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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

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

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

In the waning days of this 112th Congress, we ask Your blessing, O Lord, upon the Members of this people's House, and most especially upon the leadership. It is on their shoulders the most important negotiations of our time have been placed.

They have been entrusted by their fellow Americans with the awesome privilege and responsibility of sustaining the great experiment of democratic self-government. Give them wisdom, grace, insight, and courage to forge an agreement that allows us all to move forward toward an encouraging future.

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

Amen.

THE JOURNAL

The SPEAKER. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. WOMACK) come forward and lead the House in the Pledge of Allegiance.

Mr. WOMACK 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

COMMENDATION FOR GOVERNOR HASLAM'S BUSINESS DECISION

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

Mr. DESJARLAIS. Mr. Speaker, I want to commend Governor Bill Haslam of my home State of Tennessee for his decision not to set up a State-run health care exchange. Governor Haslam was exactly right when he said this was a business decision, not a political one.

After 2 years, the Obama administration has failed to provide States with sufficient guidance as to how State exchanges would function, yet President Obama expects States to make that decision this week. That's like asking a business to sign a contract that is still being written.

Further, there is evidence that the Federal Government will ultimately control exchanges no matter who creates them. The only difference is if a State sets up an exchange, it will pay for it. No business would take a deal like that.

Finally, Tennessee has seen what experimental health care reform looks like in TennCare. This program almost collapsed and bankrupted our State. What business would risk its finances on a proposal modeled after a failed plan?

I applaud Governor Haslam and thank him for his business-like approach.

THE ENVIRONMENTAL FISCAL CLIFF

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

Mr. QUIGLEY. Mr. Speaker, I rise because whether you call it a fiscal cliff or a slope, there's no denying the environmental wreckage hitting a metaphoric ledge will have.

Under the sequester, the National Park Service would likely have to close national parks, campgrounds, and visitor centers. Under the sequester, widespread rural job loss, weaker wildfire management, closure of trails and campgrounds, poor maintenance of forest roads, unprocessed recreational permits, and greater invasive species growth is forecasted.

Under the sequester, $148 million would be taken away from the U.S. Energy Efficiency and Renewable Energy program, which would be equivalent to cutting the solar energy program in half or equal to eliminating the entire wind and geothermal energy programs.

Fiscal cliff or slope, the environment knows no difference. We must act and act now.

IN TRIBUTE TO AMERICA'S LONGEST-SERVING MAYOR, HILMAR MOORE OF RICHMOND, TEXAS

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

Mr. OLSON. Mr. Speaker, I rise to honor the legendary mayor of Richmond, Texas, Hilmar Moore.

Mayor Moore passed away last week after 63 years as Richmond's mayor. He was a true Texan, a straight shooter who loved his family, good conversations, quail hunting, ranching, and Texas Longhorn football.

The last time I talked with Mayor Moore was Richmond's 175th anniversary. My speech was interrupted by trains rolling by. The trains did not dare to interrupt Mayor Moore. I asked him, ''How can I do that?'' He said, ''Give it time. Give it time.''

Printed on recycled paper.

Hilmar Moore gave Richmond time, the time of his life.

THE THEORY OF VECTOR BUNDLES

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

Mr. MCNERNEY. Mr. Speaker, I rise today to announce the discovery of a new breakthrough in mathematics in the theory of vector bundles.

The theory of vector bundles plays a crucial role in modern mathematics. Part of the interest comes from its application to quantum mechanics, the theory that makes modern electronics possible. In quantum mechanics, a particle has a position, which is a point in space-time, as well as an internal structure, which is described by the theory of complex vector bundles.

Over the last few years, the Boij-Soderberg theory has given a new approach to vector bundles in several important areas. Just yesterday, the Mathematical Sciences Research Institute in Berkeley, California, announced that several young scientists collaborated to discover how to extend this theory into new places, such as spheres.

The discovery is a significant accomplishment, and I commend these young scientists for their hard work and dedication. It's because of efforts like this that the U.S. continues to be a leader in innovation.

A HOLIDAY GIFT TO THE AMERICAN PEOPLE

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

Ms. HAHN. Mr. Speaker, time is counting down, the holidays are upon us, and Congress still hasn't come together to spare hardworking middle class families from the tax hike rushing towards them.

We know we agree on this. We know what this tax increase would mean for these families. Why aren't we voting on that? Why won't we have a vote on protecting the middle class from this tax hike?

We know that every minute we delay is more stress, more anxiety for mothers and fathers looking at the holiday season, worried about what's waiting for them on the other side. What are we waiting for?

I know Members of Congress might stay here through Christmas, but let's make sure that our holiday gift to the American people is a Congress that doesn't hold the middle class families hostage. Let's bring the middle class tax cuts to the floor for a vote today.

IN MEMORY OF DAVE BRUBECK

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

Ms. LEE of California. Mr. Speaker, this month we lost a giant in the music industry. Dave Brubeck was a legendary jazz and classical pianist and composer who helped to define jazz.

A fellow Mills College graduate in my district in Oakland, California, Dave served in a crucial role as a jazz visionary who first began his iconic musical experimentation as a student. He subsequently grew to become a world-renowned musician and composer, writing more than 200 compositions and making over 115 recordings, including the jazz piece ''Take Five,'' which became one of The Dave Brubeck Quartet's best known records.

Throughout his long career, Dave has received many national and international honors, including the National Medal of Arts from President Clinton and a Lifetime Achievement Award from the National Academy of Recording Arts and Sciences. In 2007, he received the Living Legend Jazz Award from the Kennedy Center and a Lifetime Achievement Award from the London Symphony Orchestra.

I had the privilege to meet Dave a couple of years ago during one of the amazing musical events held at the Library of Congress. What an amazing, gentle man of such strength and vision.

My thoughts and prayers are with his wife and his family during this very difficult period.

