raise revenues and we will put the two together, and that makes a budget agreement that the new Foreign Minister of Australia described in this way: The United States of America is one budget agreement away from reasserting its global preeminence, one budget agreement away from stopping all talk in the Pacific area of America's decline, one budget agreement away from showing that we can govern ourselves.

So why don't we do that? Well, I was Governor of a State. That is a much smaller potatoes job—I know that—than being President. But if we needed better roads—which we did—and I waited around for the legislature to come up with a road program, we would still be driving on dirt roads. If I wanted to recruit the Japanese industry to Tennessee—which we did—and I waited around for the legislature to decide which country to go, we wouldn't have any of the auto jobs we now have. If we needed to reward outstanding teaching, and I waited around for the legislature to decide how to be the first State to pay more for teaching well, we wouldn't be doing it at all—which we are now leading the country in doing.

I am trying to say that the way our constitutional system works, at the smaller level in a State with the Governor, or at the national level with the President, the President sets the agenda.

Lyndon Johnson's press secretary, George Reedy, said: The President's job is, No. 1, to see an urgent need; No. 2, to develop a strategy to deal with the need; No. 3, persuade at least half the people he is right. Well, President Obama has done 1 and 3, but he hasn't done 2. We are all sitting around waiting for the President's proposal on what to do about fixing the debt. He has told us what he wants to do about taxes, but he has not yet said what to do about spending on runaway entitlement programs which we all know we have to fix. If he will do that, we will get a result.

We are not the President. We wanted to be. We tried to be. Some of us have even run for the office, but we are not. He is. It is a great privilege. He won the election. We congratulate him for that. So let's have the President's proposal. We need Presidential leadership on the question.

And it is not just an abstract matter of a budget agreement so that the Australian Foreign Minister is happy with the United States, his ally.

I know a lot of people in Tennessee—hundreds of thousands of them actually—who can't wait until they are 65 years old in order to get Medicare so they can be assured they can afford their health care bills. There are hundreds of thousands of people in our State for whom Social Security is their only or most of their income.

What do we say to them? Do we say to them that we are going to ignore the fact—let's just take Medicare—that they are not going to be able to depend on Medicare unless we take some steps to save it? I mean, we can all count. We know, from the Urban Institute, the average two-earner couple who retires this year will have paid about $122,000 into Medicare during their lifetime and are going to take $387,000 out, that simply can't continue. One way or another we have to make certain that the millions of Americans who are looking forward to Medicare can count on it when they become eligible for Medicare. We have the same responsibility with Social Security.

So I would hope the President would recognize there are a lot of us on both sides of the aisle who want to reach a budget agreement. We are waiting for his leadership. He is not sitting around a table as one Senator anymore. He is the President. He is the agenda setter. We need his proposal. Then we can react to it and then we can agree on it. He is not the Speaker. He is not the majority leader of the Senate or the minority leader. He is the President of the United States.

Just as President Eisenhower, President Reagan, President Lincoln, all of the Presidents who have led in resolving great crises, I hope President Obama will as well.

I want him to succeed in resolving this crisis, and the crisis includes not just raising taxes on rich people—I mean, of course, most people are in favor of raising taxes on the guy with the bigger house down the street. It includes finding a way to fix the debt.

I would make one other point on the fiscal cliff. I mentioned that I thought the campaign was over, but the President was in Michigan yesterday on what looked like a campaign event. It seems to me, that time would have been better spent here in Washington, D.C. working on the fiscal cliff, but he was in Michigan. By my way of thinking, he was doing two things: First, he was encouraging the people of Michigan to continue to deny working people the right to get or keep a job without having to pay union dues; and, second, to continue to perpetuate a system that will keep our auto industry from being able to compete in the world marketplace.

Michigan is on the verge of becoming the 24th right-to-work State in the United States. The state Senate and the House each passed separate bills in Michigan last week. They passed a final bill today, and I understand the Governor is about to consider whether to sign it. This is what it will do:

It will ensure that employees in Michigan do not have to pay union dues in order to get or keep a job.

The President said yesterday that Michigan legislators shouldn't be taking away the people's right to bargain for better wages or working conditions. But no one, in passing a right-to-work law, is taking away workers' rights. They're actually giving them a new right—the right not to have to pay union dues in order to get or keep a job. Workers have the right to collectively bargain. Federal laws have recognized that since the 1930s. But since 1947, the Federal Government has also said that States have the right to determine whether to a state may prohibit compulsory unionism. So if Michigan goes the way of the right-to-work law, 24 States have made that decision.

The President also said that these right-to-work laws ''have nothing to do with economics and everything to do with politics.'' I would respectfully disagree with that based upon my life's experience. Thirty years ago, Tennessee was the third poorest State. I was looking around for a way to increase family incomes and to attract new jobs. So I went off to Japan to recruit Nissan. We had virtually no auto jobs in Tennessee at the time. They took a look at a map of the United States at night with the lights on, showing that most of the people lived in the east. While most of the people lived in the east, the center of the market is where you wanted to be if you are making big heavy things, and the center of the market had moved toward the southeast. So Tennessee and Kentucky were more in the center of the market than Michigan or other states where autos had normally been manufactured. So Nissan looked aggressively at Tennessee, Kentucky, and Georgia. But then they looked at something else.

None of the States north of us had a right-to-work law. They had a very different labor environment. So Nissan came to Tennessee. They weren't the only ones. General Motors and the United Auto Workers partnership came to Tennessee with a Saturn plant. They still have an important General Motors plant there where the workers are members of the United Auto Workers, but it is in a right-to-work State. Over the last 30 years, there have probably been a dozen large assembly plants built in the Southeastern United States. There are about 1,000 suppliers in our State today.

What has been the effect of the arrival of the auto industry in Tennessee, attracted by, among other things, our right-to-work law? One-third of our manufacturing jobs today are auto-related jobs. And what has been the effect on the United States? It has maintained a competitive environment where those who want to sell cars in the United States can make them in the United States. Without that competitive environment, my guess is that most of those cars would be made in Mexico or some other place around the world.

If you don't believe me, read David Halberstam's work in 1986, a book called ''The Reckoning'' about the American auto industry. In Mr. Halberstam's words, the big three carmakers and the United Auto Workers, had enjoyed setting wages, setting prices, and ultimately became uncompetitive. They laughed at these little Datsuns that Nissan was selling on the

west coast and these little Beetles that Volkswagen was selling in the United States in the 1960s and 1970s. They ignored the warning of Mitt Romney's father, George Romney, the president of the American Motors Corporation, who said there is nothing more vulnerable than entrenched success. He said that in the 1960s. And what happened? The American automobile industry nearly collapsed.

I believe what saved the industry, as much as anything else, was the right-to-work laws and the existence of a competitive environment in the Southeastern United States, where workers could make cars efficiently, be paid well for their work, and make them here in the United States, instead of in Japan. What President Carter said to me when I was Governor of Tennessee was: Governors, go to Japan, persuade them to make in the United States what they want to sell in the United States. They did that and they did well. In fact, the Nissan plant has, for year in and year out, been the most efficient and successful auto plant in North America.

The right-to-work law has been about jobs and it has made a difference in Tennessee. I am not entirely sure why Michigan has had a difficult time with its economy lately, but perhaps not being a right-to-work state is one reason. Michigan's right to adopt this law has been an important part of our law in Tennessee. I have literally grown up with it. I remember, as a 7-year-old, Senator Taft arguing the Taft-Hartley Act, or at least I heard my parents talk about it. Section 14(b) of the Taft-Hartley Act gave States the right to say that workers in their State did not have to pay union dues to get or keep a job.

And I well remember Everett Dirksen's arguments on the Senate floor in the mid-1960s. President Johnson, at the behest of union leaders, wanted to repeal Section 14(b). Dirksen rose up against it. He said:

> It is the right of the State to do it if it so desires; if the Governor signs the bill, or if they override the Governor's veto. That should be their prerogative in a country where the States and those who represented the States in the Constitutional Convention in 1787 were safeguarded by that residual clause in the Constitution. The right of States to prohibit compulsory union membership has been challenged repeatedly by union officials. But that right has been upheld consistently by the judiciary, including the U.S. Supreme Court.

Finally, as a Tennessean, I could be upset that Indiana, and now it appears Michigan, has adopted right-to-work laws. That puts Tennessee at less of a competitive advantage. I believe in States rights. I believe States have the right to be wrong as well as the right to be right. With all these Midwestern States having the right to be wrong and not having right-to-work laws, we benefited enormously in our State by the arrival of the auto industries and other manufacturers.

But for our country to exist over the next 20 or 30 years in a very competitive world, where jobs can be anywhere, where things can be manufactured anywhere, we want at least those things that are going to be sold here to be made here. Having a right-to-work law which permits the UAW and General Motors to have a partnership at one plant in Tennessee and Nissan and Volkswagen to have a nonunion plant at another place in Tennessee, by vote of the employees, I submit, will make us a stronger, competitive country.

It has everything to do with economics, and I wish the President yesterday had spent his time on the fiscal cliff instead of going to Michigan and arguing in favor of denying workers their right get or keep a job without having to pay union dues, and denying efforts to keep our American automobile industry as competitive as it needs to be in the world marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

MEDICARE

Mr. SANDERS. Mr. President, it is no great secret that the Congress has a very low favorable rating. Many people shake their heads and they wonder why this institution is so dysfunctional. There are a lot of reasons for that, but I suggest one of the reasons has to do with a lot of hypocrisy that we see in both bodies of Congress. I will give one example.

As all of us know, during the recent Presidential campaign, Republicans attacked Democrats over and over for voting to cut Medicare as part of the Affordable Care Act. They ran a significant part of their campaign on saying: Democrats have cut Medicare. We Republicans are here to protect Medicare.

In fact, this is exactly what Mitt Romney said on August 15, 2012.

> My campaign has made it very clear: the President's cuts of $716 billion to Medicare, those cuts are going to be restored if I become President and PAUL RYAN becomes Vice President.

The reality is that what we did under the Affordable Care Act resulted in zero cuts to benefits. We tried to make the system more efficient. But be that as it may, the Republicans posed as great champions of Medicare against those terrible Democrats who wanted to cut it. Meanwhile, Democrats went to town, taking on the Ryan budget which did make devastating cuts to Medicare and, in fact, wanted to voucherize that program. So we have Republicans beating Democrats for ostensibly—not accurately—trying to cut Medicare, Democrats attacking Republicans for, in fact—accurately—wanting to cut Medicare, and where are we today?

If we read the newspapers we hear and we know as a fact that Mr. BOEHNER, the Republican Speaker, has proposed devastating cuts in Medicare—a month after the election where the Republicans said they were going to defend Medicare. They want to raise the Medicare eligibility age from 65 to 67. Frankly, I am concerned there may be some Democrats—not a whole lot, I hope none, but some Democrats—who may end up going along with that disastrous proposal. That is hypocrisy. Everybody during the campaign is saying the other guy wants to cut Medicare. The day after the campaign, our Republican friends are talking about devastating cuts and maybe some Democrats are prepared to support that.

Raising the Medicare eligibility age from 65 to 67 would be an unmitigated disaster. It would cut Medicare benefits by $162 billion over the next decade and would deny Medicare to over 5 million Americans who are 65 or 66 years old.

The American people, when asked how do you feel: We are looking at deficit reduction. Do you think it is a good idea to raise the Medicare age? The American people overwhelmingly say, no, that is a dumb idea, don't do it.

According to a November 28, 2012, ABC News Washington Post poll, 67 percent of the American people are opposed to raising the Medicare eligibility age, including 71 percent of Democrats and, I suggest to my Republican friends, 68 percent of Republicans, 62 percent of Independents.

While there may be division in the Senate or House, there is no division among the American people. They think it is a dumb idea and the American people are right. They are right for very obvious reasons.

Think about some woman who is 66 years of age, not feeling well. She goes into the doctor's office and she is diagnosed with a serious health care problem. There is no Medicare there for her. What does she do? She goes over to a private insurance company. What do you think the private insurance company is going to charge this person who is already ill? An outrageous rate she cannot afford. What happens to this senior, that person who is 65 or 66? Do they die? Do they go bankrupt? Do they go to their kids who do not have the money to help them stay alive? It is a disastrous idea.

Raising the Medicare eligibility age from 65 to 67 would leave at least 435,000 seniors uninsured every year. Imagine being 66 and not having health insurance. Easy for folks around here in the Congress to laugh. Easy for wealthy people to laugh about it. It isn't so funny when you are living on $15,000 or $20,000 a year and have no health insurance. It would increase costs to businesses by $4.5 billion. It would, of course, increase out-of-pocket costs for seniors; the estimate is about $3.7 billion.

For the individual senior, the estimate is that for two-thirds of seniors age 65 to 66, they would pay an average of $2,200 more for health care. They are trying to live on $20,000, $25,000, $30,000 a year. Suddenly they are hit, on average—could be more, could be less—$2,200 a year. On it goes.

It would increase premiums by about 3 percent for those enrolled in the

health care exchanges created by the Affordable Care Act because many 65- and 66-year-olds would be enrolled in the exchanges instead of Medicare. It would save the Federal Government $5.7 billion in 2014, but it would cost seniors, businesses and State and local governments $11.4 billion—double that, double what the Federal Government would save.

I hope all those folks who, before the election—Republicans and Democrats—were running around the country and in their own States saying: We are for the middle class; we are going to protect Medicare—I hope they go back and read their preelection speeches and stick to what they said before the election.

That is one of the issues out there in terms of the so-called fiscal cliff or deficit reduction. Let me talk about another insidious one, in terms of raising the age of 65 to 67 on Medicare. That is a disaster, but it is pretty clear, everybody understands what it is about. There is now an underhanded way, an insidious way that some people are talking about doing deficit reduction, the so-called chained CPI, which nobody outside Washington, DC, has a clue as to what it is about.

What it would do is change the formulation in terms of how we determined COLAs for seniors, disabled vets, and others. The bottom line is, in my view and the view of many economists, we underestimate the inflationary cost of what seniors are spending because a lot of their spending goes into prescription drugs, health care, and that has gone up faster than general inflation. What the chained CPI says is: Oh, no. What we have now is too generous and we have to cut back. We have to make the COLA skimpier.

This is exactly what a chained CPI would do for people on Social Security. What it says is that somebody who was age 65 would see their benefits cut by $560 a year when they turn 75 and $1,000 a year when they turn 85. Again, I know we have CEOs from Wall Street who have huge salaries, who receive huge bonuses, who have the best care available in the world, they have great retirement programs—these guys who were bailed out by the working families of America when their greed nearly destroyed the financial system of the world—they are now coming to Capitol Hill and they are saying we have to cut Social Security and we have to cut Medicare and we have to cut Medicaid.

For those guys, when we talk about $560 a year for somebody who is 75, that is not a lot of money and $1 thousand when you are 85—what is a thousand bucks? Let me tell you, $1,000 is a lot of money when you are trying to survive on $18,000 or $20,000 a year. We must not allow that to take place.

There is something many people do not know; that is, the chained CPI would go beyond cutting benefits for seniors on Social Security. It would take a real devastating whack at disabled veterans. What about that? I want my Republican friends or any Democrats who support that to come to the floor of the Senate and tell the American people that when we send young men and women over to Afghanistan and Iraq and they got their arms blown off, they got their legs blown off, and we are now going to balance the budget on their backs by cutting benefits for disabled veterans—come to the floor of the Senate and tell the American people they support a chained CPI which would do exactly that.

We have some folks here saying, yes, people are making billions of dollars, we don't want to cut their taxes. But, yes, we will cut benefits for disabled vets who lost their arms and legs in Afghanistan. That is an obscenity and I hope very much we do not go in that direction.

When we talk about deficit reduction, we have to deal with it. It is a serious problem. There is a lot of discussion about the need to deal with $4 trillion over a 10-year period, and I support that. Let's talk about a way we can go forward without balancing the budget on the backs of the elderly, disabled vets, working families.

First of all, we have to understand and acknowledge that in the deficit reduction debates of 2010 and 2011, the Republicans won, basically, those negotiations. We have to be honest about that. Republicans acknowledge that. Some Democrats do. Republicans are tougher than Democrats, Democrats cave, Republicans stand tall.

We have to understand, despite the fact we have a growing inequality in this country, rich getting richer, middle class shrinking, after all the discussions about deficit reduction, the wealthiest people in this country have yet to pay one nickel more in taxes. But because the Democrats are not quite as tough as the Republicans, what has happened is that we have cut, in those two negotiations, $1.1 trillion in spending already. So if we are talking about a $4 trillion bill, understand that we have already cut $1.1 trillion, which leaves $2.9 trillion to be dealt with. I think the President is right, and I simply hope this time he sticks to his guns and does what he says.

What I am suggesting is that there are ways to do deficit reduction that are fair. The first point, in terms of $4 trillion over a 10-year period, we have already cut over $1 trillion in terms of spending—$1.1 trillion. No. 2, I think the President is right in suggesting we have to ask for significant revenue from the wealthiest people in this country—the top 2 percent—without asking for any tax increases for the bottom 98 percent. That would add $1.6 trillion in revenue, bringing us somewhere around $2.7 trillion, so we have a $1.3 trillion problem. Over a 10-year period, that is not a difficult problem to solve.

Let me throw out a few ideas, and I am sure other people have equally good ideas.

Before we cut Social Security, Medicare, and Medicaid, we might want to address the reality that this country is losing about $100 billion every single year from corporations and wealthy people who are stashing their money in the Cayman Islands, Bermuda, and other tax havens, and $100 billion is a heck of a lot of money.

At a time when gas and oil prices have soared recently, when we know major oil companies have in recent years paid nothing, in some cases—despite being enormously profitable—in Federal taxes, we can and must end tax breaks and subsidies for oil, gas, and coal companies.

This country is now spending almost as much as the rest of the world combined in terms of defense. Our friends and allies in Europe provide health care for all their people. In many of these countries, college education is free. We are spending twice as much as part of our GDP as they spend on defense. I think it is time to take a hard look at defense spending, and I think we can make cuts there which will still leave us with the kind of military we need to defend ourselves.

Instead of raising the Medicare eligibility age from 65 to 67, instead of cutting benefits, we can make Medicare and Medicaid more efficient. I believe we can save at least $200 billion over a 10-year period by eliminating waste, fraud, and abuse and lowering prescription drug costs for seniors. For example, the Medicare Part D prescription drug program prohibited Medicare from negotiating with the pharmaceutical companies for lower drug prices. The VA negotiates, and other government agencies negotiate. Medicare should be able to do that.

Fortunately, the war in Iraq is over. We are about to wind down in Afghanistan, and there are savings there.

So before I give the mic over to my colleague from Vermont, I wish to conclude by saying, yes, we go forward on deficit reduction, but there are ways to do it. At a time of growing wealth and income inequality in America, we can move forward and make significant reductions in our national debt, in our deficit, without doing it on the backs of the elderly, the children, the sick, and the poor.

Madam President, I ask unanimous consent that an article from the Washington Post on the subject of increasing the age for Medicare eligibility be printed in the RECORD.

[From the Washington Post, Dec. 11, 2012]

RAISING MEDICARE AGE COULD LEAVE HUNDREDS OF THOUSANDS UNINSURED

(By Greg Sargent)

It looks increasingly possible that lawmakers will reach a fiscal cliff deal that includes a hike in the Medicare eligibility age—a concession to those on the right who seem determined to see very deep entitlement cuts, even if they take benefits away from vulnerable seniors. One argument for raising the eligibility age is that seniors who lose benefits can get insurance through Medicaid or the Obamacare exchanges.

But a new report to be released later today undercuts that argument—and finds that up to half a million seniors could lose insurance if the eligibility age is raised.

The report, by the Center for American Progress, points out a key fact that's been mostly missing from the debate: The hope of getting seniors who lose Medicare insured through Obamacare could be seriously compromised by the Supreme Court decision allowing states to opt out of the Medicaid expansion. This would inflate the number of seniors who could be left without insurance, because many would fall into the category of lower-income senior that would be expected to gain access to Medicaid through its expansion. (Jonathan Cohn has written about this extensively.)

Here's how CAP reached its conclusion. The nonpartisan Congressional Budget Office recently concluded that a rise in the eligibility age could mean as many as 270,000 seniors are left uninsured in 2021. But that's assuming Obamacare is fully implemented in all states. The CAP report points out that 10 states have publicly declared they will opt out of the Medicaid expansion, and more are undecided.

The CAP study then totaled up how many seniors below the poverty line live in states that may opt out of the Medicaid expansion, using 2011 data. The total: Over 164,000. This table shows how many of these seniors live in each of these states:

Add these to the aforementioned 270,000 seniors, and you get a total of approximately 435,000 seniors who could be left without insurance annually by 2021. And this is a conservative estimate—it's based on 2011 data, and the population of seniors will grow significantly over the next decade.

Now, it's very possible that many of these states will ultimately drop their bluster and implement the Medicare expansion. But Republican state lawmakers are also stalling in setting up the exchanges and resisting the law in other ways. With Obamacare implementation up in the air, it may be too risky to raise the eligibility age and hope Obamacare can pick up the slack.

''With opponents of the health care law still working to block it at every turn, many more seniors would become uninsured because they would have nowhere else to turn,'' CAP's president, Neera Tanden, tells me. ''As a result this misguided proposal would undermine the promise of affordable health care for all.''

On top of this, the report finds, raising the eligibility age could also undermine a key goal of Obamacare by inflating medical costs and health care spending, for a range of reasons: Cost shifting, tampering with the health and age levels in insurance pools, and an increased reliance on private insurance, which isn't as good as Medicare at controlling costs.

In my view, the speculation that Dems will ultimately agree to raising the eligibility age has been a bit overheated—it's not clear this is definitely on the table. But it's certainly possible. After all, some on the right seem determined not to accept any entitlement reform as ''real'' unless vulnerable beneficiaries are harmed, and Obama and many Dems prefer a deal to going over the cliff. So anyone who doesn't want to see this happen should be making noise about it right about now. And there are a range of alternative ways to cut Medicare spending without harming beneficiaries.

I'll bring you a link to the report when it's available.

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Vermont.

Mr. LEAHY. Madam President, I applaud my colleague from Vermont for what he has said. I think he expresses the feelings of so many Vermonters across the political spectrum, so I thank him for doing that.

## EXECUTIVE SESSION

## NOMINATION OF JOHN E. DOWDELL TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

## NOMINATION OF JESUS G. BERNAL TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, and Jesus G. Bernal, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. There will now be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Madam President, I want to begin by recognizing a significant achievement by the senior Senator from Iowa, our ranking Republican on the Judiciary Committee. Today Senator GRASSLEY has served for 31 years, 11 months, and 6 days as a member of our Committee. His tenure now exceeds that of our friend, former chairman, longtime member, and current Vice President, JOE BIDEN. Senator GRASSLEY is now the sixth longest-serving member in the history of the Senate Judiciary Committee. Senator GRASSLEY and I know how the Committee should operate in its best traditions. I will continue to work with him to achieve all we can for the American people.

Today, the Senate will finally be allowed to vote on the nominations of Jesus Bernal to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California and John Dowdell to fill a vacancy on the U.S. District Court for the Northern District of Oklahoma. Both of these nominees were voted out of the Judiciary Committee by voice vote before the August recess and should have been confirmed months ago. These confirmations today will demonstrate that there was no good reason for the delay—just more partisan delay for delay's sake. This unnecessary obstruction is particularly egregious in connection with Jesus Bernal's nomination because it perpetuated a judicial emergency vacancy since the middle of July for no good reason and to the detriment of the people of Los Angeles and the Central District of California.

Also disconcerting is the Senate Republicans' continuing filibuster against another Oklahoma nominee. Although he had had the support of his two Republican home State Senators, Senate Republicans filibustered in July the nomination of Robert Bacharach of Oklahoma to a judgeship on the Tenth Circuit. Senate Republicans continue to object to voting on this nomination and are apparently intent on stopping his confirmation for the remainder of the year. This, despite the reassuring comments made by Republican Senators when they joined the filibuster in September and excused their participation by saying that after the election he would receive Senate action. With the American people's reelection of President Obama there is no good purpose to be served by this further delay. But Robert Bacharach and nearly a dozen judicial nominees, who could be confirmed and who would fill four circuit court vacancies and five additional judicial emergency vacancies, are being forced to wait until next year—or perhaps forever—by the Senate Republican leadership. Among those nominations is that of William Orrick III to fill another judicial emergency vacancy in the Northern District of California and that of Brian Davis to fill a judicial emergency vacancy in the Middle District of Florida.

A perceptive and long-time observer of these matters is Professor Carl Tobias. I ask that a copy of his recent article entitled ''Obama, Senate Must Fill Judicial Vacancies'' from The Miami Herald be included in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

Mr. LEAHY. He recently wrote how these vacancies on our Federal trial courts ''erode speedy, economical and fair case resolution.'' He correctly points out that this President, unlike his predecessor, ''assiduously'' consults with home State Senators from both parties. Senate Republicans nonetheless stall confirmations virtually across the board. For example, they are filibustering the Bacharach nomination from Oklahoma and the Kayatta nomination from Maine, despite the support of Republican home state Senators.

Professor Tobias observes that the judicial nominees of President Obama are ''noncontroversial . . . of balanced temperament, who are intelligent, ethical, industrious, independent and diverse vis a vis ethnicity, gender and ideology.'' None of these characteristics or their outstanding qualifications matter to Senate Republicans intent on obstruction. The explanations that Republicans offer for their unprecedented stalling of nominees with bipartisan support, indicate that Republicans are fixated on a warped sense of partisan payback. They recognize none of the distinctions with the circumstances in 2004 when President Bush was seeking to pack the Federal courts with conservative activist ideologues and Senate Republicans ran roughshod over Senate practices and traditions. They ignore the history since 2004, the resolution of the impasse by recognition of a standard limiting filibusters only to situations of

''exceptional circumstances,'' or the marked difference in the role they have been accorded by President Obama and me in connection with his judicial nominations from their home States.

After this vote, the Senate remains backlogged with 18 judicial nominations reported by the Judiciary Committee, including 13 nominations from before the August recess. They should be confirmed before the Senate adjourns for the year. If the Senate were allowed to act in the best interests of the American people, it would vote to confirm these nominees and reduce the judicial vacancies that are plaguing our Federal courts and that delay justice for the American people. Sadly, it appears that Senate Republicans will persist in the bad practices they have followed since President Obama was elected and insist on stalling nearly a dozen judicial nominees who could and should be confirmed before the Senate adjourns this month.

By this point in President Bush's first term we had reduced judicial vacancies to 28. In stark contrast, there are still close to 80 judicial vacancies today. If the Senate were allowed to confirm the 20 judicial nominations currently pending, we could take a significant step forward by filling more than one-quarter of current vacancies and could reduce vacancies around the country below 60 for the first time since President Obama took office. Even that would be twice as many vacancies as existed toward the end of President Bush's first term.

That so many judicial nominations have been delayed by Senate Republicans into this lameduck session need not prevent the Senate from doing what is right for the American people. Those who contend that it would be ''unprecedented'' to confirm long-stalled nominations in this lameduck session are wrong. The fact is that from 1980 until this year, when a lameduck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. That is the precedent that Senate Republicans are breaking. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lameduck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including three circuit court nominees, in the lameduck session after the elections in 2002. I remember I was the chairman of the Judiciary Committee who moved forward with those votes, including one on a very controversial circuit court nominee. The Senate proceeded to confirm judicial nominees in lameduck sessions after the elections in 2004 and 2006. In 2006 that included confirming another circuit court nominee. We proceeded to confirm 19 judicial nominees in the lameduck session after the elections in 2010, including five circuit court nominees.

That is our history and recent precedent. Those who contend that judicial confirmation votes during lameduck sessions do not take place are wrong. I have urged the Senate Republican leadership to reassess its damaging tactics, but apparently in vain. Their new precedent is bad for the Senate, the Federal courts and, most importantly, for the American people.

Further, their partisan spin on the past does nothing to help fill long-standing vacancies on our Federal courts, which are in dire need of additional assistance. Arguments about past Senate practice do not help the American people obtain justice. There are no good reasons to hold up the judicial nominations currently being stalled on the Senate Executive Calendar. A wrongheaded desire for partisan payback for some imagined offense from years ago is no good reason. A continuing effort to gum up the workings of the Senate and to delay Senate action on additional judicial nominees next year is no good reason.

It is past time for votes on the four circuit nominees and the other 14 district court nominees reported by the Senate Judiciary Committee. When we have consensus nominees before us who can fill judicial vacancies, especially judicial emergency vacancies, the Senate should be taking action on these nominations to help the American people. Doing so is consistent with Senate precedent, and it is right. Let us do our jobs so that all Americans can have access to justice.

John Dowdell is nominated to serve on the U.S. District Court for the Northern District of Oklahoma. He is currently a shareholder and director at the Tulsa law firm of Norman Wohlgemuth Chandler & Dowdell, where he has worked for nearly 30 years. After law school he served as a law clerk to Judge William J. Holloway, Jr. on the United States Court of Appeals for the Tenth Circuit. His nomination was reported nearly unanimously by the Judiciary Committee last June.

Jesus Bernal is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Central District of California. Since 1996 he has served as a Deputy Federal Public Defender and is currently the Directing Attorney in the Riverside Branch Office. After graduating from law school he served as a law clerk to Judge David V. Kenyon of the U.S. District Court for the Central District of California. His nomination was reported by voice vote by the Senate Judiciary Committee last July.

Today, we are finally being allowed to vote on two consensus nominees who were stalled for months for no good reason.