□ 0910

BUILDING FOR A CLEAN ENERGY FUTURE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Sequestration would be a huge blow not only to middle class families but also to our clean energy innovators and entrepreneurs.

According to the Office of Management and Budget, sequestration would impose an across-the-board cut of nearly 10 percent to critical clean energy and innovation programs. That would mean a $148 million cut to the Department of Energy's Energy Efficiency and Renewable Energy Program alone. These cuts would tremendously damage our ability to develop the clean energy technologies of tomorrow, technologies that lead not only to lower energy bills for our constituents but also to new businesses and middle class jobs. I see it every day in my congressional district, where cutting-edge companies like LaunchPoint Technologies and Transphorm use Federal funding to develop exciting new ideas that would otherwise languish on the drawing board.

Mr. Speaker, the threat of sequestration and the fiscal cliff is very real. It's time for us to come together and pass a balanced package that continues building for a clean energy future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4053) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code;

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act; and

(3) the term ''State'' means each State of the United States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed, paid, or obligated for payment are proper;

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 31 U.S.C. 3321 note.) is amended—

(1) in section 2(h)(1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the data use agreements described under subsection (e)(2)(D).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means any Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) and any successor Inspector General.

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements with other inspectors general and agency heads that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(3) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of the Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(A) issue guidance for agencies regarding implementing this subsection, which shall include standards for—

(i) reimbursement of costs, when necessary, between agencies;

(ii) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code; and

(iii) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(B) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(i) improve the effectiveness and responsiveness of the Data Integrity Boards;

(ii) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(iii) establish standard matching agreements for use when appropriate; and

(C) establish and clarify rules regarding what constitutes making an agreement entered under paragraph (2)(A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(4) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(A) compliance with section 552a(p) of title 5, United States Code; and

(B) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(5) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010 (31 U.S.C. 3301 note).

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Federal agencies made an estimated $108 billion in improper payments in fiscal year 2012, and that is the estimate from the Office of Management and Budget. Many programs maintain an alarming rate of improper payments—some programs above 8 percent. This is an unacceptable waste of taxpayer dollars.

I appreciate my colleague, the departing gentleman from New York (Mr. TOWNS), for sponsoring this piece of legislation because here we are fighting for fiscal sanity in this country, and we have $108 billion estimated in improper payments.

These improper payments occur when Federal funds are paid out that should not be paid out. In many instances, Federal funds are going out to ineligible recipients. Last year, the Inspector General of the Office of Personnel Management found that Federal retirement and disability benefits totaling $600 million were paid out to deceased individuals over a 5-year period.

The Oversight Committee and its subcommittees have held a series of hearings in this Congress on the issuance of improper payments, and I thank Chairman ISSA for his leadership in holding these hearings and in encouraging this piece of legislation to be brought to the floor. The legislation introduced by Mr. TOWNS will help to address the concerns identified at those hearings. H.R. 4053 builds on prior legislation to reduce and prevent improper payments.

A decade ago, the Improper Payments Information Act of 2002 was signed into law, compelling agencies to identify payment errors in specific programs. That 2002 law was updated again in 2010 by the Improper Payments Elimination and Recovery Act, which required the better identification and estimation of improper payments. The bill before us today goes even further, primarily by harnessing improved information technology to reduce improper payments. It requires the administration to implement a do-not-pay initiative, and it enables Federal agencies to enter into multilateral data-sharing agreements.

I commend Mr. TOWNS for offering this important piece of legislation and for helping to advance the effort to reduce waste in the Federal Government.

I urge the passage of H.R. 4053, and I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would like to thank the Members who worked very hard to make this a reality, and I want to take the opportunity to applaud the leadership and its commitment to the Members of Congress who have worked so hard on this legislation—Senator CARPER and Senator COLLINS and, of course, Congressman ISSA and Congressman CUMMINGS from Maryland. They have all worked very closely with us, along with my good friend Congressman PLATTS, to make this day a reality.

Through its stewardship, the Subcommittee on Government Organization, Efficiency and Financial Management has conducted a series of hearings on the problems of improper payments, and this legislation is the result of our findings on those hearings.

I also want to thank the staff who worked very hard on H.R. 4053. Of course, it is a proud accomplishment when you listen to the stories of people who are in the military and when you hear how they go months and months without their families getting paid, that they are transferred from one base to another and, as a result, the families do not get paid because they're saying they cannot locate where they are. Of course, many times when soldiers are transferred from one base to another, you'll find that they are not able to get paid. I think that that's something that we should abort because here they are defending this country in a magnificent way, and we cannot find a way to get them paid. This legislation points out how important it is to be able to get them paid.

On that note, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), who is very interested in this and who has expressed over and over again how important it is to make certain that our military people are paid and are paid on time.

Mr. ALTMIRE. I thank the gentleman, my good friend from New York.

Mr. Speaker, I rise in support of the Improper Payments Elimination and Recovery Improvement Act, a bill that will help the Federal Government better protect taxpayer dollars against waste, fraud, and abuse.

According to the Government Accountability Office, as my friend from Utah just said, the Federal Government made $108 billion in improper payments during fiscal year 2012 alone, which is unacceptable. This bill will increase transparency while eliminating and recovering these improper payments through the creation of a government-wide do-not-pay list. This list will prevent improper payments, such as Social Security checks for deceased Americans, before that payment ever goes out.

The national deficit remains one of the biggest challenges facing this country, and I am proud to cosponsor this bill because it protects taxpayer dollars by forcing the Federal Government to scrutinize every dollar spent—just like every American family does. I urge my colleagues to support its passage.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers, but I continue to reserve the balance of my time.

Mr. TOWNS. I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, in closing, first let me just thank and commend my colleague Mr. TOWNS. This very well might be the final bill that he will introduce and that will pass this body. He is a good and decent gentleman. When I came here 4 years ago as a freshman, he was one of the most gracious and great people to work with. He was the chairman of our committee. I was a fresh newbie there; yet he helped me in every way while showing a great deal of respect across the aisle.

I congratulate him on an amazing experience here in the Congress. This is another example of a good bill that this gentleman is putting forward. I wish him nothing but the best with the rest of his career and life and everything else. We need more good people like Mr. TOWNS participating in this Congress. So I congratulate him on this bill, urge the passage of this bill, and thank him for his great work.

Mr. TOWNS. Will the gentleman yield?

Mr. CHAFFETZ. I yield to the gentleman from New York.

Mr. TOWNS. Let me just say, too, that you're right, this is probably my final bill, and it has been great serving here in this Congress for 30 years. You've taught me a lot, too, and let me just tell you the latest thing that you taught me.

We were having a hearing with all of these professional football players in terms of how they performed on the field and regarding enhancement drugs and all of that. When they turned to you—because we were saying that you were the only football player on the committee—you said that you were not a football player but that you were a kicker. I thought that that was a very interesting comment because I'd just assumed all of these years that you were a football player since you set all those records.

I want to thank you so much for your kind words. It has been a delight to work with you as well.

□ 0920

Mr. CHAFFETZ. Reclaiming my time, again I commend the gentleman for this bill and his great career, and I urge passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4053, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GAO MANDATES REVISION ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3315) to repeal or modify certain mandates of the Government Accountability Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''GAO Mandates Revision Act of 2012''.

SEC. 2. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking ''annual audits of the transactions of the Commission'' and inserting ''periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date,''.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking ''subsection (x)'' and inserting ''subsection (w)''.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking ''of each year'' and inserting '', 2013, and every 3 years thereafter,''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''at a frequency of not less than once per year—'' and inserting ''not later than December 31, 2013, and every 3 years thereafter—''.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking '', and annually thereafter during the period when the demonstration project is conducted,''.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking ''of paragraph (2) of this subsection'' and inserting ''of section 3515 of title 31'';

(2) in paragraph (1), by striking ''(1)''; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking ''annual audits of the Senate Preservation Fund'' and inserting ''periodic audits of the Senate Preservation

Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, as you know, the Government Accountability Office is a great aide to the United States Congress. They help by auditing and examining government programs and reporting its findings to Congress. They serve a valuable position in the work that we do.

The GAO is responsible for 102 recurring annual statutory mandates and receives over 700 additional requests each year. It's quite a demand on the resources that we've given them.

This bill eliminates or decreases the recurrence of several GAO reports and auditing requirements for eight Federal programs or commissions. In recent years, we've been asking GAO to do more with less, as we should; but GAO will become more efficient by reducing obligations that once served an important purpose but now needlessly consume its limited resources. Eliminating these mandates will also allow GAO to more quickly respond to Congressional requests for assistance. GAO handpicked these reports as overly burdensome with modest benefits, and the related committees of jurisdiction concur.

Senator CARPER introduced Senate bill S. 3315, the GAO Mandates Revision Act, in June of this year, and the measure passed the United States Senate by unanimous consent in September. We urge all of our colleagues to support this measure.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bill before us today. S. 3315 amends certain statutes which require the Government Accountability Office to submit annual audits or reports to Congress. While the annual reporting requirements previously mandated are no longer necessary, this bill will require GAO to report its findings to Congress on issues covered by the reports every 3 years. This requirement will provide GAO with a more streamlined approach in reporting to Congress and will reduce the unnecessary costs and time spent to conduct annual audits or reports on these particular issues.

It is important to know that all the committees affected by this legislation have been consulted and have agreed to these changes. At a time when constituents are rightly demanding a more efficient government, now is the time to enact this legislation.

I thank the majority for bringing this bill to the floor and the Senate for passing the underlying measure. Mr. Speaker, I urge passage of this bill.

Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, we urge passage of S. 3315 introduced by Senator CARPER. It is a good, commonsense piece of legislation. The committees of jurisdiction concur. It is bipartisan in its approach. We urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, S. 3315.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

D.C. COURTS AND PUBLIC DEFENDER SERVICE ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1379) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''D.C. Courts and Public Defender Service Act of 2011''.

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11–744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking ''annually'' and inserting ''biennially or annually'';

(2) in the first sentence, by striking ''active judges'' and inserting ''active judges and magistrate judges'';

(3) in the third sentence, by striking ''Every judge'' and inserting ''Every judge and magistrate judge''; and

(4) in the third sentence, by striking ''Courts of Appeals'' and inserting ''Court of Appeals''.

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

''§ 11–947. Emergency authority to toll or delay proceedings.

''(a) TOLLING OR DELAYING PROCEEDINGS.—

''(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

''(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

''(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

''(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11–907(a) or by the Joint Committee on Judicial Administration.

''(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

''(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

''(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

''(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

''(e) NOTICE.—Upon issuing an order under this section, the chief judge—

''(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

''(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

''(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

''(1) the reasons for issuing the orders;

''(2) the duration of the orders;

''(3) the effects of the orders on litigants; and

''(4) the costs to the court resulting from the orders.

''(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.''.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

''11–947. Emergency authority to toll or delay proceedings.''.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

''§ 11–745. Emergency authority to toll or delay proceedings.

''(a) TOLLING OR DELAYING PROCEEDINGS.—

''(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

''(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

''(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11–706(a) or by the Joint Committee on Judicial Administration.

''(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

''(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

''(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

''(d) NOTICE.—Upon issuing an order under this section, the chief judge—

''(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

''(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

''(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

''(1) the reasons for issuing the orders;

''(2) the duration of the orders;

''(3) the effects of the orders on litigants; and

''(4) the costs to the court resulting from the orders.

''(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.''.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

''11–745. Emergency authority to toll or delay proceedings.''.

(c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11–1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

''(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607, D.C. Official Code) is amended by adding at the end the following new subsection:

''(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.''.

SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) REDUCTION IN TERM OF SERVICE.—Section 11–908A(c)(1), District of Columbia Official Code, is amended by striking ''5 years'' and inserting ''3 years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, S. 1379 would grant the District of Columbia courts and Public Defender Service greater administrative flexibility in several areas.

First, it authorizes the D.C. Superior Court and the Court of Appeals to hold judicial conferences either annually or biennially, eliminating the current mandate that they always hold such conferences each and every year.

It requires magistrate judges to attend these judicial conferences.

It authorizes the D.C. courts to delay judicial deadlines in certain emergency situations such as a natural disaster.

It also allows the D.C. courts to be reimbursed by the D.C. government for certain office expenses, and it gives the D.C. Public Defender Service authority to purchase liability insurance for its attorneys, and changes the term for family court judges from 5 years to 3 years.

Nearly identical legislation was approved unanimously by the House in the 111th Congress. There is no expected cost associated with the legislation.

I would like to thank Senator AKAKA for sponsoring this bill and guiding its passage in the other body. I would also like to thank our colleague, Ms. NORTON, for her work in getting this legislation to the floor today. She cares passionately about D.C. and has nothing but its best interests at heart. We listen to that, we hear that, and in part, because of that, we support this legislation and encourage our colleagues to do the same.

With that, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Utah for his kind remarks.

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. I rise today in strong support of the D.C. Courts and Public Defender Service Act of 2011. I would like to thank Senator JOE LIEBERMAN, the chair of the Senate Homeland Security Committee, which has jurisdiction over the District of Columbia, and particularly Senator DANIEL AKAKA, the chair of the Senate Subcommittee on Oversight and Government Management and the Senate sponsor of the bill, the Federal Workforce and the District of Columbia for ushering the bill through subcommittee and committee and getting it passed by voice vote.

Both Senators LIEBERMAN and AKAKA are retiring this year. They each will leave rich legacies of accomplishment to the Nation, and both Senator LIEBERMAN and Senator AKAKA have always been good friends of the District of Columbia. They will be very much missed in both Chambers by all of us, I know, but particularly by the residents of the District of Columbia.

S. 1379 is an important bill for the administration of justice in the District of Columbia. It will allow the chief judge of the superior court or the court of appeals to delay judicial proceedings in the event of a natural disaster, terrorist attack, or other emergency. It is clear that the Nation's capital is at risk to such emergencies. Most recently, Hurricane Sandy, the unprecedented storm that devastated the east coast, and was expected to hit the District much harder than what actually occurred.

S. 1379 also allows the chief judge of the court of appeals to hold judicial conferences biennially rather than annually as required by current law.

□ 0930

This option is common sense, considering the increase in the use of electronic communication today and the significant cost savings involved.

The bill also allows the D.C. courts to enter into reimbursable agreements with the D.C. government for equipment, supplies, and other services, a measure to assure that reimbursement costs do not come from congressional appropriations.

The bill reduces the term of service, from 5 to 3 years, required of judges of the family court division of the superior court, a policy aimed at easing recruitment of able judges to the family court division.

In addition, the bill authorizes the Public Defender Service for the District of Columbia, a federally funded government agency, to purchase professional liability insurance for its attorneys, staff, and board members, which is, of course, indispensable to all who practice law today.

Mr. Speaker, I urge my colleagues to join me in supporting this bill.

I want to thank the gentleman from Utah for his work on this bill, and I particularly want to thank the chairman of the full committee, Mr. ISSA, who went to great lengths to make sure that this bill, in fact, made the agenda of the Congress and who has been so important to understanding and making sure that particularly minor D.C. bills like this received quick treatment and, I must say, in addition to his work on very important bills for the District of Columbia that are still in progress like our budget autonomy bill.

With that, Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, we urge passage, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 1379, the "The D.C. Courts and Public Defender Service Act of 2011," the purpose of which is to grant the District of Columbia (D.C.) Courts and Public Defender Service (PDS) greater administrative flexibility in several areas.

First, the bill authorizes the D.C. Superior Court and Court of Appeals to hold judicial conferences either annually or biennially, eliminating the current mandate that they always hold such conferences every year. Under S. 1379, magistrate judges are required to attend these judicial conferences.

Moreover, this bill authorizes the D.C. Courts to toll or delay judicial deadlines in certain emergency situations such as natural disasters, and allows the D.C. Courts to be reimbursed by the D.C. Government for certain office expenses.

Finally S. 1379 gives the D.C. Public Defender Service authority to purchase liability insurance for its attorneys and changes the term for Family Court judges from five years to three years.

Current law requires the D.C. Courts to hold a judicial conference annually "for the purpose of advising as to the means of improving the administration of justice within the District of Columbia."

Federal Courts, however, must hold a conference only every two years. The D.C. Courts have estimated that, in addition to the time spent by judicial personnel planning and attending the conference, they will spend approximately $50,000 on the 2012 judicial conference.

We know that local governments, like D.C., are under tremendous budget constraints, and given Congress' Constitutionally-mandated duty to oversee the District, we should be solicitous to District concerns when it comes to what we require of its government, particularly where costs are concerned.

The requirement that D.C. Courts hold annual judicial conferences was enacted before 1975, long before the internet was created in addition to numerous other advances in communication.

D.C. Courts have determined that the funds, resources, and time required to prepare for and conduct such conferences would be more effectively used if the judicial conference were conducted biennially rather than annually.

With the significant improvement in the dissemination and exchange of information the D.C. Courts' judicial conference is no longer the primary means of obtaining advice pertaining to the administration of justice within D.C.

Specifically, the Courts have determined that electronic and other forms of communication, including the Courts' websites, enable them to regularly communicate with the various participants in the court system.

We should remove the burdensome requirement that D.C. Courts hold annual judicial conferences and, instead, require biannual conferences. Furthermore, despite their important role in the judicial system of the District, magistrate judges currently are not required to attend the D.C. Courts' judicial conference.