EXHIBIT 1

[From the Miami Herald, Dec. 10, 2012]

OBAMA, SENATE MUST FILL JUDICIAL VACANCIES

(By Carl Tobias)

Now that President Obama has been reelected and Democrats have retained a Senate majority, he must swiftly nominate, and the upper chamber expeditiously approve, judicial nominees, especially for the four Florida vacancies, so that the courts can deliver justice.

On Thursday, senators confirmed 94–0 Circuit Judge Mark Walker for the Northern District of Florida. However, the Judiciary Committee delayed action on Circuit Judge Brian Davis for the Middle District three times until the June 21 meeting when the panel reported Davis 10–7. The committee also only held a September hearing for Magistrate Judge Sherri Polster Chappell, whom President Barack Obama nominated to the Middle District in June and finally approved her on Thursday.

Moreover, the bench experiences 64 vacancies in the 679 district judgeships. These openings erode speedy, economical and fair case resolution.

Observers criticized Obama for nominating too slowly in 2009, but he has since picked up the pace. The chief executive assiduously consulted Republican and Democratic senators from states where vacancies occurred before nominations. He has suggested noncontroversial nominees of balanced temperament, who are intelligent, ethical, industrious, independent and diverse vis-à-vis ethnicity, gender and ideology.

Senator Patrick Leahy, the Vermont Democrat who chairs the Judiciary Committee, has rapidly set hearings and votes, sending nominees to the floor where many have languished. For instance, the Senate recessed September 22 without considering 19 excellent nominees; most enjoyed strong committee votes.

Republicans should cooperate better. The major problem has been the Senate floor. Sen. Mitch McConnell of Kentucky, the Republican Minority Leader, has rarely agreed to ballots, invoking unanimous consent, which allows one senator to halt votes. Especially troubling has been Republican refusal to vote on qualified consensus nominees, inaction that contravenes Senate custom. When senators have cast ballots, they overwhelmingly confirmed most nominees.

The 64 district vacancies are crucial. The Middle and Southern District each experience two. Obama has nominated 33 highly competent prospects nationwide. The President nominated Judge Davis and Judge Walker during February and Judge Chappell in June. Obama must quickly propose candidates for the 31 openings without nominees. Senators approved Judge Walker because he is well qualified. The chamber failed to consider the other similarly qualified Florida nominee, Judge Davis, before recessing in September but must vote on him in the lame duck session that began November 13. The committee reported Judge Davis in June 10–7 with Senator Lindsey Graham, R–S.C., not voting. Senator John Cornyn, R–Texas, voted against. He ''had a concern about some intemperate language that dates back to 1995 in what otherwise appears to be an unblemished record'' and would ''keep an open mind.''

Judge Davis was held over thrice at the request of Senator Charles Grassley, R–Iowa, the ranking member, who appeared concerned about Davis' answers in the May hearing and to later written questions. On June 21, Grassley voiced concern about Davis' perspectives respecting a few issues, particularly implicating race, and voted No.

Now that the committee has reported Judge Chappell, the Senate must quickly consider her, while the chamber should expeditiously process Circuit Judge William Thomas, whom Obama nominated for one Southern District vacancy November 14.

The administration should keep closely conferring with Florida Senators Bill Nelson and Marco Rubio, who expressed strong support for Walker, Davis, Chappell and Thomas, and soon propose a fine nominee for the Southern District opening created November 16 when Judge Patricia Seitz assumed senior status. The Senate, for its part, must speedily process that nominee.

The 64 vacancies undermine the delivery of justice. Accordingly, President Obama must swiftly nominate, and senators promptly approve, numerous excellent judges now that senators have reconvened for their lame duck session.

Mrs. BOXER. Madam President, I am very excited and rise in strong support of Jesus Bernal's nomination to be U.S. District Judge for the Central District of California. He is going to make an amazing judge.

He is the oldest son of two humble factory workers, Gilberto and Martha, who aspired for their sons and daughters to attend college.

As the daughter of a mom who never even graduated from high school because she had to go out and work to provide for her ailing dad, I can say that you know any parents who give up so much for their kids have the heart and you know their sons and daughters will have the heart and will make sure—whether they wind up here or teaching in a school or whatever their profession is, or being on the bench—they will work for justice for all.

Gilberto and Martha would tell young Jesus and his siblings: ''You study, we work.'' Those are the kinds of parents he came from. Their aspirations were realized. All five of their children attended college, and today, I believe, Mr. Bernal will be confirmed as a federal district court judge. What a country we live in.

When confirmed, Mr. Bernal will be the only Latino district court judge serving the central district's eastern division, which includes my home county of Riverside and San Bernardino County as well. What a tremendous honor for his family.

Mr. Bernal graduated from Yale with honors, and then Stanford Law School. After law school, he clerked for Judge David Kenyon on the same court to which he has been nominated. What an amazing thing: The clerk becomes the judge.

He began his career as an associate at Heller Ehrman, where he worked on complex commercial litigation cases. In 1996, he joined the L.A. office of the federal public defender for the central district and represented indigent defendants in federal court.

In 2006, he became the directing attorney for the Riverside branch office where he supervises a team of attorneys, investigators, paralegals, and administrative staff. He served on the board of directors for the Federal Bar Association, Inland Empire Chapter, since 2006, and he has dedicated time to working with at-risk youth.

Confirming a judge to the central district's eastern division comes not a moment too soon. Riverside County has 23 percent of the central district's population. But out of the 25 active judges, there is only 1 active judge sitting in Riverside. The people of Riverside need another judge. I am proud it will be Jesus Bernal, a highly respected member of that community.

I want to thank the Senate Judiciary Committee, for this amazing support. And I want to thank President Obama for moving this recommendation forward.

I also hope that before the Senate adjourns this year we approve four other California nominees who are awaiting confirmation: Fernando Olguin, Jon Tigar, Bill Orrick, and Troy Nunley. All are nominated to serve on courts that are considered judicial emergencies.

Mrs. FEINSTEIN. Madam President, I rise to express my strong support for the nomination of Jesus Bernal to be a U.S. District Judge for the Central District of California.

Born in Mexico, Mr. Bernal is 49 years old. He earned his Bachelor's Degree cum laude from Yale University in 1986 and his law degree from Stanford Law School in 1989. He became a U.S. citizen in 1987.

Following law school, Mr. Bernal spent 2 years as a law clerk for the Honorable David V. Kenyon on the same court to which he is nominated today, the U.S. District Court for the Central District of California.

Mr. Bernal began his career in private practice, working as an associate at the law firm of Heller, Ehrman, White, & McAuliffe in Los Angeles from 1991 through 1996. Mr. Bernal practiced complex civil litigation, representing corporate clients in business disputes.

Since 1996, Mr. Bernal has worked as a Deputy Federal Public Defender in the Central District of California, where he has personally represented hundreds of indigent criminal defendants and overseen hundreds of other representations.

Mr. Bernal has appeared hundreds of times in court. He represents defendants through each phase of their cases—in hearings and plea negotiations, and at trial, sentencing, and on appeal.

Since 2006, Mr. Bernal has been a leader in the Federal Public Defender's Office, experience that will help him manage his courtroom. He is the Directing Attorney of the Riverside Branch Office, a role in which Mr. Bernal supervises trial attorneys, investigators, and other personnel, in addition to carrying his own caseload.

He also serves as chairman of the Ethics Committee for the Federal Public Defender's Office for the whole Central District, which is the largest Federal Public Defender organization in the Nation. In this capacity, Mr. Bernal works to resolve ethical issues and to provide ethical guidance for the 240 employees who work for the Federal Public Defender in the Central District.

Mr. Bernal has over 20 years of legal practice, including 5 years in complex civil litigation and 15 years in Federal criminal defense. He also has extensive practical experience supervising other attorneys. In short, he is well-prepared to serve on the District Court.

The seat Mr. Bernal will fill has been vacant since former District Judge Stephen Larson stepped down from the bench in 2009.

Judge Larson sat in the Eastern Division of the Court, which hears cases in Riverside and covers the counties of San Bernardino and Riverside, the 11th and 12th most populated counties in the Nation.

The Central District is very busy. It has a caseload that is nearly 30 percent above the national average, and the sixth-highest civil caseload in the Nation.

The Eastern Division of the Central District is even more critically overloaded. It has only a single district judge. Yet it encompasses 2,000 annual civil filings and 4.2 million people roughly the population of the entire commonwealth of Kentucky, which has nine active district judges and seven senior judges to handle its workload.

In short, filling this particular seat is very important and will bring needed judicial resources to the Federal bench in Riverside.

I also want to urge the confirmations of other judicial nominees from my home State.

Including Mr. Bernal, 5 of the 15 district court nominees on the Executive Calendar are from California. The other nominees are:

Magistrate Judge Fernando Olguin, a nominee to the Central District whom I recommended to the President;

Superior Court Judge Jon Tigar and Bill Orrick, nominees to the Northern District recommended by Senator BOXER; and

Superior Court Judge Troy Nunley, a nominee to the Eastern District whom I recommended to the President.

All four were approved by bipartisan votes in the Judiciary Committee, three of them by voice vote.

Each of these districts is in a judicial emergency according to the Judicial Conference of the United States.

The Central District's caseload is over 30 percent above the national average. The Northern District's caseload is over 20 percent above the national average. It now takes over 50 percent longer for a case to go to trial than it did a year ago in the Northern District, which hears some of our county's most complex technology cases.

The Eastern District is the most overworked district in the Nation by far. With over 1,100 weighted filings per judgeship, its caseload is over twice the national average.

Simply put, my State more than any other urgently needs us to take prompt action on judicial nominees.

So, I urge my colleagues to support the nomination of Jesus Bernal, and to support confirming the four other distinguished California nominees pending on the Executive Calendar this year.

Mr. LEAHY. Madam President, I ask unanimous consent to proceed as in morning business.

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

THE FARM BILL

Mr. LEAHY. Madam President, no matter what calendar one goes by, we are nearing the end of this Congress. We have only a few short weeks to end the stalemate and pass a farm bill. For months, House leaders have blocked a vote on a bipartisan farm bill. We passed in this body, across the political spectrum—Republicans and Democrats alike—a bill that saved tens of billions of dollars. However, the Republican leadership in the House of Representatives will not allow it to come to a vote. Much is at stake—from rural communities to farmers who need the certainty that a farm bill extension would mean. I have said a lot of times on this floor that farming cannot be put on hold. We can't tell a farmer: Well, hold those crops for a couple of months while we wait to see what we are doing. Don't milk those cows for a few months until we figure out whether the Congress will get its act together on a farm bill. It doesn't work that way. Farmers already cope with innumerable variables in running their businesses. The last thing they need is for Congress to needlessly compound the uncertainty through weeks of delay and obstruction.

The Senate has passed a bipartisan bill under the leadership of the chair of our committee, Senator STABENOW. We passed a bipartisan bill that renews the charter for basic agriculture, nutrition, and conservation programs, while saving taxpayers $23 billion. What I have been told privately is that if the House leaders would permit a vote, this bill would pass in the House. Just as Republicans and Democrats came together in this body, they would in the other body. Passing it would end this corrosive stalemate, while contributing billions of dollars to deficit reduction. Unfortunately, it appears the nutrition programs that help millions of our most vulnerable fellow Americans are the latest excuse for preventing a House vote to get the farm bill done. In this, the wealthiest, most powerful Nation on Earth, some are saying they will hold this up because we have hungry people who need the support our nutrition programs provide.

With so many Americans still struggling to put food on the table, it is not only regrettable, but more than that, it is inexcusable that some House Republicans have turned to slashing central nutrition help for struggling Americans as a means to prevent action on the farm bill. Ensuring that these programs can continue to serve Vermonters and all Americans, especially those in need, is a key part of enacting a strong farm bill for this economy. It is a reality recognized by the Senate-passed farm bill. Unfortunately, consideration of the farm bill is not the first time this Congress has been forced to debate legislation that will greatly reduce the ability of the neediest among us to put food on the table for their families. Bills and amendments have been proposed that would cut tens of billions of dollars from the food stamp program, eliminating nutrition assistance for millions of Americans and denying hundreds of thousands of American children school meals. I am proud that time and again during this Congress the Senate has defeated such proposals. I will continue to help fight back against such attacks.

The bipartisan Senate-passed farm bill makes an investment in American agriculture that benefits our producers, our dairy farmers, our rural communities, our Main Street businesses, our taxpayers, and our consumers. Now it is being held hostage by House Republicans who are demanding Draconian cuts in food assistance programs just as we are coming out of the worst recession in generations. They are preventing final action on a bill that touches every community and millions of our fellow citizens across the Nation. It is ironic that during this holiday season, opponents of nutrition programs that help the poor are insisting on making it drastically more difficult, or impossible, for these families and their children to simply eat.

No Member of the Senate, no Member of the House of Representatives goes hungry except by choice. None of us do. We don't know what that is like. We don't go home and look at our children and say: We can't feed you tonight; hold on for another day. I know you are hungry. I know you are crying. I know you can't sleep. But we can't feed you today. None of us face that. But I can tell my colleagues that there are people in every single State we represent where that is their reality.

Those advocating for these drastic cuts couldn't have chosen a worse time. As winter approaches, Vermonters and others across the country are going to find the demands for paying for heat, electricity, and food a large strain on their family's budget. All this is before we even take into account those areas where they are recovering from such terrible natural disasters and those communities who probably face disasters in the future. I know there are Vermonters, as there are so many other Americans, who struggle every day to make ends meet and are forced to make tough decisions about whether to pay for rent or heat or medications or food. We are talking about essentials.

The Presiding Officer and I represent two of the most beautiful States in this country, but we also know that both our States can get very cold in the wintertime. When it is 5 and 10 below zero, heat is not a luxury and food shouldn't be a luxury. When it is 5 below zero, the choice should not be, can we heat or can we eat? This in America? That is wrong.

While the economy continues to recover, and we hope it will, we still have many Americans who rely on basic assistance to get by each month. Thankfully, the Supplemental Nutrition Assistance Program, or SNAP, has helped fill the gap. It offers the most comprehensive assistance available to the poorest Americans.

No one can deny the effects of hunger on Americans, especially children. Children who live in food insecure homes are at a greater risk of developmental delays, poor academic performance, nutrient deficiencies, obesity, and depression. Yet participation in food assistance programs turns these statistics on their head. Federal nutrition programs have been shown to lessen the risk that a child will develop health problems, and they are associated with decreases in the incidence of child abuse. Children from families who receive SNAP have higher achievement in math and reading. They have improved behavior, social interactions, and diet quality than children who go without this nutrition help.

It is unfortunate that during this fall's campaign, we saw candidates who were intent on spreading misconceptions about a program that lifts millions of Americans above the poverty line each year. The contention that SNAP beneficiaries are largely out-of-work Americans is far from accurate. Two-thirds of the beneficiaries are children, the disabled, or the elderly who cannot be expected to work. The remaining participants are subjected to rigorous work requirements in order to receive continuing benefits. And while SNAP offers crucial support to a family's grocery expenses, the benefits far from cover all of a family's food needs. With a benefit average of $1.25 per person, per meal, it is understandable that families typically fall short on benefits by the middle of the month.

Vermont has done a remarkable job at urging Vermonters to register for our SNAP program. We call it 3Squares. But the unfortunate reality is that thousands of Vermonters continue to go without food they could receive. I hear from Vermont families who participate in 3Squares about the importance of Federal food assistance. Parents have told me they ignore their own hunger to ensure their kids are fed, but they don't know how they can cope if benefits are cut further. Kathy, a mother from Barre, VT, where my father was born, says her child has come to her crying, wondering whether they will have enough money for food. Others have noted that expenses for necessities, such as heating and rent, are fixed costs. When Three Squares benefits run out, skipping breakfast or lunch is the only way to scrape by.

Unfortunately, both the Senate bill and the committee-passed farm bill in

the House include cuts to the nutrition assistance. Nonetheless, the Senate bill takes a more sensible approach. Of the $23 billion in deficit reduction included in our bill, $4.5 billion comes from nutrition programs, nearly four times less than the House Agriculture Committee bill. I do not support the cuts in the Senate bill, and I supported an amendment during the Floor debate to restore this funding to SNAP, so that families across the country would not lose an average of $90 per month in benefits. But the cuts in the Senate bill represent a concession from our Chair, and ultimately the Senate farm bill passed the Senate on a bipartisan vote, including mine, as it always has.

This concession is not enough for many House Republicans. The $16 billion reduction in nutrition programs they wish to see in a farm bill would devastate nutrition programs nationwide. Millions in every State in this country would be left without means to purchase food. These drastic reductions would result in the elimination of food assistance for an estimated 2 to 3 million people, and 280,000 children would lose eligibility for free school meals. This is shameful.

The budget choices we make in Congress reflect who we are as Americans. The American people want budget decisions that are fair and sensible. Americans do not want their friends, neighbors, or family members struggling to feed themselves or their children. Proposed cuts to food assistance programs will mean more hungry families in America. I have spent nearly 38 years in the Senate fighting hunger and I will continue to oppose efforts in the farm bill to further roll back hunger assistance programs that help our neediest fellow Americans. In a nation that spends billions on wasted diet fads, I would like to see us spend some money to feed the hungry in the most powerful Nation on Earth.

Madam President, I see my good friend from Oklahoma on the floor, and I know he wishes to speak on behalf of his nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me thank the chairman of the Judiciary Committee for allowing me to say something about our vote that is coming up.

Mr. Dowdell has been nominated to a vacancy on the U.S. District Court for the Northern District of Oklahoma, which sits in my hometown of Tulsa. In fact, he is a neighbor of mine in Tulsa.

After graduating from the University of Tulsa's College of Law, Mr. Dowdell began his legal career as a clerk to the chief judge of the Tenth Circuit Court of Appeals. Since 1983, Mr. Dowdell has accumulated extensive State and Federal litigation experience representing a variety of clients working at the same firm in Tulsa of which he is a partner.

Mr. Dowdell is a native Tulsan and has been extensively involved in the community, in addition to being widely recognized for his work on behalf of his clients. I received a number of letters from members of the legal community throughout Tulsa highlighting Mr. Dowdell's work ethic, his character, and his abilities as an advocate for his clients.

Mr. Dowdell already has experience as a mediator and arbitrator and has served as an adjunct settlement judge in the Northern District for the past 14 years, which is the district for which he is nominated. He and his wife of 24 years, Rochelle, like my wife and I, have four children, which I always remind people is just the right amount. If you are ever going to have 20 kids and grandkids, you have to start with 4, and he understands that.

Although it often seems as if I am on the opposite side of many of this administration's judicial nominees, I can say with confidence that this is not the case with Mr. Dowdell. Mr. Dowdell has the requisite experience and judicial temperament to make a fine judge in the Northern District of Oklahoma.

I am particularly impressed with Mr. Dowdell's commitment to ''render decisions fairly and impartially, applying the relevant law to the facts without bias or prejudgment,'' to interpret a statute or constitutional provision in a case of first impression by first considering ''the statutory text or provision in the context of its plain and ordinary meaning''—that says a lot—and to not consult foreign law when interpreting the U.S. Constitution. Too often in this country we have judges applying their own meanings to the Constitution and to the laws passed by Congress or allowing their own biases to affect their decisions. I can state confidently to my colleagues that Judge Dowdell will not be this type of a judge.

In his Questions for the Record to the Senate Judiciary Committee, Mr. Dowdell has stated that he does not agree with the notion that the Constitution is a ''living'' document that constantly evolves as society interprets it. He further states that the ''Constitution changes only through the amendment process, as set forth in Article V of the Constitution.'' That is refreshing. ''A court's job is to interpret and apply the Constitution, not to add or amend the rights contained therein.'' That is a quote by him.

Based on these statements, I can say that Mr. Dowdell's judicial philosophy is in keeping with the Framers and in lockstep with my own philosophy. My only wish is that we would get more of this type of judicial nominee from the administration.

It is for these reasons that I support Mr. Dowdell's confirmation to the U.S. District Court for the Northern District of Oklahoma, and I hope my colleagues will do the same.

This vote should be coming up in about 10 minutes. I do encourage a positive vote on Mr. Dowdell.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VOTE ON NOMINATION OF JOHN E. DOWDELL

Under the previous order, the question is, Will the Senate advise and consent to the nomination of John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma?

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—95

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

NOT VOTING—5

| | | |
|---|---|---|
| Inouye | Lautenberg | Nelson (NE) |
| Kirk | McCaskill | |

The nomination was confirmed.

VOTE ON NOMINATION OF JESUS G. BERNAL

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Jesus G. Bernal, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

### BUSH TAX CUTS

Mr. GRASSLEY. Mr. President, we have been hearing a lot about the so-called Bush tax cuts from my colleagues on the other side of the aisle. Given the rhetoric being used by some on the other side to describe this tax relief, I would like to take this time to correct the record.

But, first, during this talk about the fiscal cliff and about the tax cuts that sunset at the end of the year, all we have been hearing since the election is, What are we going to do about taxes? That is very significant as a result of the last election because I think it is a foregone conclusion there is going to be more revenue raised.

But if we raise the amount of revenue the President wants raised, and raise it from the 2 percent he wants to raise it from—the wealthy—that is only going to run the government for 8 days. So what will we do the other 357 days or, if we look at the deficit, it will only take care of 7 percent of the trillion-plus deficit we have every year. What about the other 93 percent?

So the point is that we can talk about taxes and taxes and taxes, but it is not going to solve the fiscal problems facing our Nation. We don't have a taxing problem, we have a spending problem. So we should have been spending the last 3 weeks talking about how we are going to take care of the other 93 percent of the problem. The President should have declared victory 3 weeks ago, and we wouldn't have had all this lost time between now and right after the election.

But I said I wanted to set the record straight. This tax relief of 2001 and 2003 reduced the tax burden for virtually every tax-paying American. It did this through across-the-board tax rate reductions, marriage penalty relief, and enhancing certain tax provisions for hard-working families, such as doubling the child tax credit.

Since the passage of this tax relief, there has been a concerted effort by my colleagues on the other side of the aisle to distort the truth about the present tax policy of the Federal Government. That tax policy has been in place for the last 12 years now. They have attempted to distort the truth behind its bipartisan support, its benefits to low- and middle-income Americans, and its fiscal and economic impact.

As one of the architects of the 2001 and 2003 tax legislation, I come to the floor to correct what I believe have become three common myths about this tax relief. The first myth is that this tax relief was a partisan Republican product. The second is that the tax relief was a giveaway to the wealthy. And the third is that the tax relief is a primary source of our current fiscal and economic problems.

First things first. We often hear the other side divisively refer to this tax relief as the Bush tax cuts. Given the rhetoric on the other side, one would think all this tax relief was forced through along party-line votes. The record proves otherwise. The conference report to the Economic Growth and Tax Reconciliation Act of 2001 passed the Senate by a vote of 58 to 33. In all, 12 Democrats voted for this legislation. Senator Jeffords, who later caucused with the Democrats, also voted for it.

As far as major pieces of legislation goes, it is difficult to find such major legislation passed with such broad support since there has been Democratic control of both the Senate and the White House. The President's 2009 stimulus bill, as an example, only had the support of three Republicans, as well as the Dodd-Frank bill. Of course, there is the health care bill, the President's signature legislation, which passed with no Republican votes.

Moreover, all the 2001 and 2003 tax relief was extended in 2010, just 2 years ago, with strong bipartisan support, and signed into law by this President. At that time—2 years ago—the Senate vote tally was 81 to 19. Now, understand, that has to be considered overwhelmingly bipartisan. So just 2 years ago we had overwhelming bipartisan support for the Bush tax cuts. Yet somehow this is a partisan measure we are dealing with. Given this record, instead of calling it the Bush tax cuts, as they are called, we really should be calling it the bipartisan tax relief.

I now would like to turn to the other side's criticism of the bipartisan tax relief or, as they say, tax cuts for the wealthy or another way they say it is it is a giveaway to the rich. This rhetoric demonstrates the difference in philosophy between this Senator and my Democratic colleagues.

First of all, a reduction in tax rates is not a giveaway to anyone. The income a taxpayer earns belongs to that taxpayer. It is not a pittance the taxpayer may keep based upon the good graces of our government. The burden should not be on the taxpayer to justify keeping their income. Instead, it should be on us in Washington to justify taking more away from them.

Secondly, there is a tendency on the other side to view everything as a zero sum game. In their minds, if someone has more, it means someone else will have less. So I would like to quote Ronald Reagan as the best example of this attitude when he said too many people in Washington ''can't see a fat man standing beside a thin one without coming to the conclusion that the fat man got that way by taking advantage of the thin one.''

I believe this is what is driving the animus against the so-called wealthy on the other side. They are under the impression the wealthy got rich at the expense of someone less fortunate.

The problem with this view is that in a free economy goods and services are transferred through voluntary exchanges. Both parties are better off as a result of this exchange; otherwise, it wouldn't occur. Moreover, wealth is not static. It can be both created as well as destroyed.

At worst, the government is a destroyer of wealth. At best, the government is a redistributor of wealth. It is through the force of government the zero sum exchanges occur. It is the private sector that creates wealth through innovation and providing the goods and services we need and want.

The leadership of the other side has become fixated on redistributing the existing economic pie. I believe the better policy is to increase the size of the pie. When this occurs, no one is made better off at the expense of anyone else.

The constant rhetoric of pitting American against American based upon economic status is not constructive. It also has not been constructive to accuse those of us who support the present tax policy for all Americans as agents of the rich. And I will soon get into discussing why that isn't true, as a result of the 2001 and 2003 tax bills.

I do not support tax cuts for the wealthy for the purpose of wealth redistribution. I support progrowth policies to increase the size of the economic pie. Free market, progrowth policies are the only proven way to improve the well-being of everybody.

My objection to the other side's characterization of the bipartisan tax relief is not only a philosophical one, but it is a factual one. The truth is that the bipartisan tax relief that was voted on in 2001 made the Tax Code more progressive, not less. With all the rhetoric around here over the last 5 or 6 years, nobody believes that, so I have a chart to show that.

Since its implementation, the share of the tax burden paid by the top 20 percent has increased. Conversely, the bottom 80 percent has seen its share of tax burden decrease. Additionally, the percentage reduction in average tax rates between 2000 and 2007 was the largest for the lowest income groups.

As you can see from this chart, there is a general trend downward from the

bottom 20 percent to the top 20 percent. The bottom 20 percent saw their average tax rate drop by the 25 percent that is shown there. The top 20 percent, on the other hand, only saw an 11-percent reduction, with the proportionate in between.

The truth about the bipartisan tax relief apparently has been recognized by my colleagues on the other side. They do not like to admit this, but this must be so since they now claim to support extending 75 percent of the bipartisan tax relief bill. In other words, 75 percent of what they are condemning of the 2001 tax bill the other side wants to make permanent law, which obviously I support too. You would think that if it really was a tax cut for the wealthy, however, the other side would be advocating letting all this tax relief expire. Certainly you would not think they would be advocating for more than half of it to be extended. To get around their seemingly contradictory position, they have stopped referring to the majority of the bipartisan relief as the Bush tax cuts. That term is now reserved only for the 25 percent they wish to see expire. They now refer to the 75 percent not as Bush tax cuts but as middle-class tax relief. So I have news for my colleagues. The middle-class tax relief you now claim to support is the same relief you previously demonized as tax cuts for the wealthy.

Finally, it has become en vogue for the other side to blame the bipartisan tax relief for everything from the Federal deficit to the state of the current economy. Neither is based in fact nor sound economic reason.

It is undisputed that in 2001 the Congressional Budget Office was projecting a 10-year budget surplus of $5.6 trillion. However, as a June 2012 CBO report shows, the bipartisan tax relief role in turning this projected surplus into deficits is dwarfed by other factors. This is the 2001–2003 tax cuts. See that smaller piece of the pie?

Then let's look at what else is the justification, according to the Congressional Budget Office—not this Senator—about where the deficit came from.

First off, the June CBO report tells us that their budget surplus projections were simply incorrect. That happens a lot with CBO. I like to refer to CBO around here as God because what they say goes, and you have to abide by it if you don't have 60 votes. But they aren't always right. Unlike God, CBO is not omnipotent. They do not have perfect foresight, and every once in a while even they make mistakes.

CBO's surplus projections were based on rosy economic assumptions as well as faulty technical assumptions that did not pan out. CBO failed to predict the bursting of the tech bubble that was so beneficial in propping up the economy of the Clinton years. CBO also could not predict the September 11, 2001, tragedy that hit New York and the Pentagon, killing 3,000 Americans, which wreaked havoc on our economy.

So add up all these things. All told, these and other economic and technical changes account for $3.2 trillion or, as I show in this chart, these faulty assumptions accounted for 27 percent of the change of the 2001 projections from surplus to deficit.

By far, the biggest reason for the change from surplus to deficit was an increase in spending. Some of this spending was justified. This includes bipartisan support for increased spending to protect our Nation against future terrorist attacks. But, of course, as has become the custom around here, we spent and spent and spent some more. This spending not only continued but escalated with the election of President Obama. His first act was to increase the deficit by $800 billion-plus through a failed stimulus package. In all, this increase in spending accounts for nearly 50 percent in the change from surplus to deficit. That is this part of the pie chart.

So how about the tax cuts we hear so much bellyaching about from the other side? If you look closely at my chart, you will see I have divided the tax relief into two slices. These two slices add up to about 25 percent. Eleven percent of this, which I labeled ''all other taxes,'' primarily consists of the tax relief provided in President Bush's 2008 stimulus package, President Obama's 2009 stimulus, and the payroll tax holiday. Of course, these provisions had large Democratic support, as we all know. That leaves us with the 2001 and 2003 tax relief accounting for merely 12.9 percent of the change in the projected surplus.

But understand what other people are saying—including, I think, even the President—about the reason we have this big budget deficit is because of the Bush tax cuts. Well, that is baloney. That is a far cry from being the driver of our deficits or even a substantial contributor. The truth is, even using CBO's static scoring assumptions, the tax relief did not push us into deficits. In fact, if the only change since CBO's 2001 projection had been the 2001 and 2003 tax relief, we would still be experiencing sizeable surpluses each year.

Along with blaming the bipartisan tax relief for deficits, my colleagues on the other side have alluded to this tax relief as being a cause of our recent recession. The President even made this claim in an ad during the Presidential election.

The exact logic of this claim escapes me. Apparently, it also escaped Washington Post fact checker Glenn Kessler. He described the reasoning supporting such a claim as a ''Rube Goldberg phenomenon.'' The Post was unable to find any respected academic study supporting this convoluted logic. There is good reason the Post could not find such a study. The focus of most economic research in this area is on the degree to which tax increases lower economic growth and tax decreases increase economic growth. There is considerable debate within this research, but it is difficult to find any suggesting that tax increases are good and decreases are bad for the economy.

Now that I have explained and hopefully corrected these myths, I hope we can have a more constructive discussion on averting the fiscal cliff. Republicans have already stated they are willing to accept some new revenues. Speaker BOEHNER has put $800 billion in new revenues on the table. However, we still haven't heard any substantive ideas from the President or other leading Democrats about cuts to spending or entitlements. We haven't even heard the President say good things about the Simpson-Bowles recommendations—a commission he appointed, a commission that had Republicans and Democrats on it, a commission that reported conservative Republicans and liberal Democrats saying: We ought to do what we can to see the Simpson-Bowles approach through. It would be nice to see the President endorse a recommendation of a committee he appointed that had a suggestion for taking care of this fiscal cliff problem. If he had done that 2 years ago, we wouldn't be debating fiscal cliff today.

So there are serious concerns on my side of the aisle that any agreement we reach will result in immediate tax hikes but promised spending cuts will never occur. We need more than just empty promises from the other side.

The President and my colleagues on the other side of the aisle need to get serious about looking at the spending side. It is time for the President to make good on his campaign promise of supporting a balanced approach to deficit reduction.

I repeat what I said at the beginning. All we have heard for 3 or 4 weeks now since the election is all about taxes. Too often, that is what Republicans are talking about, although they have to be considered now as a result of the election. But if we give the President everything he wants in the sense of taxing the wealthy with the figures he wants, it still runs the government only for 8 days. What about the other 357 days? It only takes care of 7 percent of the deficit problems we face year after year, and it is going to be year after year into the future if we don't get something done about it. So what about the other 93 percent? The taxes aren't going to take care of that. You can't tax us out of this deficit problem because we have a spending problem.

So if we had put as much time into the spending side of the ledger as we put into the taxing side of the ledger over the last 3 or 4 weeks, we would be well on the road and be certain to get out of here by Christmas Eve, which I have my doubts that we can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

TRIBUTES TO DEPARTING SENATORS

Mr. ISAKSON. Mr. President, I rise to make four separate statements in commendation to my fellow colleagues in the Senate and one back in Georgia.

JON KYL

Mr. President, December of every even-numbered year is a sad time. Because of election outcomes or because of age and longevity, time takes over and some of our Members go and new Members come. I think it is important that we take the time to recognize those who served so long and served so well and served each of us—individuals such as JON KYL of Arizona, the whip for the Republican minority in the Senate. He is a great American, a great Arizonan, a man who carries a tremendous burden—two, as a matter of fact. One is trying to herd cats, known as the Republican conference, and the other is being the junior Senator to JOHN MCCAIN. Both of those are challenges that anybody would have a problem meeting, but JON KYL does it the right way. He has the temperament of a leader. I have been in 38 different legislative years, from the Georgia Legislature to the U.S. Congress. I have known a lot of whips. I have known a lot of them who cracked the whip, I have known a lot of them who were ineffective, and I have known a very few who were effective. And JON KYL is the most effective whip I have ever worked with and ever seen. He knows the issues and has the ability to communicate them. He knows how to put the party ahead of individual priorities but keep the country first no matter what it is.

I will give you one good example. We were debating the START treaty 2 years ago, which is a very important treaty for the United States. The Presiding Officer was on the Foreign Relations Committee when we had that debate. He might remember there were a lot of people who were concerned about the modernization of our nuclear arsenal while we were renewing the START treaty and what we would do in the prospective years ahead while we made a new treaty with Russia in terms of our modernization. It was JON KYL's leadership, working with Senator KERRY as the chairman of the committee, Secretary of State Clinton as our Secretary of State, and interests on both sides who carved out the agreement that ensured for the American people that we would have the modernized nuclear force we need to meet whatever challenge might come our way. That treaty passed in large measure because he gained the assurances from the administration and from those who were opposed that without modernization and the commitment for the money for it, it would not take place. That is not just a whip, that is a leader. That is a man who found a problem, found a solution, married the two, and we ratified a treaty. America is a safer country because of it, and our nuclear arsenal is being modernized.

That is the kind of man you look for in a legislator. JON KYL is a great legislator, a great whip, and a great friend of mine. I pay tribute to him for his service to the U.S. Senate, for his service to the people of America, and for his service to the people of his State of Arizona.

RICHARD LUGAR

I would like to turn to RICHARD LUGAR from Indiana. RICHARD LUGAR is one of those rare people who are referred to as an institution, and he is truly an institution: Six terms in 36 years in the Senate, a candidate for President of the United States in the Republican primary a number of years ago, a bipartisan man who worked with then-chairman of the Armed Services Committee Sam Nunn to put together the Nunn-Lugar agreement, which is allowing us to tear apart nuclear warheads, reprocess those nuclear warheads, tear down nuclear missiles and ballistic missile launchers, and have a safer world. The reason there is not a terrorist attack using nuclear fission materials today so far is probably more because of DICK LUGAR and Sam Nunn than any two individuals in the United States.

DICK LUGAR is a man I admire greatly. When I came here, I hoped one day I could work on the Foreign Relations Committee so I would have the opportunity to work with DICK LUGAR. That opportunity took place, and the Presiding Officer and I have served together with DICK LUGAR for 4 years. I watched DICK LUGAR during tough times, during happy times, during good times, and during challenging times. He is always even. He has always got an even keel. His rudder is in the water. He knows where he wants to take the committee, but he doesn't drive it, he leads it.

One of the great negotiators of our time, one of the great men of our time in terms of foreign relations, DICK LUGAR is the man who has meant more to our country than anybody I can possibly think of today, and he has a legacy of supporting the State of Indiana in any way he possibly could, from the school board, to mayor of Indianapolis, to U.S. Senator, to a great lecturer and leader on the national and international stage. We will miss DICK LUGAR very much, and I am sure DICK LUGAR will miss us, but I hope all of us will remember and learn from that he taught us about a steady hand, good diplomacy, and the importance of diplomacy over guns any day of the week.

KENT CONRAD

I wish to turn to another individual, a member of the Democratic conference and a dear friend of mine, KENT CONRAD from North Dakota.

When I came to the Senate, the first thing I noticed about KENT CONRAD was how he dressed. The second thing I noticed was his dog Dakota. You will see Dakota in the evening walking through the Halls of Congress, a smart little dog and his pet that he loves very much. His wife Lucy is a great lady and great leader in her own right in terms of Major League Baseball.

KENT CONRAD is a unique Member of the Senate. He has truly taken a bipartisan approach to the toughest problems we face in terms of spending, deficits, and debt. It was KENT CONRAD who was willing to help support the Simpson-Bowles proposal when it passed the Senate, and then it was KENT CONRAD who agreed to serve on Simpson-Bowles and came up with the recommendations they brought to us. It was KENT CONRAD who went on the Gang of 6 and tried to work out a tough compromise on the tough issues before us, and it is KENT CONRAD who has served as chairman of the Budget Committee of the Senate for the last 6 years. Along with Senator SESSIONS, he has done a great job, and along with his predecessor, Judd Gregg, they did an even greater job to see to it that we brought forward budgets and principles of spending money to help us not go into deficit or debt. KENT is one of those rare leaders who find the sweet spot. He looks for the place where people can find common ground. He understands that the importance of our job is the future for our children and our grandchildren.

Whether North Dakota or Georgia, California or New York, Pennsylvania or Ohio, KENT CONRAD is a Senator for all America. He has done a tremendous job for the United States. I wish him and Lucy and Dakota the very best.

TRIBUTE TO BILL CURRY

Mr. ISAKSON. I wish to turn to football coaches, which might seem to be a quick turn when you are talking about Senators, but in Georgia we are having a retirement that was just announced, the retiring of Bill Curry, the head coach of the Georgia State Panthers. Bill Curry is a legend in our State, not only of his time but in all time in terms of football. He played football in College Park and went on to Georgia Tech when they were in the Southeastern Conference. He was a small, 200-pound center on the Georgia Tech football team. He went from Georgia Tech to the Green Bay Packers and played in the first Super Bowl game as a starting center and was traded to the Baltimore Colts and played in the famous game when Joe Namath promised a victory and delivered it against the Colts. He went on to play for other NFL teams until he was hurt in a game with the Los Angeles Rams with an injury caused by Merlin Olsen, who then later went on to be a great pro bowler. But he didn't quit when his career ended in terms of playing football; he went into coaching. He went back to his home alma mater, Georgia Tech, and coached as an assistant. He then took Pepper Rogers' place and became the head coach at Georgia Tech, took them to the bowl games, took them to conference championships, and was a true leader.

From there he was sought out by the University of Alabama—a pretty big job in the South when it comes to football. He came after Bear Bryant had passed away and two successive coaches had failed to meet the Alabama standard. Bill Curry came and went to Alabama, and he scored. He won an SEC championship, 26 out of 36 games, and had a great career at Alabama.

He went from there to the University of Kentucky, which had not had a winning record in 9 years when Bill Curry showed up. He molded somebody else's recruits into a winning team with a winning record and a trip to the Peach Bowl in Atlanta, GA. He went from there to take on an interesting challenge. Georgia State University called and said: Bill Curry, we are going to start an NCAA division football program. We would like you to start from scratch. We don't have a field, we don't even have a football, but we have a desire.

Bill Curry took on that challenge and in 4 years built a great program which he will turn over to a new coach very shortly in Atlanta, a program where his first year, with a first-time football team that had never been together before, he won 6 out of 11 games and went on to have a great career and turn it over to another coach as he retires.

But his legacy is not the SEC championship. It is not playing in the first Super Bowl or playing in the famous bowl that Joe Namath called and guaranteed. It is not his attendance at Georgia Tech. It is not what he did at Georgia State. It is the fact that everywhere he went, Bill Curry's legacy was men who played football to learn the game of life because he was always a disciplinarian. He told people how to do things the right way. He set standards for his men that lasted not just through the football season but through a lifetime. There are men playing football, running banks, running insurance companies, and teaching today all over America who learned from Bill Curry.

On the occasion of his retirement at the age of 69 and the great success he has had throughout his career, I wanted to pause for a moment in the Senate and recognize not just his contribution to football but his contribution to the lives of young men and the people he has shaped to make this country and the State of Georgia a better State and a better country.

I 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. CORKER. 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. CORKER. Mr. President, I am here today to talk about the bill before the Senate, a 2-year extension of the TAG Program. As everyone knows, this will be the second 2-year extension of a program that was put in place as an emergency measure taken during the height of the financial crisis. It was also meant to end once the crisis passed.

I have exceptionally high regard for community bankers in Tennessee, as I know you do for those in Pennsylvania. They have had to deal with the financial crisis of 2008, a recession that had been left in its wake, and if that is not bad enough, since the passage of Dodd-Frank, they have had to deal with an onslaught of new regulations.

Many of these regulations, no doubt, were ill-conceived. If we remember, a lot of those were put in place as aspirational goals. All of them have dramatically increased the compliance burden of being in a small banking institution. Yet none of them has been on the table to be fixed or improved by us in the Senate since 2010. Obviously, there are a lot of reasons for this, but from a standpoint of community bankers, there is no doubt this has been a shame.

I am very hopeful that in the next Congress we will have a meaningful dialog about striking a better balance in terms of bank regulation, particularly as it relates to our community banks. Some of what we passed in Dodd-Frank makes a great deal of sense, but much of it does not, and it is for us to devote energy to fixing and improving the law where there are flaws. If we want to help community banks, this is where we should focus our energy, and I know there are a lot of bipartisan ideas around about how we can do that. I think all of us have heard from community bankers in our States about the onslaught of regulations they have, some of which was meant to deal with some of the bigger institutions. Again, that, to me, is where we can focus in a bipartisan way to give some relief to our community banks.

Giving out limitless deposit insurance, though, I suppose some people have decided is a consolation prize, and I hate that. That is too bad. We should fix Dodd-Frank if we want to help our community banks. But the vote in front of us today is a TAG extension, so I wish to speak a little bit about that specifically.

There are a series of policy reasons why it is time to end the TAG Program. I will go through a couple of them. First of all, the FDIC's Deposit Insurance Fund, or the DIF, is undercapitalized. This is a fund of reserves meant to protect taxpayers against an unexpected law stemming from bank failures. By law, the DIF is required to be at a 1.35-percent of total outstanding deposits. It is, however, only at .35 percent today. I do not see the wisdom in extending an insurance to $1.5 trillion in transaction deposits at a time when the Deposit Insurance Fund is already undercapitalized.

Second, there is ample liquidity in our banking system as to support loan demand. In fact, the ratio of loans to deposits is at a historical low. Liquidity to make loans is not the problem; slow economic growth is the problem. Extending insurance to keep these deposits around then fixes a problem that simply does not exist.

Third, the overwhelming majority of TAG deposits are actually with the largest banks. Some small banks have said they want an extension, but this is largely not a small bank product. Seventy-one percent of TAG deposits are in the largest banks. Sixty percent of TAG deposits are held by just the top five banks. I do not see the wisdom in leveraging the FDIC and the taxpayer to insure the deposits sitting in our country's largest financial institutions.

Fourth, extension of the TAG Program raises serious moral hazard issues. It encourages large deposits in banks that may be troubled with no market discipline. Moral hazard is why, throughout the history of deposit insurance, it has always been limited. I think Washington has contributed quite enough to moral hazard problems over the last 5 years—several years—and I think it is time for us to stop.

Finally, if we want to help community banks thrive and succeed, our focus should be on dialing back Washington's desire to micromanage our banking institutions. The regulatory pendulum of Washington trying to micromanage these institutions has absolutely gone too far and our focus should be on getting the pendulum back to a more reasonable place. Extending limitless FDIC insurance for these transaction deposits does not further that policy objective. In fact, it takes us in the other direction.

Let me put it another way: How can we ever get DC out of the business of telling banks where and when to lend if we are having DC guarantee all their deposits? The answer is we cannot.

I am offering a couple amendments that help insulate the taxpayer. Although, in reality, it is time to fully end this program. Even more important, it is time for us as members of the Banking Committee to take up the real challenges still facing our financial system.

I wish to say one other thing. I know all of us are watching as the President and Speaker BOEHNER and others are looking at dealing with the fiscal issue; we call it the fiscal cliff. I think all of us know what we need to do to deal with the fiscal cliff. We need a true fiscal reform package that I hope would be in the range of $4 trillion to $4.5 trillion, so we can put this issue behind us and begin this next year with it in the rearview mirror and our economy taking off. Then we would show the world we have actually dealt with these issues, and people in our own country would have the confidence to invest in our country because they know we in Washington have been responsible in that way.

One of the big discussions taking place right now is revenues. I think, at the end of the day, we are going to come to a conclusion very soon that it is probably time for us to go ahead and rescue the 98 percent of the country that have been caught up in all this. My sense is we are going to have some resolution to that in the very near future.

What I have found—and one of the reasons we don't have a solution—is that people on both sides of the aisle

are focused on the revenue side, but so far there has been almost no discussion on the entitlement reform side. Candidly, I think it is uncomfortable for many in Congress and even at the White House, obviously, to deal with this issue. As a matter of fact, on this issue, what I would say—and I know there is a difference of opinion—here we have a country that every developed nation knows its greatest threat is fiscal solvency. Economists on both sides of the aisle have said the greatest threat to our country is us not dealing with the fiscal solvency and the $16 trillion debt we have, which is growing. Yet, in fairness, we have a President who so far has not been willing to lay out a plan to deal with this issue. While it pains me to bring this up—because I think we as elected officials and the White House should sit down and deal with this issue because we know it is the biggest issue our Nation faces—it appears to me it is very possible we may move through the end of this year only dealing with rescuing the 98 percent of the people who have been caught up in this debate.

So there is a moment—I hate to use this word, but there is another moment coming—which probably will force us to deal with another issue in other ways; that is, the debt ceiling. While I don't think it is mature that we have to have a line in the sand to force us to sit down and deal with this issue, it is where we find ourselves in this Congress and in dealing with this White House; that is, needing a point of leverage to focus these discussions.

I hope we will sit down and come up with a $4 trillion, $4.5 trillion package to put this behind us—one that has both revenues and entitlement reforms—a solution that again would put this in the rearview mirror. But where I see us going is it is possible that by the time year end comes, all we will have done is rescued the 98 percent of taxpayers who have been caught in this and then moving to the debt ceiling as the next line in the sand that will be a forcing moment to cause us to deal with this issue. I think that is where we are headed unless something happens. I hope something big happens that I can support.

I will tell my colleagues this: I have been through this process. We all have. The 112th Congress knows more about this fiscal issue than any Congress in the history of man. We have been through two dry runs. We know what the cost of each change is. We know how much it saves Congress and saves our country if we deal with these issues. One thing I wish to say is I cannot support another process that leads us to another fiscal cliff.

Again, I hope the President and Speaker BOEHNER will come up with a solution that puts this behind us. We all know what we need to do. What we have lacked around here is the political courage to sit down—both sides of the aisle have issues; I understand that, but we have lacked the political courage to sit down and deal with this issue. It appears to me, again, that where we may be headed is toward the end of this month rescuing the 98 percent, putting that issue over to the side, and then using the debt ceiling or the CR as that forcing moment to cause us to finally come to terms with this fiscal issue.

I regret we are in a place in our country where we have to have these forcing moments, but that is where I believe we are headed. I can say to everybody in here, what I cannot abide by, one Senator—since we know what all the solutions are, we know the changes that need to be made, we can sit down and go through columns on either side, including revenues and changes, to get us in a place where we need to be, but we haven't done it, and I am afraid we are heading to a place where we are going to have to have another forcing moment.

I thank the Chair and yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

VAWA REAUTHORIZATION

Mr. MORAN. Mr. President, in communities across our country, millions of Americans, unfortunately, find themselves placed in danger by the very people who are supposed to love, care, and protect them. Domestic violence brings hopelessness, depression, and fear into the lives of those who fall victim to it.

I rise this evening on behalf of our victims—they are our neighbors, family members, brothers, sisters, mothers, fathers—as well as those people who are so careful in their desire to serve those who are subjected to domestic violence, to say that now—now—is the time for us to send to the President for his signature a bipartisan, commonsense Violence Against Women Act reauthorization bill. We got caught in a lot of partisan bickering, and we failed to do that earlier this year. I would like to rectify that course.

Each year more than 2 million women in the United States fall victim to domestic violence. In Kansas, my home State, an estimated 1 in 10 adult women is domestically abused each year. Studies have shown that more than 3 million children witness domestic violence every year.

All of these victims depend upon services and care provided by VAWA grants and funding recipients who benefit from those grants. On a single day last year shelters and organizations in Kansas that are funded in part by this legislation served more than 1,000 victims, and similar organizations around the country serve more than 67,000 victims each day.

A few weeks back I visited one such organization, Kansas SAFEHOME. It is a tremendous organization that serves the greater Kansas City area. I have always believed we change the world one person at a time. What I saw in my visit to SAFEHOME was exactly that: making the difference in a person's life each and every day, one person at a time.

SAFEHOME provides more than a shelter for those needing a place to live to escape from abuse. They provide advocacy and counseling, an in-house attorney, and assistance in finding a job. The agency also provides education in the community to prevent abuse and further abuse. We often think it does not exist, and yet this organization is making clear that the prevalence of domestic violence is known and combated.

Each year SAFEHOME helps thousands of women and children reestablish their lives without violence. The employees and volunteers there are making that difference that is so important in the lives of so many.

After my visit to SAFEHOME, a Kansan posted a question on my Facebook wall. Mr. Bachman asked if I came away from my SAFEHOME visit with ''any honest sense of how current political game playing [in Washington] and proposed legislation compromises not only the work [SAFEHOME] does, but also aggravates the conditions that breed and sustain violence and hostility against women.'' The question was do we know what our failures in Washington, DC, actually cause in the lives of folks across my State and around the country.

The point this constituent makes is right on. Despite the important and honorable work these organizations are performing, they are faced with uncertainty regarding the level of funding and the support they will receive. We have gambled with the well-being of countless victims of domestic violence, and we have left these organizations in limbo and unable to provide the maximum amount of care possible.

None of us here—Republicans or Democrats—can in good conscience let this continue. The election is over, the results are in, and I am hoping the days of extreme partisanship that plagued the 112th Congress are now behind us. We must begin to unite as a Congress, and history is clear proof that we can unite over the Violence Against Women Act.

The passage of the Violence Against Women Act in 1994 and its two reauthorizations—one in 2000 and one in 2005—has been the result of and demonstrates that we can have successful bipartisan, bicameral efforts. In order for us to move forward on combating domestic violence and caring for its

victims, we must set aside the divisive rhetoric that surrounded this debate. Of course, both sides—all of us—want to end discrimination and agree that shelters and similar grant recipients should provide services to everybody who needs them.

For anyone to suggest otherwise is not only disingenuous, but, more importantly, it is a waste of time. The millions of victims who depend on the services funded by VAWA deserve better from us; the American people we are here to serve deserve better from their representatives.

It is past time for the House and Senate and for the Democrats and Republicans to come together and approach this reauthorization as a reauthorization. It is not a major piece of legislation to overhaul the law as it exists but to reauthorize the programs that are currently in existence. We need to do so with a sense of urgency, of dedication to the cause, and a willingness to compromise.

If we do this, I am confident we can sort out the differences with respect to this bill and get it signed during this lameduck period. I stand ready to work with my colleagues on both sides of the aisle and on both sides of this building to accomplish exactly that. The American people, the victims of domestic violence, and the shelters and support organizations that care for those victims of violence deserve that.

Mr. President, I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

## TRIBUTE TO MICHAEL B. McCALLISTER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a good friend of mine and a distinguished citizen of the Commonwealth of Kentucky. Mr. Michael B. McCallister, the highly respected chief executive officer of Humana, will retire from that position at the end of this month. He has served as Humana's CEO for the past 12 years.

Mike has spent his entire career with Humana, Kentucky's largest publicly traded company. After receiving his bachelor's degree from Louisiana Tech University in 1974, he went to work at Humana as a finance specialist. He has steadily risen up the ranks ever since. In 2000, he was named president and CEO of the Louisville-based company.

Humana employs more than 11,000 in Kentucky; thousands of those jobs have been created under Mike's tenure. Mike led the company in innovations such as going all digital to eliminate the use of paper for transactions in 2001, well ahead of the rest of the industry; and in creating consumer-driven products that allowed customers to make more of their own decisions about their health care plans. Under Mike's leadership, in 2004 it was ranked by Business Week magazine as one of the top-performing companies in the United States.

Mike has also been very active in civic and philanthropic endeavors, to the benefit of Kentucky and Louisville, the city we both call home. He headed the most successful communitywide fund drive in the history of the Louisville Metro United Way, raising $30 million in 2006. He was the communitywide chair of the Greater Louisville Fund for the Arts in 2003. He has also served on the board of the Committee Encouraging Corporate Philanthropy. He is the current chairman of the Workplace Wellness Alliance.

Mike's generous spirit of service has also influenced his company as a whole. Under his leadership, the Humana Foundation has donated more than $50 million to education, health, and arts initiatives in Kentucky and across America.

I know my colleagues will join me in extending congratulations and best wishes to Mike as well as his family: he and his wife Charlene have a daughter Megan, and a son Ryan. I am sure they are very proud of him and look forward to seeing more of him. It is my understanding that Mike has promised he will not golf more than twice a week. Also, Mike will not step away from Humana entirely: He will retain a position as its nonexecutive chairman.

Mr. Michael B. McCallister has set a remarkable example of dedication and service to the people of Kentucky. I wish him every success in his next endeavors in life.

## COMMEMORATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

Mr. KERRY. Mr. President, on December 5, His Majesty King Bhumibol Adulyadej of Thailand celebrated his 85th birthday, and this year marks the 66th year of his reign. I would like to mark the occasion by sending warm wishes to King Bhumibol and to all the people of Thailand as they celebrate this happy event.

The United States and Thailand have a long, rich, and growing partnership that has brought tremendous benefits to the people of both nations. Our bilateral relationship dates back 179 years and Thailand is our longest-standing diplomatic partner in East Asia. Over almost 60 years as modern treaty allies, the United States and Thailand have created flourishing business and cultural ties, underpinned by our shared values of democracy and rule of law. Our relationship has been cemented through our work together to face regional and global security challenges, often at great cost to our two peoples.

Overseeing and guiding this has been King Bhumibol Adulyadej. His support for the relationship between the United States and Thailand has been immeasurable, and the respect with which he is regarded in Washington is correspondingly great.

I send my congratulations to King Bhumibol Adulyadej and to all the people of Thailand.

## TRIBUTE TO PAT GODFREY

Mr. HATCH. Mr. President. I appreciate this opportunity to pay tribute today to a wonderful staff member who is a true example of a dedicated public servant. Pat recently retired after 27 years of wonderful service to my office and the people of Utah.

Pat was the public face and voice of my office. She managed the front office and phones with kindness as she greeted literally thousands of people each year. No matter the issue or the anger, Pat would answer each constituent with grace and compassion.

She loved people, and it showed in her every day interactions. She always made the time to listen to visitors to our office, and she truly cared about the problems they were facing. She became the first-line advocate for many, many Utahns who were having problems with the Federal Government, and she would make sure that their calls were returned and their issues addressed.

At times the front desk phones would get extremely busy and many of the calls were from angry constituents. Yet you could always find Pat with a smile on her face and a calm demeanor. She was a strong advocate for the policies and issues I was fighting for on behalf of Utah in our Nation's Capital and always conveyed this in a down-to earth manner. No matter the disagreement, most callers left a conversation with Pat feeling better about why they called.

Pat made friends with everyone and was well known throughout the Federal Building. Many employees from various agencies would look out for Pat and always inquired about her well-being. She had the building management staff and security guards on speed dial and was always able to get the needs of the office addressed in a timely, efficient manner.

Pat's talents were in evident display at the office, but perhaps her great achievements came as a loving mother and grandmother. She dearly loves her family and expresses it often. Her pride and care for her children and grandchildren is evident and central to her

life. I want to commend her children, and most especially Deanna, who are lovingly caring for their mother now in her time of need.

Pat has a strong belief in our Heavenly Father and his son our Savior Jesus Christ. She has made her testimony in the Church of Jesus Christ of Latter-day Saints an important component of her life and has spent countless hours serving others in various capacities.

Mr. President. I am truly grateful for the tremendous service Pat Godfrey rendered to me, to our community, and to the thousands of constituents whose lives she touched with her kindness and compassion. I want to wish Pat the very best in retirement and know that she will make many more wonderful memories in the loving strength of her family. May our Heavenly Father bless Pat for the person she is and the service she has rendered to so many.

## ADDITIONAL STATEMENTS

### TRIBUTE TO VICE ADMIRAL RAY RIUTTA

• Mr. BEGICH. Mr. President, today I wish to recognize an Alaskan for his extraordinary 34 years of service to the United States Coast Guard and our Nation as well as 10 years of leadership within the Alaska seafood industry where he had a tremendous positive impact for our fishermen.

Ray Riutta has held the position of executive director of the Alaska Seafood Marketing Institute, ASMI, since August 2002. Since then, he has guided the organization through pivotal changes, including the implementation of the sustainability platform to showcase Alaska's commitment to responsibly managed fisheries. ASMI has worked diligently to increase the economic value of Alaska seafood resources through a collaborative partnership with the seafood industry. Since Mr. Riutta's arrival in 2002, the value of Alaska seafood exports increased nearly 23 percent from $1.78 billion to $2.2 billion in 2011.

Prior to joining ASMI, Mr. Riutta served in the United States Coast Guard for 34 years, retiring at the rank of vice admiral. During his career, he served on six ships, commanding four of them with over 12 years of sea service in the Bering Sea, Atlantic and Pacific Oceans as well as the Great Lakes and the Caribbean Sea. For 3 years he was assigned to the U.S. Embassy in London. While assigned to Coast Guard Headquarters in Washington, DC, Mr. Riutta was deputy chief of the Office of Law Enforcement and Defense Operations and later chief of operations.

During his tenure as district commander for Alaska, Mr. Riutta served as a member of the North Pacific Fisheries Management Council. He worked closely with the Pacific Region Coast Guards, China, Japan, Korea, Canada and Russia, while in command of all U.S. Coast Guard forces in the Pacific, a post he held on September 11, 2001. Mr. Riutta is originally from Astoria, OR, where many members of his family were involved in the fishing industry. Prior to entering the service, he worked part time commercial fishing on the Columbia River.