D.C. Court magistrate judges hear a variety of cases, including misdemeanor and traffic cases, criminal arraignments, small claims, child support orders, and protection orders.

The D.C. Courts have requested that magistrate judges be required to attend judicial conferences. Because of their importance to the judicial system, I believe that this request should be granted.

The D.C. Courts have also expressed concern with their inability to toll or delay judicial deadlines in the event of an emergency or terrorist attack.

For example, in recent years, snowstorms as well as Tropical Storm Sandy have resulted in devastation of the D.C. Metropolitan area, resulting in federal government closings.

To address this concern, S. 1379 authorizes the Chief Judges of the D.C. Court of Appeals and the D.C. Superior Court to toll or delay judicial proceedings in the event of natural disasters or emergency situations.

Emergency authority under this bill should be used sparingly, and only in extraordinary circumstances. Therefore, S. 1379 requires that if the emergency authority is used for 14 days or more, the Joint Judicial Committee must approve each extension and the courts must give Congress a written justification no later than 180 days after the expiration of the last extension granted.

Currently, there is no statutory authority to allow D.C. Courts, absent explicit authority from Congress, to enter into reimbursable agreements with anyone, including the D.C. government.

This is because the D.C. Home Rule Act prevents the obligation of funds without approval by an Act of Congress. To address this concern, S. 1379 modifies the D.C. Code to allow the D.C. Courts to enter into reimbursable agreements for certain office expenses.

Finally, unlike Federal public defender service organizations, D.C. Public Defender Service does not have explicit authority to purchase liability insurance for its attorneys; consequentially, its attorneys are unable to protect themselves from potential lawsuits arising during the course of their official duties.

Individuals who provide professional advice and services, such as attorneys, typically carry liability insurance in order to offset the risks arising as a result of the advice or services they render.

To address this, S. 1379 provides the D.C. Public Defender Service explicit statutory authority to purchase professional liability insurance, allowing its staff to be protected from the financial risk of potential lawsuits by clients and others.

The accommodations sought by the D.C. Courts and Public Defender Service Act are reasonable and will ameliorate several deficiencies under current law. Therefore, I urge my colleagues to support S. 1379.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr.

CHAFFETZ) that the House suspend the rules and pass the bill, S. 1379.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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 9 o'clock and 31 minutes a.m.), the House stood in recess.

□ 1002

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 10 o'clock and 2 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The message also announced that the Senate agreed to the House amendment to the Senate amendment to a bill of the House of the following title:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

The message also announced that the Senate recedes from its amendment of December 4, 2012, returned to the Senate by the House of Representatives on December 12, 2012 to the bill (H.R. 4310) ''An Act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''; and insists upon its amendment of December 12, 2012 to the above entitled bill and requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (NE), Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL (CO), Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN (MA), Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER to be the conferees on the part of the Senate.

MOTION TO INSTRUCT CONFEREES ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. MCKEON. Mr. Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

A motion to reconsider was laid on the table.

Mrs. DAVIS of California. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. Davis of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4310 be instructed to agree to section 1249 of the Senate amendment (relating to a plan for promoting the security of Afghan women and girls during the security transition process).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Five years ago, I led a congressional delegation of female Members to Afghanistan on Mother's Day to visit our troops and meet with Afghan women, and I've continued to participate in this trip every year since.

On that first trip, we flew to Qalat in the southwestern region of Afghanistan and met the Provincial Reconstruction Team and the women of the village they worked with. Like much of Afghanistan, Qalat is rural and impoverished. The women we met had the same aspirations of women across the globe: they seek to send their children to school and a learn a trade in order to support themselves and their family.

During that first visit in 2008, the school headmaster told us stories of how acid was thrown into the faces of several female students who attended the school. These young girls overcame enormous challenges in coming to school every day, but their desire to learn surmounted the obstacles they faced. And there, just like at home, we heard these young girls talk of being doctors and teachers and anything else that they could dream of.

Each year, we have continued to visit the women of Qalat, and their message remains clear and consistent: they need security for themselves and their families if they are going to succeed.

During these visits, we have seen slow but steady progress being made as security in the area has improved. This year, during our visit, instead of talking about wanting the kids to come to school and being fearful that their parents would keep them at home, the school headmaster spoke about the 4,000 students who are coming to school each day and the need for additional desks and supplies. What a tremendous turnaround in such a short period of time.

But, Mr. Speaker, steep challenges remain for women in Afghanistan. Security, especially for women, has been at the heart of the problem that needs to be addressed as we transition responsibility to Afghan forces. Just this week, we had a reminder of those security concerns.

On Monday, the Director of Women's Affairs was killed in the Laghman province. She replaced the previous director, who was also assassinated just 6 months ago. It is heartbreaking to hear of these female leaders being assassinated in an area that is trying so hard to move their people and their country forward. A country cannot disenfranchise nearly 50 percent of their population while seeking to achieve a strong prosperous economy.

The language included in the Senate bill is a step in the right direction. So many organizations have been active in the transformation of Afghanistan, and I would encourage my colleagues at the Department of Defense and the Department of State to ensure that this is a multi-pronged effort. We must involve all the entities, not only here in the United States and Afghanistan, but also in Pakistan and India, where women there understand the daily challenges that Afghan women face, and create opportunities for these groups to work together. It is the least that we can do to support the women of Afghanistan and leave their country with a sustainable path for stability.

But, Mr. Speaker, this is more than the security of women and their ability to prosper in Afghanistan. It is also about our military servicemembers. Women on Provincial Reconstruction Teams have worked hard to help the women of Afghanistan, and members of the Female Engagement Teams have been tremendous role models for young Afghan children.

Our brave military men and women have sacrificed so much in Afghanistan, and to leave without the ability

for continued security there would be a dishonor to all those who have served. We must ensure that the strides Afghan women and girls have achieved over the last decade do not erode.

Next year, I hope to visit Afghanistan again on Mother's Day. And I want to tell the women we meet with—again, the same group of women we have met with over the last number of years—that their security is important and that this Congress recognizes that importance.

Mr. Speaker, I urge my colleagues to join me in support of this motion to instruct the House conferees and accept this language.

I reserve the balance of my time.

□ 1010

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

I rise to thank the gentlelady for her leadership not only on this issue, but on the leadership she helps provide to our committee. We have several women serving on the House Armed Services Committee, and they do an outstanding job.

Over the years, many of us have visited Iraq and Afghanistan, and I've had that opportunity. But I know that the trips that the women have made bring us back a different perspective. In my trip the time before last to Afghanistan, I went to the south. I went to Camp Leatherneck, where they were just setting up the Marines that had just arrived, and they were just pushing out in the desert. We were not able to visit Marja, which was one of the towns in that area. It was totally under the control of the Taliban. The Taliban flag flew over Marja.

The last time I was there, it was totally changed. The Marines had taken over Marja. And the day we were there, we opened a school. It's not like a school that we have here for our young people. They had a few classrooms in an adobe building, and then they had a few tents. It was kind of raining that day, but as we opened that school, 500 children were now going to be able to go to school, and over a third of them were young girls who could not go to school before. They were so excited, 10 teachers and 500 young people. As I said, about a third of them were young girls.

We have made some great improvements in Afghanistan. There are a lot of things we don't hear about. But when these women go on these trips on Mother's Day, they meet with the same women each year. So they give us a whole different perspective. Many of us on the trips, we go to one place, the next time we go to a different place, and we don't get a real feel as to what is actually happening with the people there. I've talked to some of these women after those trips. They've reported back and told me the things that they have seen and learned. This perspective of being able to actually see the same people and hear their perspective change from year to year is invaluable, and I thank you for making those trips.

We have women on both sides of the aisle, both on and off the committee, that have gone on those trips. MARTHA ROBY, one of the freshman Members on our side of the aisle, led the trip this last time, and VICKY HARTZLER and CATHY MCMORRIS RODGERS, our conference chair for our new Congress, and RENEE ELLMERS, another freshman Member on our side. Again, women from the other side of the aisle made that trip. I thank them for it, and I strongly support this effort on this motion to instruct.

We need to do everything we can do to ensure the safety of women. We've made lots of gains for those women and the girls who will become women in that country. When you withdraw the troops, it's a serious time and dangerous time. As we pass the effort over to the Afghan security forces to provide the protections and keep the gains that we've made, it's very important that they don't fall back into the same way that they've treated women in the past and we lose all those gains that we've made. So this is a very important addition to the bill.

I thank you for bringing this forward. I thank you for the support. It's something I hope that everyone in the Congress will support as we move forward.

With that, I reserve the balance of my time.

The United States' effort in Afghanistan came to us following the tragic events on September 11, 2001. And it has been critical to ensuring that United States' vital national security interests are maintained and the American people remain safe.

The successes that have been achieved in Afghanistan are the result of the noble service and tremendous sacrifice from our military and their families. Those successes include progress toward improving conditions for Afghan women and girls, respect for the rights of women, and inclusion of women in the political and security realms. However, as our commanders frequently remind us, all of our successes are fragile and can be reversed. This is no more true than in the case of Afghan women.

Therefore, I will support this motion to instruct. I believe the coming years will be critical to ensure the progress Afghan women have made cannot be easily undone. While I do not believe it is a primary mission of the U.S. military to work with the Government of Afghanistan to improve the rights of women, there is a role for the military to play as we train and advise the Afghan National Security Forces. Continuous improvements to the security situation can help set the stage for interagency partners and non-governmental organizations to work on women's issues.

In fact, the security of Afghanistan's women can only be damaged by hasty or ill-conceived withdrawal. The military needs to continue to be provided the resources and support that they need to conduct the mission in Afghanistan through 2014 and beyond—primarily to meet U.S. national security objectives, but also not to abandon those whose lives have improved so dramatically.

I appreciate my colleagues' advocacy for our sisters in Afghanistan. I support their efforts and intend to carry a conference report back from negotiations that supports this goal, the United States' national security interests, and provides our military with the resources it needs to accomplish the missions it is given in Afghanistan and around the globe.

Mrs. DAVIS of California. Mr. Speaker, I certainly want to thank Mr. MCKEON for his leadership and for his remarks this morning because this has been a bipartisan trip, and I can say that we have many hours together on these trips. To experience it with the Afghan women and with our female troops particularly has been an incredible experience. And I particularly enjoy the support and the collegiality of my colleagues that Mr. MCKEON referenced. It really has been very meaningful to all of us, and I look forward to continuing trips.

I now want to yield 3 minutes to Ms. TSONGAS of Massachusetts. Ms. TSONGAS has been with us on those trips, and I know she will share some of her experiences, as well.

Ms. TSONGAS. Mr. Speaker, I rise in support of this motion to instruct.

As we have heard, this motion supports bipartisan Senate language that would help promote the security of Afghan women and girls.

Since becoming a Member of Congress, I have had the honor of visiting Afghanistan four times, several with the Mother's Day trips that Chairman MCKEON referenced. I have been fortunate on those trips to visit in particular with some of our military moms who are serving in Afghanistan. These are female soldiers who have children back home, leaving them for months on end. Thousands of soldiers, men and women, go without seeing their family and loved ones for months on end, highlighting the extraordinary commitment that accompanies military service. This service and commitment is something that we take home with us as we learn from them and from their stories. These servicemen and -women have made very personal sacrifices for the people of Afghanistan.

The ever increasing participation of women in our military demonstrates the important contributions women are making to our effort in Afghanistan and around the world. It also stands in stark contrast to the involvement that Afghan women are able to have in their country's public life. One of the most important observations and lessons that I have learned during this trip, as well as the others, was that if this country is to become more stable and secure, women must be included in Afghan society and government.