Mr. Riutta is a 1968 graduate of the U.S. Coast Guard Academy and a 1990 graduate of the National War College. He is married to Barbara Starr Kramer of Chester Springs, PA. They have two sons, Ian and Aaron.

On behalf of the State of Alaska, I ask my distinguished colleagues to join me in recognizing Vice Admiral Riutta's exceptional career. We owe him a debt of gratitude for his commitment to the Coast Guard, our Nation and Alaska's seafood industry. We wish him well in his retirement.•

### ARKANSAS FARM FAMILY OF THE YEAR

• Mr. BOOZMAN. Mr. President, today I wish to congratulate the DeSalvo family for earning the distinction of 2012's Arkansas Farm Family of the Year.

This honor reflects the dedication of Tony DeSalvo, his son Phillip, daughter-in-law Beth, and grandchildren Benjamin and Isabelle to ranching and the importance of agriculture as Arkansas's No. 1 industry.

As owners of Big D Ranch, the DeSalvos oversee a 350-head commercial cow-calf operation. It is one of the largest herd of registered Ultrablack cattle in the State, and includes a 150-head of registered Ultrablack cattle 30 to 40 of which are registered bulls. The DeSalvos also grow around 900 acres of wheat and sorghum-sudan silage and Bermuda hay on the ranch. The DeSalvo family settled near Center Ridge in the late 1800s, and the family continues to work on that same land today. Phillip is passing along his passion for ranching with Benjamin and Isabella, and now they are learning the rewards of farm work.

The Arkansas Farm Bureau's program honors farm families across the State for their outstanding work both on their farms and in their communities. This recognition is a reflection of the contribution to agriculture at the community and State level and its implications for improved farm practices and management. The DeSalvos are well-deserving of this honor.

I congratulate Tony, Phillip, Beth, Benjamin, and Isabelle on their outstanding achievements in ranching and agriculture and ask my fellow colleagues to join me in honoring them for this accomplishment. I wish them continued success in their future endeavors and look forward to the contributions they will continue to offer Arkansas ranching and agriculture.•

### TRIBUTE TO JOHN GRAY

• Mr. MERKLEY. Mr. President, today I wish to celebrate the life of John Gray, a son of the great State of Oregon, and a true pioneering spirit whose legacy will live on through his contributions to communities throughout our State.

John Gray, born in the small town of Monroe, OR, to a family of modest means, achieved personal success most can only dream of.

It was once written about John Gray that one ''might expect a man such as Gray, who has made it so big so quickly, to behave like the tycoon he is. Instead, he has the manner of a bashful lepidopterist making his first trip to the big city.''

At the time of that profile, Salishan was a new community, Sunriver had yet to open, and Skamania was but a twinkle in John Gray's eye. More than 4 decades later, the man who has forever changed the landscape of Oregon remains humble.

John Gray's longstanding commitment to preserving and protecting Oregon's natural beauty is evident in the communities he's developed, such as Sunriver, which complement their surroundings with signature elegance.

That commitment was matched by his passion for strengthening urban communities. Over the last several years, John Gray gave $2 million to Habitat for Humanity in Oregon. His cornerstone contribution of $1 million to Habitat's ''Block by Block'' initiative laid the foundation for a $10 million land-bank fund, which allowed Habitat to purchase large groups of home lots on Portland's east side. On these lots, Habitat will build entire blocks of new homes for low-income families, most of whom will be first-time homeowners.

Mr. Gray's generosity was expansive, extending beyond homeownership to a range of efforts to make Portland a better place. Twenty years ago, he established a fund at Reed College to make sure the school's students are able to enjoy ''cultural, social, and recreational programs of excellent quality'' outside the classroom. In 2011, he gave nearly half a million dollars to a private Portland-area school serving students from homeless and very low-income families to build a new classroom for its expanding roster of students. That same year, he pledged $5 million to the Knight Cancer Institute at Oregon Health & Science University to create an endowed professorship and to fund research and clinical care.

Mr. Gray's professional and civic accomplishments are widely known. As a developer, he created several of Oregon's signature communities. As a businessman, he led Omark Industries and was a director of Tektronix, Precision Castparts and First Interstate Bank. As a philanthropist, he has given millions of dollars to make Portland a place that offers opportunity for all.

But, not many people know that he is also a decorated veteran. He served with the Army's 82nd Airborne Division during World War II, rising to the

rank of Lieutenant Colonel and receiving the prestigious Bronze Star for his service.

This Friday, December 14, we will be opening an affordable housing development that will house dozens of homeless veterans. It is a fitting tribute that the development will bear John Gray's name.●

## RECOGNIZING FOLIA JEWELRY

● Ms. SNOWE. Mr. President, a piece of jewelry can tell a story, trigger a memory, or commemorate a special occasion. The beauty and charm captured in a ring or a necklace can precisely convey a meaning without words. For birthdays, engagements, celebrations, and sometimes ''just because,'' a piece of jewelry is a popular and personal gift. Today I wish to recognize a jewelry store whose emphasis on detail, creativity, and quality sets it apart.

A downtown staple for nearly two decades, Folia Jewelry in Portland, ME, specializes in custom-made pieces of jewelry fashioned from precious metals and gemstones. The owner and creative mind behind these beautiful pieces of wearable art is Edith Armstrong. Edith studied jewelry making and metalsmithing at the Rhode Island School of Design and brings more than 25 years of expertise to the custom jewelry market. It is her passion and imagination that first brought Folia to Portland. Her work is now known throughout the area and even the world for its excellence and originality.

The custom design and quality of Edith and the other designers at Folia is exquisite. Folia showcases the talents of several of Maine's gifted and experienced artisans. The designers at Folia individually sit down with each customer interested in specially crafted pieces to discuss, sketch, and render models to exact specifications prior to work on the actual piece. This detail-oriented process yields pieces which are unique, beautiful, and personal. The philosophy of Folia is all in the personalization. If you do not see exactly what you're looking for in the many display cases, Edith and her team of artists will happily work with you to give form to your vision. Through their dedication to their craft and attention to detail, the designers at Folia have garnered a reputation as one of the best jewelry stores in Maine, and it is easy to see why.

Along with custom jewelry making, Folia also offers a wide array of prefabricated designs for customers to choose from, all made from the highest quality stones and metals. These designs are ready-made but each has that artistic flare so characteristic of Folia's custom creations. The intricacy with which each piece is fashioned is truly outstanding. Their expert craftsmen also specialize in restoration and repair of older jewelry.

In a world increasingly concerned with on-demand and instant gratification, it is comforting to know that there are delightful shops like Folia, run by designers who care more about their final product and intimate relationships with customers than the bottom line. I proudly offer my congratulations to Folia on their success and wish Edith and everyone at Folia all the best in the future.●

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, with amendments:

S. 2024. A bill to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. 3546. A bill to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages.

S. 3548. A bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3669. A bill to provide assistance for watersheds adversely affected by qualifying natural disasters; to the Committee on Agriculture, Nutrition, and Forestry.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mrs. FEINSTEIN, Ms. COLLINS, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. WICKER, Mrs. SHAHEEN, Mr. CRAPO, Mr. NELSON of Florida, Mr. INHOFE, Mrs. BOXER, Mr. BLUNT, Mr. WYDEN, Mr. KIRK, Mr. TESTER, Mr. ROBERTS, Mr. LAUTENBERG, Mr. ISAKSON, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. KYL, Mr. MENENDEZ, Mr. BARRASSO, Mr. JOHNSON of Wisconsin, Mr. BOOZMAN, Mr. BURR, Mr. UDALL of Colorado, Mr. JOHANNS, Mr. WHITEHOUSE, Mr. CORNYN, Mr. COONS, Mr. BROWN of Massachusetts, Mr. FRANKEN, Ms. AYOTTE, Ms. KLOBUCHAR, Mr. COATS, Mr. SCHUMER, Mr. LEE, Ms. MIKULSKI, Mr. MORAN, Mrs. MCCASKILL, Mr. HOEVEN, Mr. PRYOR, Mr. PORTMAN, Mr. BEGICH, Mr. MCCAIN, Mr. CARPER, Mr. THUNE, Mr. MCCONNELL, Mr. BENNET, Mr. ENZI, and Mr. JOHNSON of South Dakota):

S. Res. 613. A resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 465

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 465, a bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, and their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 3208

At the request of Mr. PORTMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3208, a bill to reauthorize the Multinational Species Conservation Funds Semipostal Stamp, and for other purposes.

S. 3518

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3518, a bill to make it a principal negotiating objective of the United States in trade negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3665

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3665, a bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 613—URGING THE GOVERNMENTS OF EUROPE AND THE EUROPEAN UNION TO DESIGNATE HIZBALLAH AS A TERRORIST ORGANIZATION AND IMPOSE SANCTIONS, AND URGING THE PRESIDENT TO PROVIDE INFORMATION ABOUT HIZBALLAH TO THE EUROPEAN ALLIES OF THE UNITED STATES AND TO SUPPORT TO THE GOVERNMENT OF BULGARIA IN INVESTIGATING THE JULY 18, 2012, TERRORIST ATTACK IN BURGAS

Mr. LIEBERMAN (for himself, Mr. CASEY, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mrs. FEINSTEIN, Ms. COLLINS, Mr. BROWN of Ohio, Mr.

BLUMENTHAL, Mr. WICKER, Mrs. SHAHEEN, Mr. CRAPO, Mr. NELSON of Florida, Mr. INHOFE, Mrs. BOXER, Mr. BLUNT, Mr. WYDEN, Mr. KIRK, Mr. TESTER, Mr. ROBERTS, Mr. LAUTENBERG, Mr. ISAKSON, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. KYL, Mr. MENENDEZ, Mr. BARRASSO, Mr. JOHNSON of Wisconsin, Mr. BOOZMAN, Mr. BURR, Mr. UDALL of Colorado, Mr. JOHANNS, Mr. WHITEHOUSE, Mr. CORNYN, Mr. COONS, Mr. BROWN of Massachusetts, Mr. FRANKEN, Ms. AYOTTE, Ms. KLOBUCHAR, Mr. COATS, Mr. SCHUMER, Mr. LEE, Ms. MIKULSKI, Mr. MORAN, Mrs. MCCASKILL, Mr. HOEVEN, Mr. PRYOR, Mr. PORTMAN, Mr. BEGICH, Mr. MCCAIN, Mr. CARPER, Mr. THUNE, Mr. MCCONNELL, Mr. BENNET, Mr. ENZI, and Mr. JOHNSON of South Dakota) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 613

Whereas the Department of State has designated Hizballah as a foreign terrorist organization since October 1997;

Whereas the United States Government designated Hizballah a specially designated terrorist organization in January 1995 and a ''Specially Designated Global Terrorist'' pursuant to Executive Order 13224 (66 Fed. Reg. 49079) in October 2001;

Whereas Hizballah was established in 1982 through the direct sponsorship and support of Iran's Islamic Revolutionary Guards Corps (IRGC) Quds Force and continues to receive training, weapons, and explosives, as well as political, diplomatic, monetary, and organizational aid, from Iran;

Whereas Hizballah has been implicated in multiple acts of terrorism over the past 30 years, including the bombings in Lebanon in 1983 of the United States Embassy, the United States Marine barracks, and the French Army barracks, the airline hijackings and the kidnapping of European, American, and other Western hostages in the 1980s and 1990s, and support of the Khobar Towers attack in Saudi Arabia that killed 19 Americans in 1996;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, ''Since at least 2004, Hizballah has provided training to select Iraqi Shia militants, including on the construction and use of improvised explosive devices (IEDs) that can penetrate heavily-armored vehicles.'';

Whereas, in 2007, a senior Hizballah operative, Ali Mussa Daqduq, was captured in Iraq with detailed documents that discussed tactics to attack Iraqi and coalition forces, and has been directly implicated in a terrorist attack that resulted in the murder of 5 members of the United States Armed Forces;

Whereas Hizballah has been implicated in the terrorist attacks in Buenos Aires, Argentina on the Israeli Embassy in 1992 and the Argentine Israelite Mutual Association in 1994;

Whereas Hizballah has been implicated in acts of terrorism and extrajudicial violence in Lebanon, including the assassination of political opponents;

Whereas, in June 2011, the Special Tribunal for Lebanon, an international tribunal for the prosecution of those responsible for the February 14, 2005, assassination of former Lebanese Prime Minister Rafiq Hariri, issued arrest warrants against 4 senior Hizballah members, including its top military commander, Mustafa Badr al-Din, identified as the primary suspect in the assassination;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, Hizballah is ''the likely perpetrator'' of 2 bomb attacks that wounded United Nations Interim Force in Lebanon (UNIFIL) peacekeepers in Lebanon during 2011;

Whereas, according to the October 18, 2012, report of the Secretary-General of the United Nations to the United Nations Security Council on the implementation of Security Council Resolution 1559 (2004) (in this preamble referred to as the ''October 18 Report''), ''The maintenance by Hizbullah of sizeable sophisticated military capabilities outside the control of the Government of Lebanon. . .creates an atmosphere of intimidation in the country[,]. . .puts Lebanon in violation of its obligations under Resolution 1559 (2004)[,] and constitutes a threat to regional peace and stability.'';

Whereas John Brennan, Assistant to the President for Homeland Security and Counterterrorism, stated on October 26, 2012, that Hizballah's ''social and political activities must not obscure [its] true nature or prevent us from seeing it for what it is—an international terrorist organization actively supported by Iran's Islamic Revolutionary Guards Corps – Quds Force'';

Whereas David Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence, stated on August 10, 2012, ''Before al Qaeda's attack on the U.S. on September 11, 2001, Hizballah was responsible for killing more Americans in terrorist attacks than any other terrorist group.'';

Whereas, according to a September 13, 2012, Department of the Treasury press release, ''The last year has witnessed Hizballah's most aggressive terrorist plotting outside the Middle East since the 1990s.'';

Whereas, since 2011, Hizballah has been implicated in thwarted terrorist plots in Azerbaijan, Cyprus, Thailand, and elsewhere;

Whereas, on July 18, 2012, a suicide bomber attacked a bus in Burgas, Bulgaria, murdering 5 Israeli tourists and the Bulgarian bus driver in a terrorist attack that, according to Mr. Brennan, ''bore the hallmarks of a Hizballah attack'';

Whereas Israeli prime minister Benjamin Netanyahu has stated of the Burgas terrorist attack, ''We have unquestionable, fully substantiated evidence that this was done by Hizballah backed by Iran.'';

Whereas Bulgaria is a member of the European Union and a member of the North Atlantic Treaty Organization (NATO);

Whereas, according to the October 18 Report, ''There have been credible reports suggesting involvement by Hizbullah and other Lebanese political forces in support of the parties in the conflict in Syria.. . . Such militant activities by Hizbullah in Syria contradict and undermine the disassociation policy of the Government of Lebanon, of which Hizbullah is a coalition member.'';

Whereas, on October 26, 2012, Mr. Brennan stated, ''We have seen Hizballah training militants in Yemen and Syria, where it continues to provide material support to the regime of Bashar al Assad, in part to preserve its weapon supply lines.'';

Whereas, on August 10, 2012, the Department of the Treasury designated Hizballah pursuant to Executive Order 13582 (76 Fed Reg. 52209), which targets those responsible for human rights abuses in Syria, for providing support to the Government of Syria;

Whereas, according to the Department of the Treasury, since early 2011, Hizballah ''has provided training, advice and extensive logistical support to the Government of Syria's increasingly ruthless effort to fight against the opposition'' and has ''directly trained Syrian government personnel inside Syria and has facilitated the training of Syrian forces by Iran's terrorism arm, the Islamic Revolutionary Guards Corps – Qods Force'';

Whereas, on September 13, 2012, the Department of the Treasury designated the Secretary-General of Hizballah, Hasan Nasrallah, for overseeing ''Hizballah's efforts to help the Syrian regime's violent crackdown on the Syrian civilian population'';

Whereas, on October 26, 2012, Mr. Brennan stated, ''Even in Europe, many countries. . .have not yet designated Hizballah as a terrorist organization. Nor has the European Union. Let me be clear: failure to designate Hizballah as a terrorist organization makes it harder to defend our countries and protect our citizens. As a result, for example, countries that have arrested Hizballah suspects for plotting in Europe have been unable to prosecute them on terrorism charges.''; and

Whereas, on October 26, 2012, Mr. Brennan called on the European Union to designate Hizballah as a terrorist organization, saying, ''European nations are our most sophisticated and important counterterrorism partners, and together we must make it clear that we will not tolerate Hizballah's criminal and terrorist activities.''. Now, therefore, be it

*Resolved,* That the Senate—

(1) urges the governments of Europe and the European Union to designate Hizballah as a terrorist organization so that Hizballah cannot use the territories of the European Union for fundraising, recruitment, financing, logistical support, training, and propaganda;

(2) urges the governments of Europe and the European Union to impose sanctions on Hizballah for providing material support to Bashar al Assad's ongoing campaign of violent repression against the people of Syria;

(3) expresses support for the Government of Bulgaria as it conducts an investigation into the July 18, 2012, terrorist attack in Burgas, and expresses hope that the investigation can be successfully concluded and that the perpetrators can be identified as quickly as possible;

(4) urges the President to provide all necessary diplomatic, intelligence, and law enforcement support to the Government of Bulgaria to investigate the July 18, 2012, terrorist attack in Burgas;

(5) reaffirms support for the Government of Bulgaria by the United States as a member of the North Atlantic Treaty Organization (NATO), and urges the United States, NATO, and the European Union to work with the Government of Bulgaria to safeguard its territory and citizens from the threat of terrorism; and

(6) urges the President to make available to European allies and the European public information about Hizballah's terrorist activities and material support to Bashar al Assad's campaign of violence in Syria.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3312. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

SA 3313. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3314. Mr. REID proposed an amendment to the bill S. 3637, supra.

SA 3315. Mr. REID proposed an amendment to amendment SA 3314 proposed by Mr. REID to the bill S. 3637, supra.

SA 3316. Mr. REID proposed an amendment to the bill S. 3637, supra.

SA 3317. Mr. REID proposed an amendment to amendment SA 3316 proposed by Mr. REID to the bill S. 3637, supra.

SA 3318. Mr. REID proposed an amendment to amendment SA 3317 proposed by Mr. REID

to the amendment SA 3316 proposed by Mr. REID to the bill S. 3637, supra.

SA 3319. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3320. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3321. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3322. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3323. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3324. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3325. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3637, supra; which was ordered to lie on the table.

SA 3326. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes.

SA 3327. Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, supra.

SA 3328. Mrs. GILLIBRAND (for herself, Mr. ROCKEFELLER, and Mr. TOOMEY) proposed an amendment to the bill H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

## TEXT OF AMENDMENTS

**SA 3312.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of that section 714 shall be completed before the end of calendar year 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit described in subsection (a) shall be—

(A) submitted by the Comptroller General of the United States to Congress before the end of the 90-day period beginning on the date on which such audit is completed; and

(B) made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the chairman and ranking member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Section 714(b) of title 31, United States Code, is amended by striking all after ''in writing.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

---

**SA 3313.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1 and insert the following:

**SECTION 1. TEMPORARY CONTINUATION OF THE TRANSACTION ACCOUNT GUARANTEE PROGRAM FOR INSURED DEPOSITORY INSTITUTIONS.**

(a) TEMPORARY EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (B) and (C) of section (11)(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking ''DEPOSIT.—'' and all that follows through ''clause (ii), the net amount'' in clause (i), and inserting ''DEPOSIT.—The net amount''; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (C), by striking ''subparagraph (B)(i)'' and inserting ''subparagraph (B)''.

(c) FEE SYSTEM.—

(1) IN GENERAL.—The Federal Deposit Insurance Corporation (in this section referred to as the ''Corporation'') shall establish, by rule, a fee system to fully offset the cost of the transaction account guarantee program under clauses (ii) and (iii) of section 11(A)(1)(B) of the Federal Deposit Insurance Act, such that there is no net cost to the Deposit Insurance Fund.

(2) PRICING SYSTEM REQUIREMENTS.—The fee system established by the Corporation under this subsection shall provide that—

(A) those depository institutions that voluntarily participate in the program shall be required to pay a pro rata share of such fees; and

(B) the 6 largest insured depository institutions, based on total assets, as determined by the Corporation, shall each be required to pay a share of such fees.

---

**SA 3314.** Mr. REID proposed an amendment to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

At the end, add the following new section:

**Sec. _____**

This Act shall become effective 5 days after enactment.

---

**SA 3315.** Mr. REID proposed an amendment to amendment SA 3314 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

**SA 3316.** Mr. REID proposed an amendment to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

At the end, add the following new section:

**Sec. _____**

This Act shall become effective 3 days after enactment.

---

**SA 3317.** Mr. REID proposed an amendment to amendment SA 3316 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

---

**SA 3318.** Mr. REID proposed an amendment to amendment SA 3317 proposed by Mr. REID to the amendment SA 3316 proposed by Mr. REID to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

---

**SA 3319.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ____. CREDIT UNION SMALL BUSINESS DEVELOPMENT.**

(a) DEFINITIONS.—In this section—

(1) the term ''Board'' means the National Credit Union Administration Board;

(2) the term ''insured credit union'' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term ''member business loan'' has the same meaning as in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term ''net worth'' has the same meaning as in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term ''well capitalized'' has the same meaning as in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

(b) LIMITS ON MEMBER BUSINESS LOANS.—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

''(a) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

''(A) 1.75 times the actual net worth of the credit union; or

''(B) 12.25 percent of the total assets of the credit union.

''(2) ADDITIONAL AUTHORITY.—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

''(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

''(B) is well capitalized, as defined in section 216(c)(1)(A);

''(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

''(D) has the requisite policies and experience in managing member business loans; and

''(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

''(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized (as defined in section 216(c)(1)(A)), as reflected in a subsequent quarterly call report, and obtains the approval of the Board.''.

(c) IMPLEMENTATION.—

(1) TIERED APPROVAL PROCESS.—The National Credit Union Administration Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this section). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (b) is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (b), and as defined by the rules issued by the Board under this paragraph.

(3) CONSIDERATIONS.—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this section; and

(C) such other factors as the Board determines necessary or appropriate.

(d) REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.—

(1) REPORT OF THE BOARD.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) REPORT.—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section and the amendments made by this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this section;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2) of the Federal Credit Union Act, as amended by this section, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(i) trends in such lending;

(ii) types and amounts of member business loans;

(iii) the effectiveness of this section in enhancing small business lending;

(iv) recommendations for legislative action, if any, with respect to such lending; and

(v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

---

**SA 3320.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. CONFIDENTIALITY OF INFORMATION SHARED BETWEEN STATE AND FEDERAL FINANCIAL SERVICES REGULATORS.**

Section 1512(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5111(a)) is amended by inserting ''or financial services'' before ''industry''.

---

**SA 3321.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—FHA EMERGENCY FISCAL SOLVENCY**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''FHA Emergency Fiscal Solvency Act of 2012''.

**SEC. 202. FHA ANNUAL MORTGAGE INSURANCE PREMIUMS.**

(a) IN GENERAL.—Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''may'' and inserting ''shall'';

(B) by striking ''not exceeding 1.5 percent'' and inserting ''not less than 0.55 percent''; and

(C) by inserting ''and not exceeding 2.0 percent of such remaining insured principal balance'' before ''for the following periods:''; and

(2) in clause (ii), by striking ''1.55 percent'' and inserting ''2.05 percent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act.

**SEC. 203. INDEMNIFICATION BY FHA MORTGAGEES.**

Section 202 of the National Housing Act (12 U.S.C. 1708) is amended by adding at the end the following new subsection:

''(i) INDEMNIFICATION BY MORTGAGEES.—

''(1) IN GENERAL.—If the Secretary determines that the mortgagee knew, or should have known, of a serious or material violation of the requirements established by the Secretary with respect to a mortgage executed by a mortgagee approved by the Secretary under the direct endorsement program or insured by a mortgagee pursuant to the delegation of authority under section 256 such that the mortgage loan should not have been approved and endorsed for insurance, and the Secretary pays an insurance claim with respect to the mortgage within a reasonable period specified by the Secretary, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(2) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in connection with the origination or underwriting and the Secretary determines that the mortgagee knew or should have known of the fraud or misrepresentation, the Secretary shall require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(3) APPEALS PROCESS.—The Secretary shall, by regulation, establish an appeals process for mortgagees to appeal indemnification determinations made pursuant to paragraph (1) or (2).

''(4) REQUIREMENTS AND PROCEDURES.—The Secretary shall issue regulations establishing appropriate requirements and procedures governing the indemnification of the Secretary by the mortgagee, including public reporting on—

''(A) the number of loans that—

''(i) were not originated or underwritten in accordance with the requirements established by the Secretary; and

''(ii) involved fraud or misrepresentation in connection with the origination or underwriting; and

''(B) the financial impact on the Mutual Mortgage Insurance Fund when indemnification is required.''.

**SEC. 204. EARLY PERIOD DELINQUENCIES.**

Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended by adding at the end the following new paragraphs:

''(8) PROGRAMMATIC REVIEW OF EARLY PERIOD DELINQUENCIES.—The Secretary shall establish and maintain a program—

''(A) to review the cause of each early period delinquency on a mortgage that is an obligation of the Mutual Mortgage Insurance Fund;

''(B) to require indemnification of the Secretary for a loss associated with any such early period delinquency that is the result of a material violation, as determined by the Secretary, of any provision, regulation, or other guideline established or promulgated pursuant to this title; and

''(C) to publicly report—

''(i) a summary of the results of all early period delinquencies reviewed under subparagraph (A);

''(ii) any indemnifications required under subparagraph (B); and

''(iii) the financial impact on the Mutual Mortgage Insurance Fund of any such indemnifications.

''(9) DEFINITION OF EARLY PERIOD DELINQUENCY.—For purposes of this section, the term 'early period delinquency' means, with respect to a mortgage, that the mortgage becomes 90 or more days delinquent within 24 months of the origination of such mortgage.''.

**SEC. 205. SEMIANNUAL ACTUARIAL STUDIES OF MMIF DURING PERIODS OF CAPITAL DEPLETION.**

(a) IN GENERAL.—Paragraph (4) of section 202(a) of the National Housing Act (12 U.S.C. 1708(a)(4)) is amended—

(1) in the first sentence, by inserting ''except as provided in subparagraph (B),'' after ''to be conducted annually,'';

(2) in the second sentence, by inserting '', except as provided in subparagraph (B),'' after ''annually'';

(3) by striking the paragraph designation and heading and all that follows through ''The Secretary shall provide'' and inserting the following:

''(4) INDEPENDENT ACTUARIAL STUDY.—

''(A) ANNUAL STUDY.—The Secretary shall provide''; and

(4) by adding at the end the following new subparagraph:

''(B) SEMIANNUAL STUDIES DURING PERIODS OF CAPITAL DEPLETION.—During any period that the Fund fails to maintain sufficient capital to comply with the capital ratio requirement under section 205(f)(2)—

''(i) the independent study required by subparagraph (A) shall be conducted semiannually and shall analyze the financial position of the Fund as of September 30 and March 31 of each fiscal year during such period; and

''(ii) the Secretary shall submit a report meeting the requirements of subparagraph (A) for each such semiannual study.''.

(b) ANALYSIS OF QUARTERLY ACTUARIAL STUDIES.—The Secretary of Housing and Urban Development shall conduct an analysis of the cost and feasibility of providing for an independent actuarial study of the Mutual Mortgage Insurance Fund on a calendar quarterly basis, which shall compare the cost and feasibility of conducting such a study on a quarterly basis as compared to a semi-annual basis and shall determine whether such an actuarial study can be conducted on a quarterly basis without substantial additional costs to the taxpayers. Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the findings and conclusion of the analysis conducted pursuant to this subsection.

**SEC. 206. DELEGATION OF FHA INSURING AUTHORITY.**

Section 256 of the National Housing Act (12 U.S.C. 1715z–21) is amended—

(1) by striking subsection (c);

(2) in subsection (e), by striking '', including'' and all that follows through ''by the mortgagee''; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 207. AUTHORITY TO TERMINATE FHA MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.**

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

(1) in the first sentence of subsection (b), by inserting ''or areas or on a nationwide basis'' after ''area'' each place such term appears; and

(2) in subsection (c), by striking ''(c)'' and all that follows through ''The Secretary'' in the first sentence of paragraph (2) and inserting the following:

''(c) TERMINATION OF MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.—

''(1) TERMINATION AUTHORITY.—If the Secretary determines, under the comparison provided in subsection (b), that a mortgagee has a rate of early defaults and claims that is excessive, the Secretary may terminate the approval of the mortgagee to originate or underwrite single family mortgages for any area, or areas, or on a nationwide basis, notwithstanding section 202(c) of this Act.

''(2) PROCEDURE.—The Secretary''.

**SEC. 208. AUTHORIZATION TO PARTICIPATE IN THE ORIGINATION OF FHA-INSURED LOANS.**

(a) SINGLE FAMILY MORTGAGES.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) Have been made to a mortgagee approved by the Secretary or to a person or entity authorized by the Secretary under section 202(d)(1) to participate in the origination of the mortgage, and be held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.''.

(b) HOME EQUITY CONVERSION MORTGAGES.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) have been originated by a mortgagee approved by, or by a person or entity authorized under section 202(d)(1) to participate in the origination by, the Secretary;''.