Several years ago, I visited a school where over 1,000 young Afghan girls cycled through each day of all ages, very young, up to high school. When we asked them what they wanted to be when they grew up, the answers we heard were doctor, lawyer, teacher, even journalist. These are exactly what so many of our own young daughters

hope to achieve. These young women felt optimistic about opportunities that were previously unheard of for women in Afghanistan and represent a future of promise for this country. We should take great pride in the work that we have done to elevate their sight lines. Ensuring that these young girls continue to have access to these opportunities and more broadly ensuring that women are able to participate in Afghan society as a whole is not only good for the future of Afghanistan, it is good for the United States, as well, so that we can help ensure a more peaceful and just future there.

On Monday, we were starkly reminded of the tenuous position of women in Afghanistan when the acting head of women's affairs in an eastern province was assassinated as she traveled to work. It also reminds us of their extraordinary courage as they take advantage of the opportunities and seek to be full participants in their country's lives. As we reduce our military presence in Afghanistan, the United States must be cognizant of how we will make sure that women continue to have a seat at the table and the nascent gains for them are not abdicated.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. DAVIS of California. I yield an additional 1 minute to the gentlelady of Massachusetts.

Ms. TSONGAS. The bipartisan language in the motion before us would require that the Department of Defense produce a plan to promote the security of Afghan women and girls as it withdraws from the country. It would encourage the recruitment of women as members of the security forces. In fact, several years ago, we met with young women who were being trained to be helicopter pilots and required the Department of Defense to report back on its progress toward meeting these goals.

I strongly urge a ''yes'' vote on the motion and am so pleased to see our chairman's support for it.

Mr. MCKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 3 minutes to Ms. JACKSON LEE of Texas, as I know that she has been very involved in developing democracies and working with women.

□ 1020

Ms. JACKSON LEE of Texas. I thank all of my colleagues. I particularly thank Congresswoman DAVIS for her persistent leadership, and I join her as a cochair of the Afghan Caucus. I thank the chairman for his support as well.

So many of us have traveled to Afghanistan and have traveled as women to Afghanistan and have begun to look at this country from the eyes of wanting its survival. Malala is a young girl who is not from Afghanistan, but she symbolizes the essence of this motion to instruct. Malala is from Pakistan, but many of you will remember that she took more than one bullet as a young girl who fought and stood up for girls being able to be educated.

In my travels to Afghanistan and to the many provinces, you would hear stories from women, as have been evidenced, about the inability to serve, the inability to express themselves. In meeting with a group of women Afghan parliamentarians, interestingly enough, they would indicate how they wanted to serve their constituencies but how difficult it was and dangerous it was to travel as women to their particular provinces to serve their constituents.

That is not the basis of the principles for which our soldiers have fought and died. America has wonderful principles, and I am delighted that this motion to instruct focuses on providing the safety net for girls and women in leadership and in education. It is indicated, of course, that this transition will occur but with the requirement of a road map to ensure the safety and security of girls and women.

Over the period of time of our being in Afghanistan—the longest war that this Nation has ever seen—we have seen the ups and the downs but, more particularly, the tragedy of having schools burned that were particularly directed towards serving girls. Girls turn into young women and into women who want to serve. As we all know, the hand that rocks the cradle does establish the basis of civilization.

For the democracy of this great nation, I include my support for the motion to instruct, for our Nation not to leave, as it leaves a pathway of democracy, leaves a pathway of democracy for the women and girls of Afghanistan. We must provide the protection that they need to help lead this nation and to ensure its democracy, freedom, and justice.

Mr. MCKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. LEE), who has also been an extremely strong leader on this topic.

Ms. LEE of California. Let me first thank Congresswoman SUSAN DAVIS for her tremendous leadership on this issue. I agree with Congresswoman JACKSON LEE, it has been consistent and it has been bold. I also thank my other colleagues who have joined us in this effort.

There is really no military solution in Afghanistan, and a broad bipartisan coalition of many of our colleagues has really called for an accelerated withdrawal from Afghanistan. When we inevitably leave, we must ensure that Afghan women have a place at the table and an opportunity to shape the future of their country. I stand in strong support of this amendment that calls for a plan to promote the security of Afghan women and girls during the process of transferring security responsibility to the Afghan forces.

Last week, we met with Afghan women. Let me tell you that this was their very first priority, and we heard some stories that really speak to why this is so desperately needed. Afghan women and girls carry with them the prospects for long-term growth, security, and prosperity for their country.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. DAVIS of California. I yield the gentlelady an additional minute.

Ms. LEE of California. I and others also encourage the conferees to include the Casey-Hutchison amendment as well as Senator MERKLEY's amendment, which calls for an expedited withdrawal from Afghanistan; but also we must support this motion to instruct conferees and ensure that we protect Afghan women and provide for their security because they are the future of Afghanistan.

So I encourage our colleagues to support this, and I want to again thank Congresswoman DAVIS for her leadership.

Mr. MCKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH). I want to thank him for his outspokenness and for his strong belief in peace and in the role that women play in those initiatives.

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

Mr. KUCINICH. I thank the gentlelady from California for yielding.

Mr. MCKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY). I want to thank her, as well, for her bold leadership in preparing women for democracy.

Ms. SCHAKOWSKY. I rise in strong support of this motion to instruct. I join my colleagues first in congratulating Congresswoman DAVIS for the enormous work that she has done to protect the women of Afghanistan, and I thank my Republican colleagues, too, for their support. This truly is a bipartisan effort.

I am committed to a peaceful transition and to a secure future for Afghanistan as U.S. troops withdraw. There is no better way to reach that goal than to involve women in the process—to ensure their voices are heard, to protect their fundamental rights. The security of women has to be a top U.S. priority.