**SEC. 209. REPORTING OF MORTGAGEE ACTIONS TAKEN AGAINST OTHER MORTGAGEES.**

Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(j) NOTIFICATION OF MORTGAGEE ACTIONS.—The Secretary shall require each mortgagee, as a condition for approval by the Secretary to originate or underwrite mortgages on single family or multifamily housing that are insured by the Secretary, if such mortgagee engages in the purchase of mortgages insured by the Secretary and originated by other mortgagees or in the purchase of the servicing rights to such mortgages, and such mortgagee at any time takes action to terminate or discontinue such purchases from another mortgagee based on any determination or evidence of fraud or material misrepresentation in connection with the origination of such mortgages, to notify the Secretary of the action taken and the reasons for such action not later than 15 days after taking such action.''.

**SEC. 210. DEFAULT AND ORIGINATION INFORMATION BY LOAN SERVICER AND ORIGINATING DIRECT ENDORSEMENT LENDER.**

(a) COLLECTION OF INFORMATION.—Paragraph (2) of section 540(b) of the National Housing Act (12 U.S.C. 1712 U.S.C. 1735f–18(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) For each entity that services insured mortgages, data on the number of claims paid to each servicing mortgagee during each calendar quarter occurring during the applicable collection period.''.

(b) APPLICABILITY.—Information described in subparagraph (C) of section 540(b)(2) of the National Housing Act, as added by subsection (a) of this section, shall first be made available under such section 540 for the applicable collection period (as such term is defined in such section) relating to the first calendar quarter ending after the expiration of the 12-month period that begins on the date of the enactment of this Act.

**SEC. 211. DEPUTY ASSISTANT SECRETARY OF FHA FOR RISK MANAGEMENT AND REGULATORY AFFAIRS.**

(a) ESTABLISHMENT OF POSITION.—Subsection (b) of section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533(b)) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) There shall be in the Department, within the Federal Housing Administration, a Deputy Assistant Secretary for Risk Management and Regulatory Affairs, who shall be appointed by the Secretary and shall be responsible to the Federal Housing Commissioner for all matters relating to managing and mitigating risk to the mortgage insurance funds of the Department and ensuring the performance of mortgages insured by the Department.''.

(b) TERMINATION.—Upon the appointment of the initial Deputy Assistant Secretary for Risk Management and Regulatory Affairs pursuant to section 4(b)(2) of the Department of Housing and Urban Development Act, as amended by subsection (a) of this section, the position of chief risk officer within the Federal Housing Administration, filled by appointment by the Federal Housing Commissioner, is abolished.

**SEC. 212. ESTABLISHMENT OF CHIEF RISK OFFICER FOR GNMA.**

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding after subsection (g), as added by section 1442 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2163), the following new subsection:

''(h) There shall be in the Department a Chief Risk Officer for the Government National Mortgage Association, who shall—

''(1) be designated by the Secretary;

''(2) be responsible to the President of the Association for all matters related to evaluating, managing, and mitigating risk to the programs of the Association;

''(3) be in the competitive service or the senior executive service;

''(4) be a career appointee;

''(5) be designated from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in risk evaluation practices in large governmental or business entities; and

''(6) shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States before submitting to the Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments if such submission include a statement indicating that the views expressed therein are those of the Chief Risk Officer of the Association and do not necessarily represent the views of the Secretary.''.

**SEC. 213. REPORT ON MORTGAGE SERVICERS.**

(a) EXAMINATION.—The Secretary of Housing and Urban Development shall conduct an

examination into mortgage servicer compliance with the loan servicing, loss mitigation, and insurance claim submission guidelines of the FHA mortgage insurance programs under the National Housing Act (12 U.S.C. 1701 et seq.), and an estimate of the annual costs to the Mutual Mortgage Insurance Fund, since 2008, resulting from any failures by mortgage servicers to comply with such guidelines.

(b) REPORT.—Not later than the expiration of the 120-day period that begins upon the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the examination conducted pursuant to subsection (a), including recommendations for any administrative and legislative actions to improve mortgage servicer compliance with the guidelines referred to in subsection (a).

**SEC. 214. FHA EMERGENCY CAPITAL PLAN.**

(a) ESTABLISHMENT.—Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall develop, submit to the Congress, and commence implementation of an emergency capital plan for the restoration of the fiscal solvency of the Mutual Mortgage Insurance Fund (in this section referred to as the ''Fund'').

(b) CONTENTS.—The emergency capital plan developed pursuant to this section shall—

(1) provide a detailed explanation of the processes and controls by which amounts of capital that are assets of the Fund are monitored and tracked;

(2) establish a plan to ensure the financial safety and soundness of the Fund that avoids the need for borrowing amounts from the Treasury of the United States to meet obligations of the Fund; and

(3) describe the procedure by which, if necessary, any amounts from the Treasury needed to meet obligations of the Fund will be obtained from the Treasury.

(c) MONTHLY REPORTS.—

(1) REPORTS.—Subject to paragraph (3), upon the conclusion of each calendar month ending after the 14-day period that begins on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report assessing the financial status of the Fund at the conclusion of such month and setting forth the information described in paragraph (2).

(2) CONTENTS.—Each report required under paragraph (1) for a month shall contain the following information regarding the Fund as of the conclusion of such month:

(A) The number of mortgages that are obligations of the Fund that are 60 or more days delinquent, the expected losses to the Fund associated with such delinquent mortgages, and the methodology used to make such calculation.

(B) The number of mortgages that are obligations of the Fund that have a loan-to-value ratio at the time of origination that is less than 80 percent and the percentage of all mortgages that are obligations of the Fund having such a ratio.

(C) The number of mortgages that are obligations of the Fund that had an original principal obligation exceeding 125 percent of the median house price, for a home of the size of the residence subject to the mortgage, for the area in which such residence is located, and the percentage of all mortgages that are obligations of the Fund having such an original principal obligation.

(D) The number of mortgages that are obligations of the Fund for which the mortgagor's income at the time of origination of the mortgage is greater than the median income for the area in which the residence subject to the mortgage is located, and the percentage of all mortgages that are obligations of the Fund for which the mortgagor has such an income.

(E) The balances for the financing and capital reserve accounts of the Fund.

(F) Any actions taken during such month to help ensure the financial soundness of the Fund and compliance with section 205(f) of the National Housing Act (12 U.S.C. 1711(f); relating to a capital ratio requirement).

(3) TERMINATION OF REPORTING REQUIREMENT.—The requirement to submit reports under paragraph (1) shall terminate on the first date after the date of the enactment of this Act that the Fund attains a capital ratio (as such term is defined in section 205(f)(3) of the National Housing Act) of 2.0 percent.

**SEC. 215. FHA SAFETY AND SOUNDNESS REVIEW.**

(a) REVIEW.—The Comptroller General of the United States shall provide for an independent third party to—

(1) conduct a one-time review of the mortgage insurance programs and funds of the Secretary of Housing and Urban Development that shall determine, as of the time of such review—

(A) the financial safety and soundness of such programs and funds; and

(B) the extent of loan loss reserves and capital adequacy of such programs and funds; and

(2) to submit a report under subsection (b). Such review shall be conducted in accordance with generally accepted accounting principles applicable to the private sector and Federal entities.

(b) REPORT.—The report under this subsection shall describe the methodology and standards used to conduct the review under subsection (a)(1), set forth the results and findings of the review, including the extent of loan loss reserves and capital adequacy of the mortgage insurance programs and funds of the Secretary of Housing and Urban Development, and include recommendations regarding restoring such reserves and capital to maintain such programs and funds in a safe and sound condition.

(c) TIMING.—The review required under subsection (a) shall be completed, and the report required under subsection (b) shall be submitted, not later than the expiration of the 60-day period beginning on the date of the enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect, or exempt the Secretary of Housing and Urban Development from complying with, any laws, regulations, or guidance relating to preparation or submission of budgets or audits or financial or management statements or reports.

**SEC. 216. FHA DISCLOSURE STANDARDS.**

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall review and revise all standards and requirements relating to disclosure of information regarding the mortgage insurance programs and funds, including actuarial studies conducted under section 202(a)(4) of the National Housing Act (12 U.S.C. 1708(a)(4)), quarterly reports under section 202(a)(5) of such Act, and annual audited financial statements under section 538 of such Act (12 U.S.C. 1735f–16), to ensure that, after the date of the enactment of this Act, such disclosures—

(1) provide meaningful financial and other information that is timely, comprehensive, and accurate;

(2) do not contain any material misstatements or misrepresentations;

(3) make available all relevant information; and

(4) prohibit material omissions that make the contents of the disclosure misleading.

**SEC. 217. REPORT ON STREAMLINING FHA PROGRAMS.**

(a) EXAMINATION.—The Secretary of Housing and Urban Development shall conduct an examination of the mortgage insurance and any other programs of the Federal Housing Administration to identify—

(1) the level of use and need for such programs;

(2) any such programs that are unused or underused; and

(3) methods for streamlining, consolidating, simplifying, increasing the efficiency of, and reducing the number of such programs.

(b) REPORT.—Not later than the expiration of the 12-month period that begins upon the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the results of the examination conducted pursuant to subsection (a), including recommendations for any administrative and legislative actions to streamline, consolidate, simplify, increase the efficiency of, and reduce the number of such programs.

**SEC. 218. BUDGET COMPLIANCE.**

The Secretary of Housing and Urban Development shall allocate $2,500,000 from the account for Administrative Contract Expenses each fiscal year through September 30, 2017, which amounts shall be available only for the purposes of this title and the amendments made by this title, including such additional actuarial reviews as may be required by section 205 of this title and the amendments made by such section.

---

**SA 3322.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. FHA STABILIZATION AND REFORM.**

(a) ESTABLISHING MINIMUM FICO SCORE REQUIREMENT.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by inserting after paragraph (7) the following:

''(8) Have been made to a mortgagor having a FICO score of not less than 620.''.

(b) REDUCING LOAN LIMIT.—Section 203(b)(2)(A) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by inserting before the undesignated matter following clause (ii) the following:

''(iii) $625,000;''.

(c) HECM MORATORIUM.—During the 24-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development may not enter into an agreement to insure a home equity conversion mortgage under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

(d) LIMITATION ON LOANS TO BORROWERS WITH FORECLOSURES.—Section 203(b)(9)(A) of the National Housing Act (12 U.S.C. 1709(b)(9)(A)) is amended—

(1) by striking the period at the end and inserting ''; or'';

(2) by striking ''amount equal to not less'' and inserting the following: ''amount equal to—

''(A) not less''; and

(3) by adding at the end the following:

''(B) in the case of a mortgagor who was the mortgagor under a mortgage that was foreclosed upon during the 7-year period ending on the date on which the mortgagor applies for the mortgage insured under this section, not less than 20 percent of the appraised value of the property or such larger amount as the Secretary may determine.''.

**SA 3323.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 14 and all that follows through page 3, line 6 and insert the following:

(c) RECOVERY OF LIABILITY INCREASE.—The Federal Deposit Insurance Corporation (in this section referred to as the ''Corporation'') shall fully and properly reserve, in each calendar year, for the increased prospective liability of the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) that occurs as a result of section 11(a)(1)(B)(ii) of that Act, by—

(1) estimating the amount of deposits of insured depository institutions that are insured as a result of section 11(a)(1)(B)(ii) of that Act; and

(2) collecting, at the same time as and in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)), an amount that bears the same proportion to the assessments that would otherwise be collected as the amount of deposits estimated pursuant to subparagraph (1) bears to the total amount of insured deposits of insured depository institutions, less that estimated amount as of the end of the most recent preceding calendar quarter.

On page 4, strike lines 13 through 20 and insert the following:

(c) RECOVERY OF LIABILITY INCREASE.—The National Credit Union Administration (in this section referred to as the ''Administration'') shall fully and properly reserve, in each calendar year, for the increased prospective liability of the National Credit Union Share Insurance Fund established under section 203(a) of the Federal Credit Union Act (12 U.S.C. 1783(a)) that occurs as a result of section 207(k)(1) of that Act (12 U.S.C. 1787(k)(1)), by—

(1) estimating the amount of deposits of insured credit unions that are insured as a result of section 207(k)(1)(B) of that Act; and

(2) collecting, at the same time as and in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782), an amount that bears the same proportion to the assessments that would otherwise be collected as the amount of deposits estimated pursuant to subparagraph (1) bears to the total amount of insured deposits of insured credit unions, less that estimated amount as of the end of the most recent preceding calendar quarter.

---

**SA 3324.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 24 and all that follows through page 4, line 20 and insert the following:

(2) collecting from participating insured depository institutions (as defined in section 11(a)(1)(B)(iv) of that Act) an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)).

(d) DEPOSIT INSURANCE VOLUNTARY PARTICIPATION.—Effective on January 1, 2013, section 11(a)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(B)) is amended—

(1) in clause (ii), by striking ''an insured depository institution'' and inserting ''a participating insured depository institution''; and

(2) by adding at the end the following:

''(iv) PARTICIPATING INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this subparagraph, the term 'participating insured depository institution' means an insured depository institution that elects, in a manner and during a time period for such election specified by the Corporation, to have all of its noninterest-bearing transaction accounts fully insured by the Corporation.''.

On page 4, strike lines 13 through 20 and insert the following:

(2) collecting from each participating insured credit union an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782).

(d) CREDIT UNION INSURANCE VOLUNTARY PARTICIPATION.—Effective on January 1, 2013, section 207(k)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)(A)) is amended—

(1) in clause (ii), by striking ''an insured credit union'' and inserting ''a participating insured credit union''; and

(2) by adding at the end the following:

''(iv) PARTICIPATING INSURED CREDIT UNION DEFINED.—For purposes of this subparagraph, the term 'participating insured credit union' means an insured credit union that elects, in a manner and during a time period for such election specified by the Administration, to have all of its noninterest-bearing transaction accounts fully insured by the Administration.''.

---

**SA 3325.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 1, strike ''December 31'' and insert ''September 30''.

On page 3, line 13, strike ''December 31'' and insert ''September 30''.

At the end, add the following:

**SEC. ____. LIMITS ON GUARANTEE AMOUNTS.**

(a) DEPOSIT INSURANCE.—Section 11(a)(1)(B)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(B)(ii)) is amended—

(1) by striking ''shall fully insure the net amount that any'' and inserting ''shall insure not more than $1,000,000 of the amount that any single''; and

(2) by striking the second sentence.

(b) CREDIT UNION INSURANCE.—Section 207(k)(1)(A)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)(A)(ii)) is amended—

(1) by striking ''shall fully insure the net amount that any'' and inserting ''shall insure not more than $1,000,000 of the amount that any single''; and

(2) by striking the second sentence.

---

**SA 3326.** Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Public Interest Declassification Board Reauthorization Act of 2012''.

**SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.**

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting ''from the date of the appointment.''.

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.''.

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''2012.'' inserting ''2014.''.

---

**SA 3327.** Mr. LIEBERMAN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 3564, to extend the Public Interest Declassification Act of 2000 until 2018 and for other purposes; as follows:

Amend the title so as to read: ''To extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.''.

---

**SA 3328.** Mrs. GILLIBRAND (for herself, Mr. ROCKEFELLER, and Mr. TOOMEY) proposed an amendment to the bill H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes; as follows:

On page 2, line 20, after ''clothing to'' insert ''the local airport authority or other local authorities for donation to charity, including''.

---

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 11, 2012, at 10:30 a.m., to conduct a hearing entitled ''Streamlining and Strengthening HUD's Rental Housing Assistance Programs, Part II.''

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 11, 2012, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 11, 2012, at 2:30 p.m.

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

## AMENDING THE FEDERAL DEPOSIT INSURANCE ACT

## AMENDING THE ELECTRONIC FUND TRANSFER ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following bills en bloc: Calendar No. 344, H.R. 4014; and H.R. 4367, which was received from the House and is at the desk.

There being no objection, the Senate proceeded to consider the bills en bloc.

ATM FEE DISCLOSURE

Mr. HARKIN. Mr. President, in the last few years, a number of colleagues and I have grown increasingly worried about the fees that consumers face when using an automated teller machine, ATM. According to Bankrate.com 2010 Checking Survey, the average surcharge a consumer pays to use an ATM has increased to $2.33. Over 99 percent of ATM operators charge this fee. Some ATM operators also charge balance inquiry fees.

In addition, consumers are also increasingly likely to face a fee from their own financial institution for using an ATM not owned by their institution. According to the same Bankrate study, 75 percent of checking accounts charge this fee, which is now up to $1.41 on average. Therefore, frequently, consumers may face fees of almost $4.00 for accessing their own cash.

Consumers who use prepaid cards are especially likely to pay a variety of fees for using an ATM. They can face ATM withdrawal fees, balance inquiry fees, and denied transaction fees. They may get no notice at the ATM of fees charged by the prepaid card.

Mr. UDALL of New Mexico. I thank the Senator.

I too am concerned by the rising consumer ATM costs. As you know, the Senate recently passed legislation that does away with the requirement that ATMs post a physical sign notifying consumers that they may be charged multiple fees for a transaction. In many ways this requirement was outdated and it put our local institutions at risk for frivolous lawsuits. While I supported the bill we passed, I believe we must proceed with caution.

All of my friends speaking on this issue today, myself included, believe that this legislation was only intended to remove duplicative disclosures and not to lessen the important information consumers rely on when making an ATM transactions. We are concerned that one of the unintended consequences of this legislation is that consumers will lose access to information about the fees that they might face at an ATM, including, for example, fees for simple transactions like a balance inquiry and additional fees imposed by their own institution.

I would like to ask Senator JOHNSON, the distinguished chairman of the Banking Committee, for his input on this point as well.

Mr. JOHNSON of South Dakota. I thank Senators UDALL and HARKIN.

The Senator has raised an important point about this legislation. The intent of this legislation is not to lessen the amount of information that a consumer receives prior to conducting a transaction at an ATM. As the Senator has laid out, it is important that consumers be fully informed of the types of fees that they may face at the time of the transaction. The point was to modernize the information that consumers get, taking into account technological changes. But this bill is only one step toward modernization. The CFPB may wish to look at other steps to ensure that consumers are fully informed about the fees they may incur, whether that be through improved onscreen ATM disclosures, better disclosures at point of sale, or other methods.

I understand that the Consumer Financial Protection Bureau is already taking a look at this issue as part of an existing rulemaking to streamline inherited regulations, and I agree that it is important for them to keep this fact in mind as they move forward on this rulemaking.

Mr. MERKLEY: I thank Chairman JOHNSON.

Yes, I would like to reiterate that the intent of this bill is to streamline duplicative disclosures and not make consumers less aware of potential fees that they face. Like you, I encourage the Bureau to use their upcoming rulemaking to ensure that this is not the case. I now turn to my friend from Minnesota.

Mr. FRANKEN. I thank Senator MERKLEY.

I would like to echo the concerns of my friends and colleagues, Senators HARKIN, UDALL, MERKLEY, and Chairman JOHNSON. This legislation is intended to provide relief from a physical signage requirement that is subject to abuse, not reduce the disclosure available to consumers using ATM machines. I encourage the CFPB to issue regulations that clarify that consumers should have, at a minimum, the same access to timely information as they had prior to the passage of this legislation. Consumers are in the best position to make the financial decisions that are best for them, but to do so, they must have the relevant information at the appropriate time. I am pleased that so many of my colleagues have come together to support this legislative effort—one that remedies a problem affecting so many of our community banks and credit unions, but that retains protections for American consumers.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read three times and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements to these matters be printed in the RECORD.

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

The bills (H.R. 4014 and H.R. 4367) were ordered to a third reading, were read the third time, and passed.

## BRIDGEPORT INDIAN COLONY LAND TRUST, HEALTH, AND ECONOMIC DEVELOPMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 534, H.R. 2467.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2467) to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

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

The bill (H.R. 2467) was ordered to a third reading, was read the third time, and passed.

## PUBLIC INTEREST DECLASSIFICATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 3564 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2018, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Lieberman substitute amendment which is at the desk be agreed to, the bill, as amended, be read three times and passed, the Lieberman title amendment which is at the desk be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The amendment (No. 3326) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Public Interest Declassification Board Reauthorization Act of 2012''.

**SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.**

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting ''from the date of the appointment.''.

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.''.

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''2012.'' inserting ''2014.''.

The amendment (No. 3327) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''To extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.''.

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

The bill (S. 3564), as amended, was passed.

## PASCUA YAQUI TRIBE MEMBERSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 3319 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3319) to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD as if read.

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

The bill (H.R. 3319) was ordered to a third reading, was read the third time, and passed.

## CLOTHE A HOMELESS HERO ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6328 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6328) to amend title 49 United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Gillibrand amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD as if read.

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

The amendment (No. 3328) was agreed to, as follows:

(Purpose: To clarify that the clothing should be transferred to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families)

On page 2, line 20, after ''clothing to'' insert ''the local airport authority or other local authorities for donation to charity, including''.

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

The bill (H.R. 6328) was read the third time and passed, as follows:

*Resolved,* That the bill from the House of Representatives (H.R. 6328) entitled ''An Act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.'', do pass with the following amendment:

On page 2, line 20, after ''clothing to'' insert ''the local airport authority or other local authorities for donation to charity, including''.

## ORDER FOR STAR PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the report to accompany Calendar No. 514, (S. 76), be star-printed with changes at the desk.

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

## ORDERS FOR WEDNESDAY, DECEMBER 12, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 12, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate will be in a period of morning business until 2 p.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 and the majority controlling the final half; and that the previous order with respect to the remarks of retiring Senators be amended to occur from 11:30 a.m. until 2 p.m; and that following morning business, the Senate resume consideration of S. 3637, the TAG extension legislation.

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

## PROGRAM

Mr. REID. During today's session, cloture was filed on S. 3637. As a result, the filing deadline for all first-degree amendments to the bill is 1 p.m. Wednesday. Under the rule, that cloture vote will be Thursday morning.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Wednesday, December 12, 2012, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, December 11, 2012:

THE JUDICIARY

JOHN E. DOWDELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

JESUS G. BERNAL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

# EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. VISCLOSKY. Mr. Speaker, on December 5, 2012, I was absent from the House and missed rollcall votes 617, 618, and 619.

Had I been present for rollcall vote 617, on the motion to suspend the Rules and agree to S. Con. Res. 50, expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, I would have voted "yes."

Had I been present for rollcall vote 618, on the motion to suspend the Rules and pass H.R. 6602, to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, I would have voted "yes."

Had I been present for rollcall vote 619, on the motion to suspend the Rules and pass S. 2367, to strike the word "lunatic" from Federal law, and for other purposes, I would have voted "yes."

## CONGRATULATING THE THOMPSONS ON THEIR 50TH WEDDING ANNIVERSARY

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. MARCHANT. Mr. Speaker, I rise today to congratulate Paula and Homer Thompson on the fiftieth anniversary of their wedding.

Paula and Homer were married on December 7, 1962, in the home of Paula's parents in Mineral Wells, Texas. Since that day, they have lived in Carrollton, Texas. During their life together, they raised three children—Tracey Hutcherson, born on May 11, 1965; Scott Thompson, born on February 27, 1972; and Marc Thompson, born on January 30, 1975. They are also the proud grandparents of Joni, Micah, Jorden, and Emma.

Since 1974, Paula and Homer have been active members of the First Baptist Church in Carrollton. They have taught Sunday school, attended adult Sunday school, and sung in both the Sanctuary Choir and Live Wire Choir. The celebration of their fiftieth wedding anniversary will be held at the church on December 15.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Paula and Homer Thompson on the fiftieth anniversary of their wedding. This landmark in their lives stands as an example of the timeless value and endurance of mutual honor and dedication.

## HONORING MR. DON GLASER

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Don Glaser for his service as the U.S. Bureau of Reclamation's Mid-Pacific Regional Director. Over the years he has practiced careful and productive stewardship over our nation's water and power resources. His reverence for our natural resources and his commitment to public service have made him an exceptional public servant. This January, Mr. Glaser will continue his efforts in Denver, Colorado, where he will work on several high priority projects for the Bureau of Reclamation.

Mr. Glaser has over twenty years of experience with the Bureau of Reclamation, where he has held a number of positions throughout the West and Washington, D.C. He was recently honored with the Department of Interior's highest recognition, the Distinguished Service Award. He has been active in nonprofits engaged in water education, open space preservation, and fish and wildlife conservation and restoration. As Regional Director, Mr. Glaser oversaw the management of Reclamation's water projects in an area that encompasses the northern two-thirds of California, most of western Nevada, and part of southern Oregon. His breadth of experience has certainly been an asset to the Mid-Pacific region.

The Central Valley Project (CVP) is perhaps one of the most complicated and intricate federal water projects in the United States. Managing the CVP requires delicately balancing the often conflicting needs of farmers, ranchers, cities, fish, wildlife, tribal communities, and recreational users. As the principal supervisor of projects like the CVP, Mr. Glaser consistently brought the skills necessary to troubleshoot problems. His expertise and ability to foster relationships helped to address the competing needs of all water users, making him a responsible guardian of one of our most precious resources—water.

Mr. Glaser's job called for the ability to address and resolve conflicts, and to understand the nuances and sensitivities of the water resources industry. He has demonstrated a strong grasp of program planning, analysis, policy formulation, and implementation, which enabled him to represent the Department on many difficult issues. Mr. Glaser's capacity to balance local implications and "the big picture" allows him to successfully create innovative solutions to seemingly impossible conflicts.

Mr. Speaker, I ask my colleagues to join me in recognizing Don Glaser for his tireless dedication to being a conscientious keeper of America's water and power resources. His innovative work and enthusiasm on behalf of the Bureau of Reclamation make him a role model and source of pride for all Americans.

## TRIBUTE TO MICHAEL BOWLDS

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize and celebrate the life of Michael Bowlds, my constituent and a man of unique vision. Michael passed away last month after a courageous battle with cancer. Even until his final days, Michael worked tirelessly to make a difference in the lives of others.

Michael was an award-winning sales, business development, and marketing professional. A highly regarded government contracting expert, he established Mountaintop Marketing Group, one of the top government marketing firms in the country.

Michael's accomplishments as a business leader were widely recognized. He was named the 2009 "Advocate of the Year" by the U.S. Department of Commerce's Minority Business Development Agency and commended for his leadership, guidance and support in assisting small and minority-owned firms with securing over $200 million in government contracts in that year alone. Nationally recognized as a leading Minority Business Champion, Michael and Mountaintop Marketing Group hosted the Annual Minority Business Awards Gala in conjunction with Congressional Black Caucus Foundation. He was a recipient of the prestigious "Yeti Zanders Outstanding Advocate of the Year" Award presented by the National Capital Area Minority Business Opportunities Center, selected as one of the "2010 Top 25 CEOs" by the Gazette of Business and Politics, and named one of the "50 Powerful Men In Business" by the Minority Enterprise Executive Council.

Michael served as Board Chairman for the National Capital Area Minority Business Opportunities Center Advisory Board and on the Board of Directors of the Montgomery County Chamber of Commerce, and was a founding member and financial underwriter of the Montgomery County Chamber's Government Contracting Network. He also served on the Board of Directors for the National Women's Business Center.

An active member of his community, Michael was deeply involved in mentoring small businesses through the Montgomery County Small Business Mentorship Program. He also was a founding member and instructor of the Montgomery Chamber of Commerce's Veteran Institute for Procurement.

I send my condolences to his wife Courtney, his three children and his many friends and colleagues throughout our community. He will be deeply missed.

## TRIBUTE TO SERGEANT KAUFFMAN, CAPTAIN MIHELICH, OFFICER BLASINGAME, AND OFFICER GOLEZ OF FAIRFIELD, CALIFORNIA

### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GARAMENDI. Mr. Speaker, I rise today to honor Sergeant Kauffman, Captain Mihelich, Officer Blasingame, and Officer Golez of Fairfield, California.

Sergeant Kauffman will retire after nearly 30 years of law enforcement service with the City of Fairfield. He was hired as a Public Safety Officer with the Fairfield Police Department on July 5, 1983. Sergeant Kauffman served the community in a number of non-emergency patrol functions while putting himself through the police academy. After graduation, he was rehired as a Police Officer on June 30, 1986 where he worked in various capacities that included Patrol, Investigations, Solano Narcotics Enforcement Team (Sol-NET), and Field Training. Sergeant Kauffman earned the Police Officer of the Quarter award in November 1999 for his reliability and commitment to community service. On December 31, 1999, he was promoted to Police Corporal and then earned the City Manager's Commendation on July 28, 2003 for his contributions and dedication to the City's Driver Training program.

On March 3, 2006, Sergeant Kauffman was promoted to Police Sergeant and ultimately supervised a number of different units including Patrol, Professional Standards, and Major Crimes. In 2009, as the Police Department experienced changes in leadership and command staff, he stepped in and assisted City management in filling the gaps. Sergeant Kauffman assumed the Police Lieutenant's position and managed Patrol Operations for several months. He has a can-do attitude and he consistently provides quality service to the community.

Sergeant Kauffman has been a valued employee and leader, and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Captain Mihelich will retire after nearly 29 years of law enforcement service, with 25 years of that service to the City of Fairfield. After serving over three years as a Reserve Officer and Police Officer with the South San Francisco Police Department, Captain Mihelich was hired as a Police Officer with the Fairfield Police Department on October 12, 1987. As an officer, he worked in various capacities that included Patrol, Investigations, Drug Abuse Resistance Education (DARE), Special Operations, Gang Suppression, Special Activity Felony Enforcement (SAFE) Team, and Field Training.

Captain Mihelich was promoted to Police Corporal on December 31, 1999 and then to Police Sergeant on December 28, 2001. He skillfully mentored and supervised units in Patrol and Training & Personnel, and was named Manager of the Year in 2006. After being promoted to Lieutenant on June 6, 2008, Captain Mihelich served as a Commander for Patrol, Quality of Life, and Administrative Services Bureaus. He was a strong and decisive leader and as the Police Department experienced changes in leadership and command staff, he consistently stepped in and assisted City management in filling the gaps. He assumed the Police Captain's position and managed the Support Services Division beginning in April 2011 before being formally promoted on February 10, 2012.

Capitan Mihelich has been a valued employee and leader, and his commitment to the City and community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic. Captain Mihelich is commended for his selfless contribution to Fairfield and its constituents.

Officer Blasingame will retire after 30 years of law enforcement service, with 23 years of that service to the City of Fairfield. After serving seven years as a Correctional Officer and Deputy Sheriff with the Solano County Sheriff's Office, he was hired as a Police Officer with the Fairfield Police Department on September 25, 1989, and served the community in a number of capacities within the Patrol and Investigations Bureaus.

Officer Blasingame has received numerous commendations from citizens and coworkers for his consistent and skillful performance. Some of his most significant contributions to the Police Department have been sharing his knowledge and experience of solid investigative skills, exceptional memory, and quality reporting techniques with fellow officers. Officer Blasingame has been a dedicated team member, mentor and positive representation of the Fairfield Police Department.

Officer Golez will retire after nearly 30 years of law enforcement service to the City of Fairfield. He was hired as a Public Safety Officer with the Fairfield Police Department on January 7, 1983, and served the community in a number of police and fire functions until he attended the police academy in early 1985. After graduation, he was promoted to Police Officer on May 20, 1985, where he worked in various capacities within the Patrol and Traffic units.

Officer Golez has received numerous commendations from citizens and coworkers for his consistent and exemplary performance. Some of his most significant contributions to the Police Department have been the development of the Police Cadet Program and sharing his motorcycle expertise with fellow officers. Officer Golez has been a dedicated teacher, mentor and a positive representation of the Fairfield Police Department.

Sergeant Kauffman and Captain Mihelich will be presented with their retirement memorabilia at 3 p.m. on Thursday, December 13, 2012, during an Employee Recognition reception in Willow Hall at the Fairfield Community Center. Officers Blasingame and Golez will be recognized in early January. All are welcome to join the celebration of these distinguished careers.

## HONORING YOUR NEWS NOW ''YNN''

### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GIBSON. Mr. Speaker, I rise today to honor Your News Now ''YNN,'' a local 24-hour news channel exclusively provided seven days a week by Time Warner Cable. Serving the State of New York, YNN is celebrating its 10th Anniversary.

Across Upstate New York, my constituents rely on YNN for their local news. Since its debut, YNN has provided in-depth coverage of national, state, and local new stories, community events, high school sports, and weather forecasting. This has allowed New Yorkers the ability to access local news coverage regardless of the time of day.

YNN also provides the only statewide political program, ''Capital Tonight,'' covering the State Capitol, U.S. Capitol, and political news from across the Empire State each weekday evening.

Mr. Speaker, please join me in recognizing the commitment Time Warner and YNN have made to ensuring quality local news programming throughout New York State. As Thomas Jefferson once said, ''Whenever the people are well-informed, they can be trusted with their own government.'' YNN is an important part of this effort for my constituents in the 20th District of New York and across our state, and I congratulate them on their 10th Anniversary.

## REMEMBERING JACK BROOKS, FORMER JUDICIARY COMMITTEE CHAIRMAN

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONYERS. Mr. Speaker, I was saddened to learn of the passing of my friend and former colleague Jack Brooks.

As long-time members of the House Judiciary Committee and the Government Reform Committee, Jack Brooks and I worked closely together. I saw firsthand his dedication to serving our nation and his constituents in Texas. Through his leadership as a senior member of the Judiciary Committee in the 1960s, both the Civil Rights Act and the Voting Rights Act made their way through the committee and ultimately passed into law. Less than a decade later, he led the effort to hold President Nixon accountable to the public, and helped draft the articles of impeachment against Nixon. As Chairman of the House Judiciary Committee from 1989 to 1995, Jack Brooks oversaw the passage of the Americans with Disabilities Act, the Violence Crime Control and Law Enforcement Act, and the modernization of the Civil Rights Act. Chairman Brooks was also a longstanding champion of competition, antitrust and government accountability.

Jack Brooks will be remembered by many. His lasting contributions will continue to be felt in our civil rights laws across the country.

## I'M STANDING IN HONOR OF AN AMERICAN HERO, SGT JOSHUA WETZEL, 2ND INFANTRY EARTH PIGS, THE UNITED STATES ARMY

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. ADERHOLT. Mr. Speaker, I rise today in honor of one of Alabama's most heroic sons, Joshua Wetzel of The United States Army. While out on patrol on May 31, 2012 Joshua was almost killed in an IED explosion in Kandahar Afghanistan. While he lost his legs and suffered numerous other injuries, he never lost his faith. As he said to me the first time I met him in a hospital bed at Walter Reed, I'm still standing! And that pretty much sums up this man's will to live and can do spirit. He makes all of America proud and his town of Glencoe. With the help of his family and wonderful wife Paige, he has already made such great strides in such a short time and it's going to be hard to catch up to him. I ask that this poem penned in his honor by Albert Caswell be placed in the RECORD.

I'M STILL STANDING

I'm . . .
I'm still standing . . .
Here on this very day . . .
You may take my two strong legs,
but my heart you can not so sway!
I'm still standing!
Look at me out on my way!
For I've got mountains to so climb,
and so many hearts to so inspire,
and such hope to so convey all in my time along the way!
Yea, I'm still standing,
as I fight this new fight each and every day!
All at speed,
as my heart so gives me all that I so need . . .
so you better get out of my way!
You see,
War Eagles do not so hesitate!
For I am Army Strong,
as my heart beats loud and long . . .
to fight for freedom night and day!
2nd Infantry, EARTH PIGS who fight and lead!
And The University of Auburn,
is all part of my very DNA!
Because, sweet Alabama was where I was born and raised!
And all of my children are going to graduate from there one day!
For I am a grunt!
Ever on the hunt!
To evil to so confront!
As I was on that fateful day!
As when my short life almost went away!
Without legs, and halfway to death as there I lay!
As I had a choice,
as when inside of me I so heard a voice,
telling me to stay!
And I got up and run for the first time in my life without legs!
With the tears running down my eyes,
I began to pray!
As along side of me my Lord God ran with me that day!
Helping me chase all of that heartache and doubt away!
As now I must rebuild!
As so inside of me my hearts instills!
The courage and the strength to so will!
Because, I'm Standing Still!
Heartache and pity get out of my way!
Don't cry for me,
but for all of my Brothers in Arms who now lie in such soft quiet graves!
And I'm going back home to sweet Alabama,
running one day!
And to this our world,
my life still has so much more to say!
And I've got a wonderful wife,
who is the light of my life who has shown me that true love really stays!
And this War Eagle,
stands so regal with his courage he displays!
As I'm still standing even taller on this day!

## TRIBUTE TO OFFICER LAWRENCE BANKS

### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GARAMENDI . Mr. Speaker, I rise today to honor Officer Lawrence Banks, who will retire after nearly 26 years of law enforcement service with the City of Fairfield.

Officer Banks began his law enforcement service with the City of Pittsburg as a volunteer Reserve Officer in 1985 and, after putting himself through police academy, he was hired as a Police Officer with the Fairfield Police Department on March 16, 1987. He has served the community in various capacities that included Patrol and Youth Services.

Officer Banks received numerous commendations from citizens and coworkers, and he was named Police Officer of the Year for 1993 for his consistent and exemplary performance within our local schools. Some of his most significant contributions to the Police Department have been the special assignments he has held including School Resource Officer, Drug Abuse Resistance Education, DARE, Instructor, and on the Police-Probation Team. Officer Banks was invaluable in these roles because he is skilled at developing better relationships with not only juveniles he came in contact with, but with parents and school administrators. He has taken community service to a new level through his dedicated teaching, collaboration, and positive representation of the City of Fairfield and the Fairfield Police Department.

Officer Banks has been a valued employee and his commitment to the community was evidenced on a daily basis. He is a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Officer Banks will be presented with his retirement memorabilia in early January. All are invited to celebrate his distinguished career.

## A TRIBUTE TO KARA KNACK

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Kara Knack, who will be retiring from the Friends of the Observatory, FOTO, Board this month after thirty-four years of dedicated service.

Kara Knack's enthusiasm for the Griffith Observatory began long before she joined FOTO. She first visited the Observatory on a vacation in the 1950's, at which point she was so enthralled that when she moved to Southern California in the early 1960's, she quickly became a regular visitor to the Observatory. Her ardent interest in astronomy came to the attention of Griffith Observatory Director Dr. Ed Krupp, who encouraged her to become a more active member of FOTO by joining the Board of Directors. Upon joining the Board in 1978, Kara began writing and editing FOTO's Update newsletter, which she continued to do for the next 10 years. Since 1985 she has penned the FOTO Notes section in the Griffith Observer, the Observatory's magazine.

Ms. Knack's passion for astronomy and dedication to the Observatory culminated in 2008, when over 2,200 of her celestially themed items were used for the Cosmic Connection timeline, now on display in the Griffith Observatory. For over two decades, Kara has collected celestial objects and jewelry and when the Observatory underwent renovation in 2006, she saw an opportunity to share her collection with the institution she devoted so much of her time to, and with the support of the Observatory staff, the Cosmic Connection was created.

As a member of FOTO's board, Kara has served as the secretary for four terms, as vice president two terms, and as president for three terms. In addition she has also served on the Master Plan Committee, the Architectural Committee, the Selection Committee, the Renovation and Expansion Steering Committee, the Exhibit Planning Committee, the Planetarium Planning Committee, the Reopening Committee and the Volunteer Neighborhood Oversight Committee.

For decades, Kara has demonstrated unparalleled enthusiasm not just for the Observatory, but for public education about astronomy. She has donated her time, her possessions, and her heart to the pursuit of astronomy, and her extraordinary generosity shall continue to be felt at the Griffith Observatory for years to come.

I ask all Members of Congress to join me today in honoring Kara Knack for her exemplary service to the Griffith Observatory.

## 8TH ANNUAL ''SPIRIT OF INNOVATION'' INDUCTION CEREMONY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and admiration that I offer congratulations to Ivy Tech Community College Northwest and its regional partners, who recently celebrated their 8th Annual ''Spirit of Innovation'' Induction Ceremony. At the ceremony, thirty individuals and teams were inducted as members of the 2012–2013 class of the Society of Innovators of Northwest Indiana. Of these individuals, certain members were inducted as Society Fellows for their exceptional efforts in innovation, including Eugene S. Smotkin, Ph.D., Pearl Prince, Olga Petryszyn, Gus Olympidis, and Neal H. Haskell, Ph.D. Additionally, Gregg A. VanDusseldorp Sr. was honored at the event with the Gerald I. Lamkin Fellow for Innovation and Service, a special recognition named for

the president of Ivy Tech Community College of Indiana. Also honored were the Chanute Prize team recipients, the Center for Innovation through Visualization and Simulation of Purdue University Calumet and ''S-in motion,'' ArcelorMittal Global R&D Center, East Chicago. For their truly remarkable contributions to the community of Northwest Indiana and their continuous efforts to cultivate a culture of innovation, these honorees were inducted during a prestigious event that took place at the Horseshoe Casino in Hammond, Indiana, on October 18, 2012.

The Society of Innovators of Northwest Indiana was created by Chancellor J. Guadalupe Valtierra of Ivy Tech Northwest with the goal of highlighting and encouraging innovative individuals and groups within the not-for-profit, public, and private sectors, as well as building a ''culture of innovation'' in Northwest Indiana. The importance of innovation in Northwest Indiana, as well as globally, is crucial in today's ever-changing economy.

These five Fellows selected by the Society of Innovators were chosen for their extraordinary innovative leadership and the impact of their accomplishments throughout the community of Northwest Indiana and the world. Eugene S. Smotkin, Ph.D. is a professor of Chemistry at Northwestern University and the Chief Executive Officer of NuVant Systems, Incorporated in Crown Point. NuVant develops and distributes electrochemical equipment and materials for the research and development, manufacturing, and educational markets. Pearl Prince is the principal of Frankie Woods McCullough Girls Academy in Gary, the city's first public all girls school for kindergarten through seventh grade students. Pearl developed and implemented an educational model that has led the academy to become an award winning elementary school for students from low income areas. Olga Petryszyn was named one of the top hosta plant hybridizers in the United States. Since 1993, she has registered twenty-four hosta plants with twenty-two varieties commercialized. In 2012, the world famous ''Niagara Falls'' variety was honored by the American Hosta Society. Gus Olympidis, Founder and Chief Executive Officer of Family Express, developed a nationally recognized business model that measures up to global competitors. The business model includes the ''Living Brand'' for customer service, innovative logistics, and state-of-the-art technology linking the 57 stores to their headquarters in Valparaiso. Neal Haskell, Ph.D., Saint Joseph College, Rensselaer, is one of the foremost scientists of forensic entomology in the world. Using his expertise of the life cycles of insects to determine time and location of death in criminal cases, Dr. Haskell is a pioneer and truly an innovative leader. He has assisted the FBI, Indiana State Police, New York State Police, Florida Department of Law Enforcement, and Canada's Office of the Chief Coroner, among others, with criminal cases across the county and throughout the world.

I am also honored to represent Gregg A. VanDusseldorp Sr., who was awarded the Gerald I. Lamkin Fellow for Innovation and Service. Gregg is the President of Omnitech Systems, Incorporated in Valparaiso, Indiana. Gregg founded this medical device company that has developed products to assist with surgeries associated with urology and gynecology. He currently holds eight patents for products that are used by surgeons worldwide.

Finally, the recipients of the Chanute Prize for Team Innovation should be commended for their contributions. The Center for Innovation through Visualization and Simulation of Purdue University Calumet has been able to save more than $30 million dollars for local business, industry, and communities by implementing its modeling, visualization and simulation technologies, researchers. Additionally, ''S-in motion'' is a revolutionary concept of designing lighter and safer automobiles utilizing new steel products that was created with the assistance of ArcelorMittal Global R&D Center in East Chicago. This innovative program works to create steel for automobiles that reduces the weight of vehicles in order to meet higher fuel standards and to guarantee the use of steel in automobiles in the future.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding innovators. The contributions they have made to society, here in Northwest Indiana and worldwide, are immeasurable and lifelong. For their truly brilliant innovative ideas, projects, and leadership, each recipient is worthy of the highest commendation.

## CONGRATULATING MS. DEBORAH WASYLIK, RECIPIENT OF THE 2012 RICHARD C. BARTLETT ENVIRONMENTAL EDUCATION AWARD

### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Ms. Deborah Wasylik of Orlando, Florida on being named the recipient of the 2012 Richard C. Bartlett Environmental Education Award. This annual award is presented to an outstanding middle or high school teacher who integrates environmental studies in their curriculum and engages students in interdisciplinary solutions to environmental challenges.

Ms. Wasylik teaches Advanced Placement Environmental Science and Marine Science to juniors and seniors at Dr. Phillips High School. In spite of not having a science budget and having to construct curriculum on her own, not only have her students on average scored over thirty points above the national average on their Advanced Placement exams, but they also hold the highest Advanced Placement passing rate in Orange County Public Schools. Ms. Wasylik succeeds in engaging her students, as well as her fellow colleagues, in environmental studies by integrating environmental education across subject areas beyond science, including history, language arts and mathematics. Her reinforcement of student learning facilitates students making real world and local connections associated with environmental issues.

In addition to their academic successes, her students have excelled significantly in achievements beyond the traditional classroom. Her students started a recycling program for Dr. Phillips High School's campus and created an outreach program to educate other school groups on aquaponics. With Ms. Wasylik's help, her students have been able to give back to their community in various ways including cleaning up beaches, removing invasive plants, and giving tours of the ecosystem section at the Orlando Science Center.

Her spirit of dedication and commitment to her students is an example of the life-changing impact a dedicated educator can have on a community and on the individual lives of students. She is a shining example of the fruits of selflessness demonstrated by educators who devote themselves to Florida's future by investing in Florida's students.

On behalf of the citizens of Central Florida, I am pleased to recognize and applaud Ms. Deborah Wasylik for her hard work, dedication, and leadership. She is most deserving of the 2012 Richard C. Bartlett Environmental Education Award. May her investment in our nation's students, environment and educational institutions inspire others to follow in her footsteps.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,370,056,245,929.64. We've added $5,743,179,197,016.56 to our debt in nearly 4 years. This is $5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## COMMEMORATING THE CITY OF SOUTHFIELD

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. LEVIN. Mr. Speaker, I rise to commemorate the City of Southfield, and thank the residents of Southfield who have provided me with the honor of representing them in Congress for 30 years. My beloved late wife, Vicki and I, called Southfield our home when I was first elected to Congress, and our Congressional office was based there for many years. I have been proud to see the fabric of this community diversify racially and to watch it develop economically.

Historically, when Governor Cass first ordered the area in the ''south fields'' of Bloomfield Township surveyed in 1817, he could not have guessed at the fine city it would become. Though it became a township in 1830, it wasn't until 1958, over 100 years later, that Southfield would formally incorporate into a city.

Southfield has earned its moniker, ''The Center of It All.'' Strong neighborhoods. Good schools. Manufacturing. Office high-rises which house more than 100 Fortune 500 companies. And, a deep sense of community and friendship.

I have enjoyed participating in so many activities and events like the annual Dr. Martin

Luther King Day peace walk and commemoration, ceremonies at the VFW, activities sponsored by your schools and your strong and vibrant religious institutions, and the effort many years ago to cleanup the Rouge River, which I actually got into. I am pleased at what a leader your community has become in the Veterans History Project interviewing over 200 veterans and placing their histories at the Library of Congress. And, congratulations to Dr. Wanda Cook-Robinson, the Superintendent of Southfield Schools, who was recently named the 2013 Superintendent of the Year by the Michigan Association of School Administrators.

I was proud to fight for the federal dollars needed to create the Center for Innovative Materials Research. This partnership between Lawrence Technological University, TARDEC and the Army Research Lab, was established for the research, development and testing of carbon-fiber composite materials for defense applications.

Mayor Lawrence, former mayor and current City Councilman Don Fracassi, along with all of the dedicated City Council members and other local elected officials continue to move the City of Southfield forward, and I look forward to following their success in the years to come.

As I close, I can say with confidence that the City of Southfield and its residents are in good hands with Congressman GARY PETERS. My office will, of course, stay in close touch on issues that impact Oakland County and southeast Michigan as we all work together to revitalize our Michigan economy.

## HONORING THE LIFE AND SERVICE OF WALTER NEWMAN

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Ms. PELOSI. Mr. Speaker, I rise to pay final tribute to a prominent San Francisco businessman, philanthropist, and civic leader: Walter Newman. San Francisco has been blessed by Walter's life, vision, leadership, and generosity. His legacy will leave an everlasting impact on our city.

Walter Newman was a third generation Californian, a dedicated patriot, and a proud American. He served our country as an Army infantry captain during World War II. He earned a Purple Heart for wounds sustained while leading his troops into Normandy. He earned the gratitude and accolades of the people of France, the recipient of that country's highest civilian honor, the Chevalier of the National Order of the Legion of Honor.

Mr. Newman continued his service in our beloved hometown of San Francisco. As head of the Planning Commission and the Redevelopment Commission, he helped lead the effort to develop major civic projects ranging from the Transamerica Pyramid to Mission Bay. As president of the San Francisco Fine Arts Museum, he was instrumental in bringing King Tut artifacts to San Francisco as one of our first great art exhibitions.

He played a vital role in the establishment of University High School in San Francisco. He was a member of the Board of Governors of the University of California, San Francisco; a member of the UCSF Conflict of Interest Committee; and a member of the board of the San Francisco General Hospital Foundation.

In a true reflection of his dedication to his fellow veterans, he served on the Board of Directors of NCIRE—The Veterans Health Research Institute, a national leader in advancing veterans' health research based in San Francisco. He helped establish a veterans' resource center at the City College of San Francisco. It is a testament to Mr. Newman's longstanding dedication to San Francisco and our veterans that UCSF will soon have a 42,000–square-foot Veterans Affairs Medical Center in Mission Bay.

Walter will be remembered for his positive attitude and compassion, for his unyielding commitment to the education of our children and the health of our people, for his unending devotion to the well-being of our veterans.

He will be remembered for his exemplary will and exceptional values—for the way he inspired others to action, even in moments of his own grief. Indeed, when his son Bob tragically passed away from a malignant brain tumor, Walter responded in characteristic fashion. At a time when so many others would, understandably, turn inward with grief, he honored his son's memory by co-founding and becoming President of the National Brain Tumor Foundation—an organization that assists thousands of people suffering from brain cancer.

A cherished civic leader. A proud San Franciscan. A champion for our city, our state, and our country. This is how we will all remember Walter Newman.

Yet, as devoted as he was to civic and cultural causes in San Francisco, he was above all devoted to his beloved wife Ellen, his sons Walter Jr. and John, and brother-in-law Jerry. I hope it is a comfort to his family and loved ones that so many join them in mourning his passing.

## HONORING COLONEL PAUL W. BRICKER

### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GIBSON. Mr. Speaker, I rise today on behalf of the people in New York's 20th District to express our sincere appreciation for the selfless service, dedication, and sacrifice to the United States by Colonel Paul W. Bricker who retired this year after 25 years of service. As a tribute, I wish to enter the poem written by the Poet, Albert Carey Caswell, entitled "Brick by Brick."

BRICK, BY BRICK

Brick!
Brick, by Brick!
Are but built, all of those men of honor who our Nation now so picks! To so lead our magnificent men and women off to war!
Whose fine hearts, all in the midst of such hell so ever soar!
Who all so valiantly, all so charge off so forth!
Brick, by Brick!
Whose hearts are Air Borne!
Who lead with such honor and such speed!
Who take off and hover over danger, with hearts so very warm indeed!
Who crank and bank, who we all so thank. . . who our Lord so adores!
Who cry when their Brothers and Sisters In Arms so die!
Who in times of war will leave all that they so love with tears in eyes!
But, for The Greater Good they do not so ask why!
Who on the ground and in the air their fine hearts to new height's so fly!
Brick, by Brick. . , as their fine hearts are so molded to so pick!
To make those tough choices, to send magnificent heroes off to die!
Built on courage and such faith!
Whose brilliant hearts shall not so wave!
With words like Honor, Duty, and Country their foundations are all so made!
Brick, by Brick!
Showing us all how men and leaders of honor so behave!
Who each day walk by the grave!
All so to lead!
All so our nation can so succeed!
Can so live all in such peace!
As we so thank all of them and all of these!
Who Brick by Brick, but build the very bedrock of our peace!
Who are Army Strong, whose lives are like a song!
Air Borne, Colonel Bricker. . . in hearts we carry you now so very warm!
Hoo. . . oh!

*—By Albert Carey Caswell*

## TO RECOGNIZE THE 2012 LIFECIRCLE ALLIANCE KUDOS FOR CAREGIVERS HONOREES

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the winners of the 2012 LifeCircle Alliances Kudos for Community Caregivers Awards. LifeCircle Alliances, a non-profit organization based in Fairfax County, Virginia, is a leader in promoting and enabling independent living for older adults with developmental, intellectual, or physical disabilities, including our Wounded Warriors.

LifeCircle Alliances has formed public-private partnerships to create innovative long-term care solutions, enhance existing programs, and address workforce, mobility and transportation issues. The goal of these efforts is independence for life; ensuring that our older adults and adults with disabilities are able to live independently and with dignity in their communities of choice.

The LifeCircle Alliances Kudos for Community Caregivers Award celebration recognizes the efforts of six outstanding caregivers, who tirelessly provide dedicated care, day in and day out. The recipients of the 2012 Kudos Awards are:

Stephanie Mensh—Stephanie Mensh has been a caregiver for Mr. Paul Berger for 25 years. Additionally, she has volunteered her time supporting stroke and TBI survivors and their families. She also provides support and advice to other caregivers by hosting a support group as well as providing individual support by phone, email, and in person.

Liza Ruiz—The loving mother of two daughters, Mrs. Ruiz has been caring almost daily for her 65 year old daughter, Cynthia, who was brain injured at birth and her husband who has been diagnosed with dementia. For many years, she did this while working as a full-time employee of the federal government. Mrs. Ruiz was instrumental in helping to establish the Northern Virginia Training Center, which opened in 1973.

Maureen Renault—A dedicated and tireless caregiver, Maureen Renault has taken on the daunting task of caring for her mother, a resident at Herndon Harbor Adult Day Health Care Center. During this time Maureen has been actively involved in her mother's care at the center in addition to her needs at home.

Steven Nehl-Care-giving is an around the clock job for Mr. Nehl. He cares for his autistic son, Michael, and wife, Joanne, who is continuing to recover from two brain aneurysms. Since the time of her illness in 2008, Joanne is unable to work and Mr. Nehl may only maintain short-term positions due to the tremendous requirements of his time at home.

Cecilia Ortega-Shew—For almost two decades, Cecilia Ortega-Shew has given selflessly to individuals living with HIV/AIDS. In her role as a mental health clinician and program clinical manager for Inova Juniper Group, she helps pregnant women have healthy, HIV-free babies and continues to counsel people on the difficulties of living with HIV. She inspires young staff to be better clinicians and instills in them a passion for caring for those with HIV.

Natascha Dixon Edelin—Passionate and dedicated to helping women and children in need, Natascha Dixon Edelin tirelessly works to assist the battered women of Fairfax, Virginia and honor them for their strength, courage and commitment. She partnered with the co-founders of the Duffy House in 2011 to organize the "Duffy House Day of Pampering" for victims of domestic violence and sexual abuse which provided, at no charge, a much needed day of respite for approximately 50 women and 80 children. Her continued work with the Duffy House brings joy into this special community.

I congratulate this year's winners and recognize each of them for their dedication and personal sacrifices. These individuals are examples of the many caregivers who put the needs of their families, friends and colleagues above their own. Mr. Speaker, I ask that my colleagues join me in paying tribute to the 2012 LifeCircle Alliances awardees and in thanking the volunteers, staff, and partners of LifeCircle Alliances for their efforts in providing assistance to not only those in need of care, but to those who provide the care here in our community.

## IN HONOR OF MR. LOREE SOGGS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Loree Soggs and his countless contributions to the labor communities of both the City of Cleveland and State of Ohio. Mr. Soggs has been an active member of and staunch advocate for unions and union members since he entered the workforce nearly fifty years ago.

Mr. Soggs began his affiliation with the labor community in 1964 as an operating engineer. As a member of the International Union of Operating Engineers (IUOE), Local 18, he served as a business agent, apprenticeship coordinator, steward director, officer and fringe benefit fund trustee. In 1994, Mr. Soggs was elected to the office of Executive Secretary for Cleveland's Building and Construction Trades Council (CBCTD), being the first operating engineer to hold this office in the Council's history. In his capacity as president, Mr. Soggs has successfully negotiated numerous contracts fighting for the betterment of working men and women within the community.

In addition to his dedicated work with IOUE Local 18 and the CBCTD, Mr. Soggs has also affiliated himself with numerous labor organizations and programs throughout Northeast Ohio and the State of Ohio. He has served as President of the North Shore Federation of Labor; Vice President of the Ohio State Building and Construction Trades Council; Trustee of the Union Construction Industry Partnership; Chairman of the Union Construction Industry Partnership/Apprenticeship Skills Achievement Program; Executive Director of the Northern Ohio Building Trades Real Estate Investment Program; Vice President of the United Labor Agency; President of Pinzone Towers; Vice President of Lupica Towers; and Co-Chair to the Labor Initiative of United Way of Greater Cleveland. He is also a member of the Cuyahoga County/City of Cleveland Workforce Investment Board; Executive Committee of the Cleveland Catholic Diocese Building Commission; Executive Committee of the Cuyahoga Democratic Party; board member of the Ohio Water Development Authority; and member of Mayor Jackson's Sustainability Cabinet.

Mr. Speaker and colleagues, please join me in honor of Mr. Loree Soggs who has dedicated his life and career to the labor communities of Ohio.

## IN RECOGNITION OF THE ARGYLE HIGH SCHOOL MARCHING BAND

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor the Argyle High School Marching Band, which has earned their 5th victory at the University Interscholastic League (UIL) State Marching Band contest. The Eagle Marching Band has competed six times in the UIL state marching finals, and out of those competitions, the band has achieved first place honors an astonishing five times!

The Argyle High School Marching Band's achievements are based upon the devotion and hard work that each individual student member puts into their performance, giving it their best efforts from the first hot practice in the blazing summer sun, through repeated practices, football game half-times and progressively competitive marching contests. Student leaders for the 2012 Argyle High School Marching Band are Drum Majors Randi Martin, Cameron Schafer and Lindsey Johnson. This fall, the crowning attainment for 120-plus band members was winning the UIL Class 3A championship for a third consecutive time with their remarkable program: "Moving Parts." Led by Director of Bands, Kathy Johnson and Assistant Directors, Michael Lemish, Lucy Pascasio, Evan Fletcher, and Color Guard Instructor Sarah Ross, the leadership team for the Argyle High School Marching Band is to be commended as well.

I join the citizens of Argyle, the band booster organization and band parents in congratulating the Argyle High School Marching Band for their tremendous winning record. They have been excellent musical ambassadors for their school, community and the 26th District of Texas. It is my privilege to serve the administrators, teachers, staff and students of the Argyle Independent School District in the U.S. House of Representatives.

## NAMING THE JESSE HELMS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

### HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mrs. ELLMERS. Mr. Speaker, recently I introduced a bill to rename the Century Postal Station in Raleigh, North Carolina in honor of former United States Senator Jesse Helms.

Senator Helms, North Carolina's longest serving Senator, was a genuine man who fought for what he believed. He himself said, "I didn't come to Washington to be a 'yes man' for any president, Democrat or Republican. I didn't come to Washington to get along and win any popularity contests." His steadfast nature even earned him the nickname "Senator No," to which he had no objection.

While voters would many times disagree with his policies, they always knew where he stood. Former North Carolina Senator Elizabeth Dole said, "Even those who disagreed with Jesse on an issue could respect the fact that he always stood tall and firm for his convictions, his faith, his family, and his home State of North Carolina."

Despite sometimes being a controversial figure during his 30 years in the Senate, Helms faithfully served North Carolina and its citizens. He became a leading voice in the United States Senate fighting against communism, for a balanced budget, and simplifying the tax code. He served on the Senate Agriculture Committee, where he served as chairman from 1981 to 1987, as well as the powerful Foreign Relations Committee where he served as chairman from 1995 to 2001.

His legislative work may have been controversial, but his other Congressional duties were the opposite. Constituent service in Jesse Helms' office was second to none and set a new standard. Democrat or Republican, liberal or conservative, he made sure the constituents he worked for received prompt attention. Helms did everything he could to be accessible to his constituents, and showed genuine kindness and consideration to every one of them. He cared about his state and his fellow citizens.

Born in Monroe, North Carolina, Helms started his career in journalism. It was in his 11 years in journalism, including working for the Raleigh News and Observer, that he met his wife, Dorothy Coble, and went on to marry her in 1942. Senator Helms' first interest in politics is said to have come from his conversations with his conservative father-in-law. Senator Helms raised his family in Raleigh, and after he retired he continued to make Raleigh his home. Helms and his wife had three children—Jane, Nancy, and Charles, a child with cerebral palsy, adopted at 9 by the Senator and his wife.

Through this experience with Charles, Senator Helms became involved with Easter Seals

and fighting for children with disabilities. He continued his humanitarian work later in his career by supporting efforts to fight AIDS in Africa during his final term. Bono, lead singer of U2, even praised Helms' work by saying "without his taking a stance on AIDS, we would have lost a lot more lives."

From his humanitarian work, to office's renowned constituent services, to his consistently passionate legislative work on Capitol Hill, Senator Helms, North Carolina's longest serving Senator was a man well deserving of this honor. He was a great North Carolinian and a great American. For these reasons, it is appropriate to ensure that future generations remember his legacy by having this building bear his name.

## RECOGNIZING BILL LAUER FOR HIS LIFETIME OF CONTRIBUTIONS TO THE NORTHERN VIRGINIA COMMUNITY

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize William H. "Bill" Lauer for receiving Devotion to Children's Community Legacy Award. As a native of the Washington area, Bill has followed the age-old advice to "bloom where you are planted" and set a model example for using your talents to help not only yourself but also your neighbors.

Devotion to Children is a Northern Virginia nonprofit organization dedicated to working with other community partners to provide high-quality education and child-care programming for low-income families and children under the age of six. The Legacy award is presented annually at its Red, Heart and Soul Gala to recognize someone who has promoted public awareness of the organization and local needs, provided funding for programs and services, collaborated with other community organizations to support local children, or engaged in other activities that support the organization's mission. Bill Lauer has done each of those and so much more.

To many people, Bill may be known more for his professional accomplishments. He has spent the last four decades working in the residential and commercial real estate market. Bill worked for some of the region's premier homebuilders early in his career, including Gulf Reston, which led the visionary development for the new town of Reston. Bill founded Tetra Partners in 1981 and has amassed a distinguished record in the real estate industry. He is a former president and Life Director of the Northern Virginia Building Industry Association, which recognized him with its highest honor, the Emil Keen Award, for 25 years of exemplary work within the industry. He is a past president and board director for the National Association of Industrial and Office Properties Northern Virginia Chapter. He also has played a role with several of the local chambers of commerce and was a charter member of the Northern Virginia Transportation Alliance.

Those are no doubt noteworthy achievements, but it is Bill's charitable activities that have proven invaluable to the community and that serve as an inspiration to a new generation of community leaders. Bill has been an active and financial supporter of local Habitat for Humanity and Ronald McDonald House, and he is a member of the board of Reston Interfaith. I was pleased to have him serve on the Affordable Housing Task Force that I launched during my tenure as Chairman of the Fairfax County Board of Supervisors. Through that effort, he worked to help expand rental and home ownership opportunities for low-income families. Bill and I also worked together on my homeless prevention initiative, and he continues to serve on the governing board of the Partnership to Prevent and End Homelessness. Thanks to the efforts of Bill and the Partnership, Fairfax has been one of the few communities to actually reduce homelessness during the Great Recession.

And, of course, Bill is active with Devotion to Children. During the past decade, Bill has worked to expand awareness of the growing need for affordable child care and early childhood resources, and he has not only supported those efforts with his own resources but also recruited his colleagues in the private sector to join in the cause. Bill also has helped develop new partnerships with Devotion to Children, Reston Interfaith and the Reston YMCA, including an evening child care program to help those parents taking nighttime classes.

Mr. Speaker, based on Bill's lifetime of professional and charitable accomplishments, this recognition could easily have been renamed the "devotion to community" award. I want to personally thank Bill for his tireless efforts to assist at-risk families and children across Northern Virginia, and I ask my colleagues to join me in congratulating Bill on this well-deserved recognition. His work is a reminder to us all that our community's strength and success is the product of every child and every family having an opportunity to succeed.

## IN HONOR OF MR. OSCAR GUMUCIO

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Oscar Gumucio a profoundly respected friend, leader and advocate of the Greater Cleveland Community, and in recognition of his dedication to civic engagement, education and health care.

As the educational specialist for the MetroHealth Pediatric Hispanic Clinic, Mr. Gumucio is the advocate for Hispanic children when they need help with medical, psychosocial or even school issues. Many times, language and cultural barriers make it hard for Hispanic immigrants to stay healthy or excel in school; Mr. Gumucio does everything he can to remove those barriers or help children overcome them.

Mr. Gumucio developed his sincerity and devotion to the betterment of others when he was a Jesuit priest in the Catholic Church. His compassion for the less fortunate, profound knowledge of human behavior and love for everyone he meets have made him a highly respected person in Cleveland's educational, health and religious communities.

Born in Bolivia, Mr. Gumucio received his Doctorate in Philosophy and Master of Divinity in Argentina, and his master's degree in Spanish literature in Columbia. He taught philosophy at the University of Havana in Cuba and Spanish Literature in Puerto Rico.

Upon leaving the priesthood, Mr. Gumucio eventually moved to Cleveland, where he worked in the Cleveland Municipal School District for 33 years. He is a co-founder of the district's bilingual program, the Mental Health Suicide Prevention Center and the Urban Community School.

Mr. Speaker and colleagues, please join me in honoring the leadership and outstanding achievements of Mr. Gumucio for his work in the Greater Cleveland Community and commitment to MetroHealth and the Hispanic community.

## KENT FISHER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kent Fisher, a dedicated public servant and community leader from Atchison County, Missouri.

Kent Fisher has served as Atchison County South District Commissioner since November of 1998, filling a two-year unexpired term followed by re-election to three subsequent four year terms. During his tenure as an elected official, Kent has served Atchison County's citizens through numerous natural disasters and reconstruction efforts including Presidentially-declared disasters for flooding and ice storms. He has been an instrumental part of the reconstruction efforts, collaborating with local, state and federal agencies to secure grant funding and ensure the county rebuilds and prospers.

Kent has been involved with various organizations for the betterment of the citizens of Atchison County and Northwest Missouri, including serving as a board member of Community Services of Northwest Missouri, the Fairfax Kiwanis Club, Fairfax Lodge #483, Scottish Rite Bodies of St. Joseph, and the Moila Shrine Temple. Kent is also a Leadership Northwest Missouri Graduate, and Past President of the Northwest Missouri Commissioners Association.

Mr. Speaker, I proudly ask you to join me in commending Kent Fisher for his service to the citizens of Atchison County and Northwest Missouri. It is an honor to have had the opportunity to work with Kent for the betterment of Atchison County and Northwest Missouri. It is an honor to serve Kent in the United States Congress.

## A TRIBUTE TO ALICE HAIGAZIAN BERMAN

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. STEARNS. Mr. Speaker, I submit the following:

June 25, 1925–November 12, 2003.

Teacher, mentor, beloved mother and daughter.

"A lady of grace and nobility. A legacy of inspiration and passion."

Alice Haigazian Berman, first generation American daughter of Armenian immigrants, Avedis and Baidzar Haigazian. She was born in Chicago, lived in Los Angeles, New York City, Ocala Florida. Wife of Harry Berman of the Music Corporation of America. Mother of Lloyd Berman Bellows.

Alice was a tenacious advocate for recognition of the 1915 Genocide that took the lives of over one and a half million Armenians, including several members of her mother's family. She was a classical Ballet instructor, a champion of the arts, a horse breeder, a registered securities broker. She wrote radio copy as a student. She appeared in traveling theatrical productions that included such personalities as Bob Hope, Harvey Korman and Dom Deluise. Alice was a mentor of young people and an inspiration and role model for all. Her character and undying spirit will be missed by all who knew her and all those whose lives she touched.

## RECOGNIZING RECIPIENTS OF 2012 FAIRFAX COUNTY HISTORY COMMISSION AWARDS

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the efforts of local Fairfax County historians and to congratulate the recipients of the 2012 Fairfax County History Commission Awards.

Established in 1969, the Fairfax County History Commission continues to pursue its goal of helping to identify, document, record, and preserve Fairfax County's historic past. Most recently, the Commission has focused on local aspects of the Civil War Sesquicentennial. The Commission consists of a 20 member board appointed by the Fairfax County Board of Supervisors.

The History Commission annually recognizes research and achievements in Fairfax County history as well as historic preservation. It is my honor to enter the names of the following 2012 recipients of the Fairfax County History Commission Awards into the CONGRESSIONAL RECORD:

The Nan Netherton Award: C. Denise Barrett for her work in chronicling the history of the Lakewood Estates neighborhood in Southwest Fairfax Country.

The C.J.S. Durhan Award: Lisa Friedrich Becker for her nomination of the Sydenstricker School to the National Registry and efforts to renovate that site.

The Beth Mitchell Award: David G. Farmer for his collection of Flint Hill Cemetery records going back to 1875.

The Distinguished Service Award: Evelyn Fox for her work on the play and subsequent video "Capitan John Smith: A History of McLean & Great Falls, Virginia."

The Lifetime Achievement Award: Suzanne Levy for her more than 30 years of service in the Virginia Room of the Fairfax City Library and her devotion to promoting history, genealogy and historical preservation.

Mr. Speaker, I ask my colleagues to join me in congratulating the 2012 Fairfax County History Commission Awards recipients and in commending the Commission's continued efforts to preserve, identify, document and record the history of Fairfax County.

## IN HONOR MR. FRED ZIWICH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Fred Ziwich, who is one of the country's prominent polka musicians.

Mr. Ziwich began playing the accordion at the young age of five. In 1977, at the age of 14, he began studying the clarinet and formed his band, the International Sound Machine. Mr. Ziwich also began playing the button box in high school. Later, he would earn a Bachelor of Music Education degree from Indiana University.

As a child, Mr. Ziwich was heavily influenced by Slovenian polka artists, Johnny Pecon and Eddie Stampfl. He transformed that influence into a polka style that is unique and well-received throughout the world. Mr. Ziwich is best known for his Viennese Waltzes and Slovenian Polkas. He is an accomplished musician who is proficient at playing the accordion, button box, saxophone, clarinet, flute and drums among others. Throughout his career in the music industry he has collaborated with artists such as Hank Haller, Don Lipovac and Adam Barthalt.

A full-time musician, Mr. Ziwich has continued to play the accordion with the International Sound Machine for more than thirty years. In 2007, the band was nominated for a Grammy Award. In addition to being an international Grammy nominee, Mr. Ziwich has been honored on numerous occasions by the National Cleveland-Style Polka Hall of Fame. He is the recipient of accolades which include being named the Musician of the Year, Button Box Musician of the Year and producing the Recording of the Year.

Mr. Speaker and colleagues, please join me in honoring Mr. Fred Ziwich, a polka legend from Northeast Ohio.

## IN HONOR OF JOHN T. COLLINS

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. FARR. Mr. Speaker, I rise today to recognize Mr. John T. Collins, II, MPH who served for the past ten years as an elected Trustee of the Santa Cruz City School Board. A native of Santa Cruz, California, Mr. Collins earned his Master of Public Health Degree from San Jose State University, and his Bachelor of Science Degree in Health and Human Services Administration from Southern Illinois University, Carbondale. In addition, I am honored to know John on a personal level as a dear friend.

As the Senior Vice President of Workforce Development Programs to Goodwill Industries of Santa Cruz, Monterey and San Luis Obispo Counties, Inc. John brought his passion for creating opportunities into the Santa Cruz schools as an advocate for the Individuals with Disabilities Education Act, ensuring services to children with disabilities. He also addressed the needs of the Spanish speaking community with programs to help early language learners, and promoted the School to Careers program.

During his tenure, the Board passed four parcel taxes enabling them to build a new pool and a stadium for two high schools, improve their IT infrastructure, make classroom upgrades, and place solar arrays on nearly every school. Those years also saw improved test scores and college admission rates including to the highest ranked colleges such as the UC Berkeley, Harvard, Princeton, UCLA and Stanford.

Mr. Speaker, as John steps down as Trustee, I know that the many projects, issues, and problems that he helped tackle and solve have made the school district a better place for learning and growing. His guidance enriched the lives of the students, as well as the Monterey Bay region as a whole, and I know the whole House joins me in thanking John for his years of leadership in public education—well done!

## INTRODUCTION OF GLOBAL PARTNERSHIPS ACT OF 2012

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BERMAN. Mr. Speaker, today I am pleased to introduce the Global Partnerships Act of 2012, a bill to establish a framework for effective, transparent, and accountable United States foreign assistance.

This legislation represents the culmination of nearly five years of effort, starting in March 2008 when I assumed the chairmanship of the Committee on Foreign Affairs. In reviewing the vast array of issues and problems that demanded the Committee's time and attention, I decided that reform of our antiquated foreign aid system should be high on the agenda.

At a time when our headlines are dominated by urgent crises and new openings abroad—whether it's the rebellion in Syria, the humanitarian catastrophe in Congo or the transition in Burma—some have questioned why I would choose to focus on foreign aid reform. The answer is really quite simple: because our foreign assistance laws have a significant impact on our ability to respond to all of those events.

Regrettably, over the past few years we have witnessed an increasingly destructive and divisive assault on our foreign assistance program and on U.S. international engagement more broadly. It is easy to find fault with the current system, but rather than taking cheap shots and mindlessly slashing programs, I believe it is incumbent upon us to find a responsible way to fix them.

It makes no sense that, under the current system, it is almost impossible to give small grants directly to local groups that are leading the way towards peaceful, democratic change. Our diplomats and development professionals shouldn't have to sit at their desks writing reports that duplicate information that is easily available on the Internet. There ought not to be situations where two agencies are doing the same thing in the same place and aren't even aware of it—or worse yet, undermining each other's efforts.

I recognize that there have been many attempts over the years to correct the problems with U.S. foreign assistance, which include bureaucratic fragmentation, program incoherence, and obsolete, inconsistent and rigid laws. I regret that this process has taken much longer, and proven much more complicated, than I originally anticipated. The easy road would be to leave foreign aid reform to the Administration, and wash our hands of any responsibility to update and repair the laws under which these programs are carried out. But such inaction is neither wise nor consistent with our obligations as lawmakers.

The bill I submit today lays the foundation for real progress. It sets forth a comprehensive framework for advancing American interests by working in cooperation with other countries to make our world a better, safer place.

The Global Partnerships Act of 2012 replaces both the Foreign Assistance Act of 1961, which covers economic and development assistance, and the Arms Export Control Act, which deals with arms sales and military aid. Together, these Acts, like this proposed rewrite, cover the full spectrum of foreign assistance programs, from development and democracy to peace and security. Each type of assistance has its own title in the bill, which describes the specific purposes, goals and objectives to be achieved.

This bill is the result of a long and complex process involving repeated consultations with interested groups, relevant committees, international partners, and federal agencies. We held hearings and roundtable discussions, issued concept notes and discussion papers, solicited written feedback, visited programs in the field, and read the academic research. Last September, we posted a draft bill on the Committee website and received detailed comments from hundreds of organizations, both individually and as coalitions. This bill encapsulates not only the direct feedback we've received in those forums, but also many of the recommendations of the Presidential Policy Directive on Global Development and the Quadrennial Diplomacy and Development Review, or QDDR.

The most fundamental change that this bill would make is to transform the donor-recipient relationship to one of equal partners working toward mutually agreed and mutually beneficial goals. Instead of dictating what needs to be done from Washington, we will listen to what our local partners and our own development professionals are saying, and we will hold both sides accountable for achieving results. Instead of doing things ''for'' another country, we will build their capacity for self-reliance. Sometimes our partners will be national governments; other times we will join up with non-governmental organizations, businesses or local communities. But our aid is unlikely to have a long-lasting impact unless the people most directly affected feel they have a stake in its success. That's what we call ''country ownership'', and that's why we're calling this the ''Global Partnerships Act''.

Second, this proposal would convert assistance from an input-oriented process, where the primary issue is how much we spend, into an outcome-oriented process, where the focus is on what we achieve. Two programs that were initiated by the Bush Administration—the HIV/AIDS effort known as PEPFAR, and the Millennium Challenge Corporation or MCC—have successfully pioneered this approach. Congress would be consulted from the outset, to build consensus over goals and priorities and establish agreement on what would constitute success.

To make this transformation, this bill brings more facts and evidence into the foreign aid process. Whether the purpose of our aid is to promote economic growth, stabilize a fragile peace, or ensure that a long-time ally is able to defend itself, our funding decisions should be based on reliable information about impact and performance rather than on hunches and intuition. Without solid empirical data about what works, it is impossible to ensure that our money is being effectively spent and achieving the desired results. And without evidence that our programs are having a significant, positive impact, we will lose the support and confidence of the American people.

There is a danger, of course, that the desire for tangible results could be misconstrued as a preference for short-term gains that can be quantitatively measured. This would be a grave mistake. Development is a long-term process, and no amount of goal-setting, indicator-selection, or measurement will give us a quick win. Objectives like promoting democracy are notoriously difficult to measure, and impossible to impose from without. We must always remember that monitoring and evaluation are tools to an end, not substitutes for good policy.

The bill also aims to make aid more strategic, in the sense of having a clear goal and a plan and timetable for pursuing it. We still need to preserve flexibility to respond quickly to changing situations on the ground. But for the most part, our aid suffers from a lack of clarity on what constitutes success and how we will know when we achieve it.

We also need to provide much greater transparency about what we are doing—not only for the American public, who deserve to know how their taxpayer money is being spent, but also for the intended beneficiaries, who can tell us whether the aid is reaching them and meeting the agreed objectives.

Let me say a few words about what is not included in this legislation. The first thing is spending levels. The bill contains no authorizations of funds, no mandatory spending, no entitlements, no recommended levels of appropriations. It is designed to change the way we provide assistance, rather than to dictate how much or to whom. It would not supersede the regular authorization and appropriations process.

Second, for the most part we did not include country-specific or region-specific provisions, which would distract from the main purpose of creating a new structure for assistance. Except for a few key sections, most of which were part of the old Foreign Assistance Act and required continuation, we have tried to write a generic framework that can withstand the test of time.

It is true that some of the reforms I have mentioned are already being implemented by the Administration. USAID has reinstituted a process for developing 5-year country strategies, with clearly defined goals and indicators. The Millennium Challenge Corporation has just released its first set of rigorous, independent impact evaluations, which provide important lessons for the broader development community. And under the policy guidance of the National Security Staff, the Department of State and USAID created the Foreign Assistance Dashboard, a website that enables users to examine, research, and track aid investments in a standard and easy-to-understand format.

But each of these initiatives needs to be codified, accelerated and expanded. Without legislation, these improvements could be terminated or rolled back at any time. And none of them contain any requirement or standards for congressional consultation.

Through legislation, we engage in a process of give-and-take, consensus and compromise that is absent when the Administration charts its own course. Proceeding without congressional buy-in only increases the chances that each initiative will be second-guessed, blocked or reversed. And it risks triggering the same vicious cycle that created this vast web of convoluted rules and tortuous procedures, leading to waste, inefficiency, and increasing paralysis.

To overcome the fear and inertia that have made progress on reform so elusive, we must begin by building public awareness and clearing up misperceptions about foreign assistance. Many Americans think that foreign assistance accounts for 15 to 20 percent of the federal budget, when in truth it's just 1 percent, and less than half of that goes for humanitarian and development programs. People who don't understand what foreign assistance does or how it helps them, or who have no confidence that it works, are unlikely to support it, particularly in this economic environment. The failure to communicate the importance of foreign assistance only leads to calls for more cuts while ignoring the real solutions.

In this period of belt-tightening and economic uncertainty, some seem to think that foreign assistance is a luxury we can no longer afford. However, with one out of five American jobs tied to international trade, and our fastest growing markets—accounting for roughly half of U.S. exports—located in developing countries, America can't afford a course of isolation and retreat. Our economic fate is interconnected with the rest of the world, and the collapse of developing economies will unavoidably mean our own decline.

For all these reasons, it's time to overhaul not just the legislation, but also the terms of the debate on foreign assistance. We must recognize the historic achievements that have occurred with the help of our foreign aid programs—the eradication of smallpox from the face of the earth, the Asian miracle that began with the Green Revolution, the millions of lives that have been saved and the human rights that have been won. Of course, aid alone cannot solve all the world's problems, but it is one of the best, safest and least expensive tools at our disposal.

Today, more than ever, our health, security, and prosperity depend on a world in which basic human needs are met, fundamental rights and freedoms are respected, conflicts are resolved peacefully, and the world's resources are used wisely. There is no escaping our obligations to help foster this environment. Not only are we morally bound to do so, but our economic and political interests demand that we address widespread poverty and chaos in the world.

Our creditors and competitors understand this. China is aggressively investing in the very countries that steep budget cuts may force us to abandon. We will soon come to regret it if we fail to share our knowledge and

promote our values in the very places where they are in greatest demand.

I have said it before but it bears repeating: aid is not a gift. The United States provides foreign assistance because it serves our interests. Helping countries become more democratic, more stable, more capable of defending themselves and better at pulling themselves out of poverty is just as important for us as it is for them. Our task therefore, is to make sure that we provide this assistance in the most efficient and effective way.

The Global Partnerships Act of 2012 is the first comprehensive proposal to adapt our laws to reflect the lessons we've learned over the past 50 years. Previous reform efforts in the early 1990s sought to revise and streamline our statutes and repeal Cold War barnacles, but they did not fundamentally alter the way that we plan, manage, and carry out assistance programs. I recognize that there is not enough time to consider and pass this legislation in what remains of the 112th Congress. However, I believe this legislation offers a valid and constructive starting point for the future, and that is why I am so pleased that my distinguished colleague and good friend from Virginia, Mr. CONNOLLY, is joining me in introducing the bill today. He is well-acquainted with the Foreign Assistance Act of 1961 and acutely aware of the need for reform, and I am confident that he will take a leadership role in moving this process forward in the next Congress.

## WE WON'T REALIZE HOW MUCH WE MISS THE NEWS & MESSENGER UNTIL IT IS GONE

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I share the pain of the many Prince William County residents and activists who are mourning the loss of the News & Messenger.

For the first time in 143 years, the Prince William community will no longer have a daily ''newspaper of record'' to document the births, deaths, and daily comings and goings of life in this vibrant county of nearly half-a-million people.

A community newspaper serves many roles for its readers. It is a necessary watchdog on local government. Its pages chronicle the triumphs and defeats of a community and its citizens. Its opinion pages reflect the varied views of county residents on issues of concern. It showcases the exploits of generations of high school athletes and awards bestowed on student scholars. And it provides a portal for local businesses to advertise their wares and services and local organizations to promote their activities.

No longer will the people of Prince William have a daily newspaper they can turn to and find out what happened at the previous night's Board of Supervisors, planning commission, or school board meetings. No longer will reporters localize the actions of the Congress or the White House so their readers understand how national policies and legislation will affect the county and its citizens. And no longer will proud parents be able to clip a story or photo about their child's game-winning goal, touchdown, or homerun and paste it in a scrapbook for the next generation to enjoy.

The News & Messenger, and the Potomac News and the Manassas Journal Messenger before it, have served a vital role in Prince William County for generations. Over the decades, the paper's reporters and editors made it their business to become experts on their Prince William community, its government, and its characters. They've had the unique role of digging deep into the fabric of their community and reporting what they saw in an unfiltered manner and without interference.

Since Prince William voters elected me to Congress, I've had the pleasure of dealing with the News & Messenger and Potomac News reporters and editors on many issues, and the honor of winning the endorsement of the paper's editorial board. I can say, unequivocally, that the staff of the News and Messenger were professionals in every sense of the word and they've made lasting contributions to the community they have served.

To Keith Walker, Aleks Dolzenko, Kari Pugh, Kip Hanley, Amanda Stewart, and all of the other staff members, past and present, who gave life and breath to the News & Messenger, I say thank you for a job well done. I also wish you the best of luck in your future endeavors.

As the News & Messenger's 143-year run draws to a close, I join with Prince William residents in bidding farewell to this venerable publication. The newspaper will be missed, and most of us won't realize how much we miss it until it's gone.

## IN HONOR OF MR. STEVE H. TAYLOR

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. KUCINICH. Mr. Speaker, I rise in honor of Steve H. Taylor, the Director of the Cleveland Metroparks Zoo. Steve, who is also a constituent and resident of Rocky River in Ohio's 10th Congressional District, is retiring on December 4, 2012.

Steve became Director of the Zoo in January, 1989. Immediately, he worked on and completed the popular RainForest in November 1992. Since then, the Zoo has opened several major new exhibits, including Wolf Wilderness and Australian Adventure. In addition, the Zoo renovated all its food and gift facilities, built the Reinberger Education Center, and opened the $10 million Sarah Allison Steffee Center for Zoological Medicine and the adjacent Rising Waters Safari Camp.

Steve has a passion for zoos and their conservation mission. He is active professionally and was on the Board of the Association of Zoo and Aquarium (AZA) between 1987 and 1993. He is an active member of the World Zoo and Aquarium Association. He has visited more than 210 of the 223 AZA accredited zoos and aquariums in North America, many of which were as chair of their accreditation visiting team. A California native, Steve was Director of the Sacramento Zoo, Children's Zoo Manager for the San Francisco Zoological Society, and Animal Keeper and Associate Curator at the Los Angeles Zoo before coming to Cleveland.

Since coming to Cleveland, Steve became a member of the Board of Directors of Positively Cleveland (formerly the Convention and Visitors Bureau) and is a graduate of Leadership Cleveland. Steve strongly believes in ecotourism as a way to help wildlife and wild places. Together with his wife Sarah, who is the Controller for the Cleveland Indians, he has led numerous ecotourism trips to Africa, Costa Rica, and Australia.

Mr. Speaker and colleagues, please join me in wishing Steve much success in his retirement and the next phases of his life and career.

## REGARDING THE IMPACT THAT SEQUESTRATION AND OTHER BUDGET DECISIONS WOULD HAVE ON CHILDREN AND THEIR FAMILIES

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to make my colleagues aware of a letter I was recently presented from Members-elect from California who are concerned about the impact of impending budget decisions on infants, toddlers, preschoolers and their families in California and throughout the Nation. I commend our colleagues for this letter and I share their concerns.

The letter, signed by 11 Representatives-elect from California, led by Rep.-elect Julia Brownley with the support of First 5 LA highlights the impact of sequestration on children in California and urges Congress to ''protect the youngest among us.''

I join the Members-Elect in urging Congress to champion the needs of our most vulnerable population—our children—as we consider the pending decisions regarding the budget.

The full text of letter is copied below. Signers include Representatives-elect JULIA BROWNLEY (CA–26), SCOTT PETERS (CA–52), ALAN LOWENTHAL (CA–47), RAUL RUIZ (CA–36), MARK TAKANO (CA–41), JARED HUFFMAN (CA–02), AMI BERA (CA–07), TONY CARDENAS (CA–29), GLORIA NEGRETE MCLEOD (CA–35), JUAN VARGAS (CA–51), AND ERIC SWALWELL (CA–15).

CONGRESS OF THE UNITED STATES,
*Washington, DC, November 28, 2012.*

U.S. HOUSE OF REPRESENTATIVES,
U.S. SENATE.

DEAR COLLEAGUE: In January, we will take office in the 113th Congress, Joining many of you to work together to address the pressing issues facing our constituents and the nation. Today we write, in advance, to share our concern about the impact of sequestration and other budget decisions in the days ahead on infants, toddlers, preschoolers, and their families in California and throughout the nation.

According to the a report issued by Chairman of the Senate Appropriations Subcommittee on Labor, HHS, Education and Related Agencies Appropriations, allowing the automatic scheduled cuts to take effect the day before we enter into office would mean that 120,000 young children and their mothers in California will lose vital nutrition benefits through the WIC program and more than 11,900 Infants, toddlers and preschoolers in the state would be without Head Start services proven to alter their life trajectory and increase the chance that they

will complete college, get a good job and become productive, contributing citizens. Further, in California alone, 5,100 low-income children would lose access to child care services which their parents rely on to help them work to support their families.

Today, children under the age of 5 represent 12 percent of our national population, but 100 percent of our future. Cuts to programs that serve this critical population are shortsighted and will result in larger costs down the line.

We stand ready to work with you as colleagues next year to tackle the challenges which face our nation—challenges which know no partisan bounds. For now, know that, as your constituents, we stand behind you with the interests of the youngest among us in mind as you deliberate the fate of our fiscal house and a burgeoning problem which should not be left to address tomorrow.

Collegially,

Incoming First Term Members-Elect in the California Delegation—Julia Brownley, Scott Peters, Alan Lowenthal, Raul Ruiz, Mark Takano, Jared Huffman, Ami Bera, Tony Cardenas, Gloria Negrete McLeod, Juan Vargas, Eric Swalwell.

## A TRIBUTE TO MR. HECTOR MACLEAN

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 11, 2012*

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. Hector MacLean, one of the most influential leaders ever to live in my own hometown of Lumberton, North Carolina. Mr. MacLean passed away on December 7, and he will be remembered as a banker, lawyer, World War II hero, mayor, state legislator, civic leader, philanthropist, Sunday School teacher, and friend. He will be dearly missed.

Mr. MacLean was born Sept. 15, 1920, to Angus Wilton MacLean, who served as North Carolina's governor from 1925 to 1929, and Margaret French MacLean in Baltimore. Mr. MacLean grew up in Lumberton and graduated from my own alma mater, Lumberton High School, in 1937. He then went on to graduate from Davidson College with a Bachelor of Science degree in 1941.

A courageous servant to his Nation during World War II, Mr. MacLean served as a Captain in General George Patton's 3rd Army during its successful campaigns in Europe. He was honorably discharged with the rank of Major and a Bronze Star Award in recognition of meritorious service in a combat zone.

Upon returning from military service, Mr. MacLean enrolled in law school at the University of North Carolina at Chapel Hill, receiving his LLB degree in 1948. He returned to Lumberton to practice law, and his strong leadership in the community led to his being elected Mayor of Lumberton (1949–1953). He became president of the Bank of Lumberton, later called the Southern National Bank, in 1953. He also served as president of the Virginia and Carolina Southern Railroad Company.

Mr. MacLean continued as an effective leader when he was appointed to the North Carolina Senate in 1961, where he served for 10 years. During his tenure, he sponsored bills that led to Pembroke State College becoming a part of the UNC System and the establishment of the North Carolina Zoo in Asheboro. He was also instrumental in bringing Interstate 95 through Lumberton when it was originally built. In 1997, it was my honor to lead the effort to designate that portion of I–95 which is in the city limits of Lumberton as the ''Hector MacLean Highway.''

During his life, Mr. MacLean contributed to numerous boards and civic groups, including serving as chairman of the board for St. Andrews Presbyterian College and on the boards for Peace College and Flora MacDonald College.

Mr. MacLean has received numerous accolades for his generosity and dedication to improving the lives of others, including the UNC-Chapel Hill's Distinguished Service Award, and honorary doctor of humane letters degrees at St. Andrews Presbyterian College and UNC-Pembroke. Mr. MacLean was inducted into the N.C. Business Hall of Fame and awarded the Order of the Long Leaf Pine, our State's highest civilian honor. Mr. Speaker, during his 92 years Hector MacLean proved himself a devoted and effective public servant and a man of good character. He was a giant of a man who touched so many lives in so many ways—in church, community, and professional life.

He was also a devoted family man and dear friend. He was my neighbor growing up, and he was close friends with my mother, who was also a banker, and my father, who was a fellow Elder at our church, First Presbyterian of Lumberton. In fact, my father and I used to substitute for Mr. MacLean and teach the Lacy McKenzie Bible Class, broadcast live over local radio, in his absence when he was away on business trips. He was a mentor to me inasmuch as I sought his advice and counsel when I first contemplated running for the United States Congress.

While Mr. MacLean chaired the Bicentennial Celebration of both Lumberton and Robeson County in 1986–87, I chaired the Bicentennial Celebration of the U.S. Constitution for our county. Together, we worked on numerous projects that we presented as joint celebrations. He loved Lumberton, Robeson County, North Carolina, and our great country.

May we never forget the goodness, humility, service, and character that defined the life of Hector MacLean. May God continue to bless all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

## TRIBUTE TO REPRESENTATIVE YVONNE KENNEDY

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BONNER. Mr. Speaker, it is with sadness that I rise to note the untimely passing of a beloved South Alabama leader who devoted her life's work to advancing the cause of education among Alabama's youth.

On December 8, 2012, the people of Mobile received the sad news that State Representative Yvonne Kennedy passed away at age 67 after a brief illness. Her family was reported to be by her side. She leaves behind a rich legacy of leadership in both the Alabama Legislature as well as in Alabama higher education.

Born on January 8, 1945, Yvonne Kennedy received her B.S. from Alabama State University, an M.A. from Morgan State University in Baltimore, Maryland, a Ph.D. from the University of Alabama, and an Honorary Doctorate of Letters from Lane College in Jackson, Tennessee.

After completing her education she returned to Mobile to teach English at Bishop State Community College where she quickly assumed leadership roles, including assisting in the college's efforts to secure full accreditation.

First elected to the Alabama House of Representatives in a special election in 1979, Representative Kennedy served nearly 34 years in Montgomery, placing her among the most senior members of the Alabama legislature.

In the State Capitol, she was an active and influential member of the House Transportation, Utilities and Infrastructure Committee, the Economic Development and Tourism Committee (Ranking Minority Member), and the Children and Senior Advocacy Committee (Ranking Minority Member). She was also former Chairperson of the Alabama Legislative Black Caucus.

Believing that public service also involved engaging and preparing our youth for future careers, Representative Kennedy was a luminary in the Mobile education community. In 1981, she assumed the presidency of Bishop State Community College, serving until 2007. She was the first African American woman to head an Alabama state college. Under her leadership, Bishop State expanded its size from one to three campuses. She was a member of the Board of the American Association for Higher Education, and served as a Trustee of Miles College.

She gave much of her time to organizations devoted to uplifting our youth. Most notably, she served as National President of Delta Sigma Theta Sorority, a non-profit organization devoted to economic and educational development, physical and mental health, and political involvement. She was active in the Junior Miss Scholarship Foundation and served as Youth Director for the Board of Christian Education of the Southeast Alabama Conference of the CME Church. She was also Chairman of the Mobile County United Negro College Fund Campaign.

Representative Kennedy was a long-time member of the Christian Methodist Episcopal Church in Mobile.

On behalf of the people of Alabama, I offer my personal condolences to the family and many friends of Representative Kennedy. She was a good friend to many in our community where her selfless attention to the needs of our young people changed many lives for the better. She will be greatly missed.

## IN RECOGNITION OF MARC A. CEVASCO

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise to recognize the exceptional service of Marc Cevasco, who has served with great distinction on my staff for more than seven years.

From his humble start as an intern in my Washington DC office to ultimately serving as my Chief of Staff, Marc has demonstrated an unparalleled work ethic, poise under pressure, tremendous intelligence, and the highest moral character. Over the past seven years he has held nearly every position on my staff and, regardless of the task at hand, always approached his duties with the utmost professionalism. Marc is truly one of the most effective, reliable and ethical people I have ever met. He is also indefatigable, as it was routine for him to be the first one into the office in the morning and the last one to leave at night.

As a member of my senior staff, Marc served as my primary policy advisor and directed the legislative staff. In addition, he was responsible for helping me with my top priority as a Member of Congress: ensuring the security of our country. In addition to all his other responsibilities, Marc served, brilliantly, as my staffer on national security issues, managing my work on the Defense Appropriations Subcommittee.

Marc was born in Belleville, New Jersey. His parents, Andrew and Doreen Cevasco, raised him and his sister, Alison, and his two brothers, Andrew and Kevin, in Rutherford, New Jersey. He attended St. Peter's Preparatory School in Jersey City, New Jersey and then went on to earn a Bachelor of Arts in Political Science and Philosophy from Loyola College in Baltimore, Maryland. While he worked long hours in my office, Marc made time to further advance his education, earning a Master's Degree in National Security and Strategic Studies from the United States Naval War College in 2010. Marc and his wonderful wife, Jenna Grant Cevasco, were married last June and they are expecting their first child next spring.

Prior to joining my staff, Marc served in the Jesuit Volunteer Corps in Sacramento, California. He worked at a transitional housing agency for homeless individuals who suffered with mental illness and substance abuse. Marc has not forgotten these experiences working with the overlooked and marginalized in our society and he carried the ideals of service and social justice with him to his work on Capitol Hill.

Marc has provided indispensable leadership to my staff and has been a trusted voice of counsel to me. He has my deepest respect and greatest appreciation for all of the many contributions he has made to my office and the well-being of my constituents and our country.

Mr. Speaker, I would like to formally and forever thank Marc Cevasco for his service to me, to the House of Representatives, to his home state of New Jersey, and to his country.

## RECOGNIZING MR. WILLIAM SHINN

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to recognize Mr. William Shinn as he retires after 45 years in public service to the people of Contra Costa County and the City of Concord. Bill Shinn has been known throughout the community as a man of integrity, and he has served with uncommon selflessness; we are all beneficiaries of his efforts.

Following his graduation from Mt. Diablo High School in 1959, Bill entered the United States Navy and served our country with distinction. Upon his release, he returned to Concord and joined the Contra Costa County Sheriff's Department as a Deputy Sheriff. He quickly worked his way up the ranks to Captain, managing the County Detention System and security for Superior Court judges and courthouses.

During this time, Bill earned an Associate of Arts from Diablo Valley College, a Bachelor of Arts in Sociology and Criminal Justice from Sacramento State University, and a Master of Business Administration from Golden Gate University. In addition, Bill is a graduate of the FBI National Academy. After 29 years serving the people of Contra Costa County in law enforcement, Bill retired his badge to continue engaging in community work.

In 2004, Bill was elected to the Concord City Council, beginning his third ''career'' in public service. He served on the County-wide Committee on Ending Homelessness and chaired the city's Redevelopment Agency, the East Bay Regional Communications System, the County Parole Commission and the Concord Human Relations Commission. Bill was re-elected to City Council in 2008 and continued work on issues important to his constituents. Bill also served as Vice Mayor as well as Mayor of the City of Concord.

As dedicated as Bill is to community service, he is equally devoted to his wonderful family. He and his wife, Gale, raised two daughters and now enjoy the company of their four grandchildren.

Mr. Speaker, I invite this chamber to join me in honoring Councilman William Shinn for his life-long service to our nation, our county and our community; and to join his family, friends and colleagues in congratulating him on a highly successful career. We wish Bill the very best as he begins a well-deserved retirement.

## AMENDMENTS TO H.R. 2838, THE COAST GUARD AUTHORIZATION ACT OF 2012

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of the legislation before us today to authorize the activities of the United States Coast Guard.

While I am dismayed that the measure does not include broader provisions to authorize the Coast Guard's important homeland security missions, I am pleased that it provides a much-needed and long overdue refinement to the Transportation Worker Identification Credential program.

The Transportation Worker Identification Credential (TWIC) program, administered by the Transportation Security Administration (TSA) and Coast Guard, is focused on protecting the Nation's maritime transportation facilities and vessels by requiring workers who need unescorted access to secure port facilities to obtain a biometric identification card.

Currently, workers must travel to TWIC enrollment centers to enroll in the program and then make a second trip to pick up and activate their approved TWICs.

This unnecessary process of requiring workers to make two trips to enrollment centers, which may be hundreds of miles from their home or workplace, has burdened American maritime and transportation workers since the program's inception in 2007.

The measure before us streamlines the program by requiring DHS to develop a process to mail TWICs to approved applicants rather than making workers return to an enrollment center to do so.

Unfortunately, however, this bill fails to fully address a number of maritime security provisions that passed in the House this Congress.

Nevertheless, on balance I support the legislation before us today and in particular the provision to streamline the TWIC process for American workers.

I urge Members to give it their support.

## PERSONAL EXPLANATION

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent and missed roll call votes during the week of December 3, 2012. Had I been present, I would have voted ''aye'' on rollcall votes, 614, 615, 617, 618, 619 and ''no'' on rollcall vote 616.

## HONORING THE SERVICE OF CAROLYN FOSTER TO FAIR WISCONSIN

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Carolyn Foster for her service to Fair Wisconsin, and by extension, all lesbian, gay, bisexual, and transgender Wisconsinites.

Fair Wisconsin is the statewide advocacy organization for LGBT individuals and families. Its mission is to advance, achieve, and protect equality for all LGBT citizens of Wisconsin. Ms. Foster joined the Fair Wisconsin staff in 2009 as the organization's accountant, at a challenging time for the organization.

She has ably assisted the organization in bringing order, stability, and consistency to its financial recordkeeping, policies, and procedures, which has made a critical difference in the overall management of the organization. She has been key to good financial management and stewardship of the organization's resources.

In the face of dealing with a terminal illness, Ms. Foster brings a strong sense of responsibility and an incredible work ethic to her work, as well as a quick wit and warm regard for her co-workers. The boards of directors and the staff of Fair Wisconsin are in awe of her tenacity, her dedication, and conscientiousness, and her strong and positive spirit. She is an invaluable and deeply valued member of the Fair Wisconsin team.

As a founder of Fair Wisconsin, I wish to extend my deep appreciation to Carolyn Foster for her service to the organization and the cause of equality for LGBT Wisconsinites. I wish her all the best.

## CONGRATULATING MOBILE'S UMS-WRIGHT FOR CAPTURING 4–A FOOTBALL TITLE

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. BONNER. Mr. Speaker, I rise to congratulate Mobile's UMS-Wright Preparatory School for a hard-fought season and a tremendous victory to capture the Alabama High School Athletic Association's (AHSAA) 4–A football championship.

On December 7, 2012, the UMS-Wright Bulldogs (13–2) defeated the Oneonta Redskins (14–1) by a resounding 42 to 14 margin.

Reaching the pinnacle of gridiron achievement is familiar territory for the Bulldogs. UMS-Wright has appeared in the AHSAA state championship game on seven different occasions, winning six ('87, '01, '02, '05, '08, '12).

UMS-Wright has more division 4–A state titles than any other school in Alabama and Head Coach and Athletic Director Terry Curtis shares the AHSAA record for most state title victories held by a single coach at five. Over his 13–year tenure, Coach Curtis has amassed a record of 155 and 38.

The 2012 UMS-Wright seniors had never been to the Super 6 championship game. With four years having passed since the last trip, this trip also marked the first time for any at the school, coaches included, to have the opportunity to play on the home field of the Auburn Tigers. The Super 6 was previously held at Birmingham's Legion Field, but, like the celebrated college Iron Bowl, the game venue now rotates between Tuscaloosa's Bryant-Denny and Auburn's Jordan-Hare stadium. What a truly amazing experience it must be for these young men to play on the same field they often watch in awe on any given fall football Saturday.

The championship game was a thrilling contest that ultimately proved the superiority of the Bulldogs over the top-ranked Redskins. Seconds before the half, UMS-Wright Safety Sam Pettway forced a fumble on the Bulldog three yard line that resulted in a touchback. A touchdown would have evened the game at 21. In the third quarter, after a couple of stalled drives by both squads and coming on 3rd and 32, QB Gunner Roach completed a 33 yard strike to T.J. Dixon in the back of the end zone, making the score 28 to 14. Dixon finished the day with five catches for 86 yards and a touchdown. Sophomore RB Troy Dixon was named Class 5A MVP. He ran for 232 yards on 23 carries and scored three times. UMS-Wright stopped Oneonta twice on fourth down, recovered three fumbles and picked off a pair of passes.

Congratulations to Head Coach Terry Curtis, Assistant Coaches Brett Boutwell, Brandon Dean, Richard Ellisor, Gerald Jones, and Jim Sudeiha, and to the Bulldogs, Troy Dixon, Tyrone Dixon, Charles Philips, George Williams, Kendrell Perine, Richard Pipkins, Sam Pettway, Christian Pearsall, Bobby Guthans, Tanner Allen, Robert Beard, Douglas Barber, Easton Russ, Gunner Roach, John Watts, Gordan Stimpson, D'andre Smith, Allen Ladd, Jack White, Timothy Shaw, Jaylon Jones, Hunter Lanier, Champ White, Johnathan Thornton, Jawon McDowell, Benjamin Radcliff, Henry Vanhaneghan, John Pipes, Dex Harvey, Cutter Stimpson, Kemper Sarrett, Thomas Harmon, Walker Chandler, Thomas Taylor, Tucker Powell, Christopher Majure, Kyle Pugh, Cory Fillingim, Nelson Lyons, Christopher Quinnelly, Forbes Sirmon, Kahlil Traywick, Bobby Weinacker, Landon Powell, Christian Hollinghead, Brett Patterson, Glen Barlow, Charles Roush, Andrew Howell, Tyler Guesnard, Gus Addison, Jacob Hurdle, Jack Blankenship, Thomas Iturbe, John Mostellar, Garrett Hollinghead, Charlie Hon, Timothy Squires, Blakely Addison, Hayden Williams, Will Baynes, Andrew Bradley, Ethan Jones, Marvin Mostellar, Emerson Majure, Trenton Fowler, Breland Meador, and Chauncey Callier.

## IN RECOGNITION OF SHARON A. BARKELOO

### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. MICA. Mr. Speaker, it is my honor to recognize Sharon A. Barkeloo upon her retirement.

Sharon has provided outstanding professional service as a member of the House Committee on Transportation and Infrastructure staff since 1999, serving each of the past four Chairmen in a bipartisan manner.

During this time, her expertise in budget issues has been instrumental to achieving the Committee's goals, especially with regard to the budgetary treatment of the transportation trust funds. In addition to her Full Committee assignments, Sharon also served on the Subcommittee on Aviation staff during my chairmanship of that Subcommittee, assisting in the development of the nation's legislative response to the terrorist attacks of September 11, 2001, as well as other aviation legislation. Sharon is one of the most talented and knowledgeable people in the United States when it comes to navigating the complicated and cumbersome federal transportation budgeting processes. I know I speak for several of my colleagues when I say that we will miss her expertise, her guidance, her counsel and her smiling face.

Prior to her tenure with the Committee, Sharon also served for eight years in the Office of Management and Budget's Transportation Branch, and four years with the Department of Justice Budget Staff.

I thank Sharon for her assistance to me and our Committee, her commitment to good government, and her professional work over the past 25 years. I know her parents, Ed and Mary Ellen Barkeloo, are very proud of Sharon, as are we all, and I wish her every future success as she retires from Federal service and returns to her home State of Ohio.

## A TRIBUTE TO MR. WALLACE LEINWAND

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 11, 2012*

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. Wallace Leinwand, of Elizabethtown, North Carolina, for his commitment and service to his community. Mr. Leinwand was a public servant, community businessman, devoted family man and a dear friend to me and my family. Mr. Leinwand passed away on December 6, 2012, and he will be dearly missed by all who knew him.

Mr. Leinwand was born in Branchtown, South Carolina, but moved to Elizabethtown, North Carolina at the age of 13. He served in the United States Air Force from 1943–1946, when he was honorably discharged as a Sergeant. He then returned to Elizabethtown to aid his father in running the family business, Leinwand's, which he would in turn come to own, and which is now the oldest continuous business in Elizabethtown after 77 years in operation.

Yet, Mr. Leinwand served as more than just a business owner to the people of Bladen County. Driven by love for his community and its people, he served as Mayor Pro-Tempore, and later, Mayor of Elizabethtown, President of Elizabethtown Rotary Club and Elizabethtown Jaycees, Chairman of the East Bladen High School Advisory Council, and as a member of the Board of Directors of Wachovia Bank. His contributions to these and numerous other civic organizations demonstrate his lifelong pride in his community.

Mr. Leinwand was also an avid supporter of Bladen County athletics. In addition to his work as a founding organizer of the Elizabethtown Little League, he was also a chief booster for the athletics programs of Elizabethtown High School, Bladen Central High School, East Bladen High School, and middle school sports.

Mr. Speaker, may we never forget the goodness, humility, service, and character that defined the life of Wallace Leinwand. His record of community and civic service will long be a legacy that will benefit all of the citizens of Elizabethtown and Bladen County. I know that his personal friendship with my father and their work together in the North Carolina Jaycees established a relationship with his family that has continued to bless my family now for three generations, and I'm sure will continue into the future. In fact, his son, Ricky Leinwand, who now runs the family business and serves on the Town Council of Elizabethtown, has continued his father's legacy of a very special friendship with my family.

May God continue to bless Mr. Leinwand's beloved wife, Shirley, all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

# Daily Digest

# Senate

## Chamber Action

*Routine Proceedings, pages S7711–S7752*

**Measures Introduced:** One bill and one resolution were introduced, as follows: S. 3669, and S. Res. 613. **Page S7744**

**Measures Reported:**

S. 2024, to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, with amendments.

S. 3546, to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages.

S. 3548, to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994. **Page S7744**

**Measures Passed:**

***Federal Deposit Insurance Act:*** Senate passed H.R. 4014, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection. **Page S7751**

***Electronic Fund Transfer Act:*** Senate passed H.R. 4367, to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine. **Page S7751**

***Bridgeport Indian Colony Land Trust, Health, and Economic Development Act:*** Senate passed H.R. 2467, to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony. **Page S7751**

***Public Interest Declassification Board Reauthorization Act:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3564, to extend the Public Interest Declassification Act of 2000 until 2014, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Pages S7751–52**

Reid (for Lieberman/Collins) Amendment No. 3326, in the nature of a substitute. **Page S7752**

Reid (for Lieberman/Collins) Amendment No. 3327, to amend the title. **Page S7752**

***Pascua Yaqui Tribe:*** Committee on Indian Affairs was discharged from further consideration of H.R. 3319, to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe, and the bill was then passed. **Page S7752**

***Clothe a Homeless Hero Act:*** Senate passed H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, after agreeing to the following amendment proposed thereto: **Page S7752**

Reid (for Gillibrand) Amendment No. 3328, to clarify that the clothing should be transferred to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families. **Page S7752**

**Measures Considered:**

***Transaction Account Guarantee—Agreement:*** Senate began consideration of S. 3637, to temporarily extend the transaction account guarantee program, after agreeing to the motion to proceed, and taking action on the following motions and amendments proposed thereto: **Pages S7721–32, S7737–42**

Pending:

Reid Amendment No. 3314, to change the enactment date. **Page S7724**

Reid Amendment No. 3315 (to Amendment No. 3314), of a perfecting nature. **Page S7724**

Reid Motion to commit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid Amendment No. 3316, to change the enactment date. **Page S7724**

Reid Amendment No. 3317 (to (the instructions) Amendment No. 3316), of a perfecting nature. **Page S7724**

Reid Amendment No. 3318 (to Amendment No. 3317), of a perfecting nature. **Page S7724**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a

vote on cloture will occur on Thursday, December 13, 2012. **Pages S7723–24**

During consideration of this measure today, Senate also took the following action:

By 76 yeas to 20 nays (Vote No. 225), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7724**

A unanimous-consent agreement was reached proving for further consideration of the bill at 2 p.m., on Wednesday, December 12, 2012. **Page S7752**

***Retiring Senators Speeches—Agreement:*** A unanimous-consent agreement was reached providing that the previous order with respect to the remarks of retiring Senators be amended to occur from 11:30 a.m. until 2 p.m., on Wednesday, December 12, 2012. **Page S7752**

**Nominations Confirmed:** Senate confirmed the following nominations:

By a unanimous vote of 95 yeas (Vote No. EX. 226), John E. Dowdell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma. **Pages S7724, S7732–37, S7752**

Jesus G. Bernal, of California, to be United States District Judge for the Central District of California. **Pages S7724, S7732–37, S7752**

**Additional Cosponsors:** **Page S7744**

**Statements on Introduced Bills/Resolutions:** **Pages S7744–45**

**Additional Statements:** **Pages S7743–44**

**Amendments Submitted:** **Pages S7745–50**

**Authorities for Committees to Meet:** **Pages S7750–51**

**Record Votes:** Two record votes were taken today. (Total—226) **Pages S7724, S7736**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:18 p.m., until 9:30 a.m. on Wednesday, December 12, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7752.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### RENTAL HOUSING ASSISTANCE PROGRAMS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine streamlining and strengthening Housing and Urban Development's rental housing assistance programs, after receiving testimony from Sandra B. Henriquez, Assistant Secretary of Housing and Urban Development for Public and Indian Housing.

### NOMINATIONS

*Committee on Finance:* Committee concluded a hearing to examine the nominations of Ronald Lee Buch, of Virginia, and Albert G. Lauber, of the District of Columbia, both to be a Judge of the United States Tax Court, after the nominees testified and answered questions in their own behalf.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 6 public bills, H.R. 6644–6649; and 1 resolution, H. Res. 828 were introduced. **Page H6701**

**Additional Cosponsors:** **Pages H6701–02**

**Report Filed:** A report was filed today as follows:

H. Res. 827, providing for consideration of motions to suspend the rules (H. Rept. 112–700). **Page H6701**

**Recess:** The House recessed at 12:31 p.m. and reconvened at 2 p.m. **Page H6684**

**Journal:** The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 272 yeas to 102 nays with 3 answering "present", Roll No. 620. **Pages H6685–86**

**Recess:** The House recessed at 2:08 p.m. and reconvened at 6:30 p.m. **Page H6685**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6685.

**Quorum Calls Votes:** One yea-and-nay vote developed during the proceedings of today and appears on pages H6685–86. There were no quorum calls.

**Adjournment:** The House met at 12 noon and adjourned at 9:02 p.m.

# *Committee Meetings*

## DEVASTATING CRISIS IN EASTERN CONGO

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''The Devastating Crisis in Eastern Congo''. Testimony was heard from Johnnie Carson, Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

## MISCELLANEOUS MEASURE

*Committee on Rules:* Full Committee held a hearing on providing for consideration of motions to suspend the rules. The Committee, granted by a voice vote, a rule providing that it shall be in order at any time through the legislative day of December 28, 2012, for the Speaker to entertain motions that the House suspend the rules. The rule provides that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration under suspension of the rules.

# *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 12, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Finance:* Subcommittee on Energy, Natural Resources, and Infrastructure, to hold hearings to examine tax reform and Federal energy policy, focusing on incentives to promote energy efficiency, 10 a.m., SD–215.

*Committee on Veterans' Affairs:* to hold hearings to examine the nominations of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, and William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims, 10 a.m., SR–418.

*Committee on the Judiciary:* to hold hearings to examine the nominations of Shelly Deckert Dick, to be United States District Judge for the Middle District of Louisiana, Andrew Patrick Gordon, to be United States District Judge for the District of Nevada, Ketanji Brown Jackson, of Maryland, to be United States District Judge for the District of Columbia, and Beverly Reid O'Connell, to be United States District Judge for the Central District of California, 10 a.m., SD–226.

Subcommittee on the Constitution, Civil Rights and Human Rights, to hold hearings to examine ending the school-to-prison pipeline, 2 p.m., SH–216.

### House

*Committee on Energy and Commerce,* Subcommittee on Communications and Technology, hearing entitled ''Keeping the New Broadband Spectrum Law on Track'', 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled ''Challenges Facing the U.S. Capital Markets to Effectively Implement Title VII of the Dodd-Frank Act'', 10 a.m., 2128 Rayburn.

*Committee on Oversight and Government Reform,* Full Committee, hearing entitled ''HGH Testing in the NFL: Is the Science Ready?'', 10 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology,* Full Committee, hearing entitled ''The Future of NASA: Perspectives on Strategic Vision for America's Space Program'', 10 a.m., 2318 Rayburn.

*Committee on Veterans' Affairs,* Full Committee, business meeting to Approve Activities Report for the Committee on Veterans' Affairs, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Human Resources, hearing entitled ''Proposal to Reduce Child Deaths Due to Maltreatment'', 2 p.m., 1100 Longworth.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, December 12

Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (with the time from 11:30 a.m. until 2 p.m. for speeches by retiring Senators, and not to extend beyond 2 p.m.), Senate will continue consideration of S. 3637, Transaction Account Guarantee, with a filing deadline for first-degree amendments to the bill at 1 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 12

House Chamber

**Program for Wednesday:** To be announced.

## Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E1897
Baldwin, Tammy, Wisc., E1906
Berman, Howard L., Calif., E1902
Bonner, Jo, Ala., E1905, E1907
Burgess, Michael C., Tex., E1900
Coffman, Mike, Colo., E1898
Connolly, Gerald E., Va., E1899, E1901, E1902, E1904
Conyers, John, Jr., Mich., E1896
Costa, Jim, Calif., E1895
Ellmers, Renee L., N.C., E1900
Farr, Sam, Calif., E1902
Garamendi, John, Calif., E1896, E1897
Gibson, Christopher P., N.Y., E1896, E1899
Graves, Sam, Mo., E1901
Kucinich, Dennis J., Ohio, E1900, E1901, E1902, E1904
Levin, Sander M., Mich., E1898
McIntyre, Mike, N.C., E1905, E1907
Marchant, Kenny, Tex., E1895
Mica, John L., Fla., E1907
Miller, George, Calif., E1904, E1906
Pelosi, Nancy, Calif., E1899
Pence, Mike, Ind., E1906
Rothman, Steven R., N.J., E1905
Schiff, Adam B., Calif., E1897
Stearns, Cliff, Fla., E1901
Thompson, Bennie G., Miss., E1906
Van Hollen, Chris, Md., E1895
Visclosky, Peter J., Ind., E1895, E1897
Webster, Daniel, Fla., E1898

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.