Afghan women have made incredible advancements over the past decade, but they face enormous challenges. Just this week, the acting head of Women's Affairs in an eastern Afghan province was shot to death in broad daylight as she was traveling to work. Her predecessor in that position was killed in July when an IED exploded under her car. Particularly women who are involved in the political process or

civil society are targeted, intimidated, threatened, and even killed.

Since the 2009 trip I took to Kabul, I've kept a sky blue burqa in my office as a reminder of the responsibility that we have to the women of Afghanistan. Women's rights are essential to the long-term stability of Afghanistan. Women must feel safe participating in politics and in civil society, and they have to be free to seek education and to start businesses, and they must have the opportunity to help their country forge a peaceful future.

Mr. Speaker, the Casey-Hutchison amendment requires a three-part plan to promote the security of Afghan women and girls. By including this language in the NDAA, we show that we are serious about human rights in Afghanistan and that we are committed to a peaceful transition away from U.S. military engagement. We have the opportunity to use the NDAA to stand with our Afghan sisters, to promote the security of all Afghan women and girls, and to ensure that women have the opportunity to engage in the rebuilding of their country.

I urge my colleagues to support this motion to instruct.

Mr. MCKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS). I want to thank him for all of his support as well.

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

Mr. ANDREWS. I thank my friend for yielding.

I am immensely proud of the service and sacrifice of our men and women in Afghanistan. They have done a great job in defending our country, and our hearts go out to all of them who are serving, or who have served, for the greatness of their service.

I am one who believes that the time to bring them home is a lot sooner than later. I'd like to see them all come home as soon as possible. When they do, it's important that, as we leave Afghanistan, we leave an imprint of a value that is not just an American value but, I think, a value of humanity around the world and, that is, that your opportunity to thrive in a community should not be determined by your gender. It is astonishing to most Americans, but it was the reality for most female Afghans that during the rule of the Taliban, for a young girl, a visit to a school put her life at risk. A girl who dared to try to go to school was risking a violent assault or even death.

I am very proud of the fact that our military leaders, our civilian employees, and brave Afghans have worked very hard to change that fact. Today, Afghan girls are in school, and Afghan women are serving in positions of authority and leadership and education and health care and government and commerce in Afghanistan. As we make the transition to Afghan security in that country, let us make sure that the transition to full human rights for women and girls continues in that country.

That is the purpose of this motion to instruct, and it is gratifying that Members of both political parties have spoken up in favor of this very basic principle. Being a girl or being a woman should not subject one to violence or short-change one's opportunities. I am proud to support this motion. I certainly hope that, as we go forward with this bill, the principles of fairness and equality will be included.

□ 1030

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise this morning in support of the motion to instruct offered by my good friend Mrs. DAVIS from California.

This measure would ensure that the Afghan Women and Girls Security Promotion Act, an important and bipartisan piece of legislation, will be included in the final version of the National Defense Authorization Act. And it will require the Department of Defense to produce a detailed plan to promote the security of Afghan women and girls during the process of transferring security responsibility to Afghan forces.

For more than a decade now, the rights and security of Afghan women have been on the rise, thanks in part to the efforts and sacrifice of our brave men and women in uniform. I had the honor of witnessing this progress firsthand when I traveled to Afghanistan over Mother's Day a few years ago and got to see excited young girls attending school for the first time and accomplished women proudly serving in government office. Here in the United States, we often take liberties like this for granted. For an Afghan woman, however, they represent dramatic strides forward in basic human rights and equality.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCKEON. I yield an additional 1 minute to the gentlelady.

Mrs. BIGGERT. Like my colleagues here today, I am deeply concerned that as we begin to transition out of Afghanistan we are at risk of losing those hard-fought gains. Tragic news stories like the recent brutal murder of a young girl in northern Afghanistan over a rejected marriage proposal still occur with frightening regularity.

I believe this piece of legislation provides an opportunity for us to do that by providing a credible path forward for promoting the continued safety and well-being of these girls and women. This is absolutely essential for the future peace, stability, and prosperity of Afghanistan. For that reason, I urge my colleagues to support this motion to instruct.

Mrs. DAVIS of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 12¾ minutes remaining. The gentleman from California has 22½ minutes remaining.

Mrs. DAVIS of California. I yield myself such time as I may consume.

I just wanted to acknowledge and thank my colleague, Mrs. BIGGERT, because she co-led with me that first trip we took to Afghanistan, to Zabul province, and we had that opportunity to observe women who had very, very incredibly difficult lives and yet were as aspirational as so many women that we meet every day. I wanted to acknowledge her for that leadership.

I now yield 1½ minutes to the gentlewoman from Hawaii (Ms. HANABUSA) and thank her for her leadership as well.

Ms. HANABUSA. Mr. Speaker, I rise in support of the motion to instruct conferees to agree to the language in section 1249 of the Senate bill, which requires a plan for promoting the security of Afghan women and girls during the transition process.

I have been a supporter of an accelerated withdrawal of our forces from Afghanistan, but believe we must do so responsibly. Part of this responsibility lies in protecting the gains that have been made by Afghan women and ensuring that they have a role in creating the future of their country.

Since 2001, women in Afghanistan have made tremendous progress in being able to educate themselves and diversify the way they can provide for their families. They receive better health care and can move freely about within their communities.

This progress, which has come at great cost to the men and women of our armed services, must be preserved and furthered. To lose these gains would be to minimize the great sacrifices that our men and women in uniform have made.

It is undisputed that the burden of war and keeping a family together after a loss of life falls on the mothers and women of the household. It is also undisputed that war leaves many scarred physically and emotionally. Yet it is so rare that we can say out of these difficult situations that there can be a glimmer of hope for the future.

One example of hope for the future is for these women and girls to know that they will be secure in their pursuits and in the progress that has been made. We must also believe that by doing so, the foundations we have helped build will continue, and these women and girls will have a future in their Afghan nation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. DAVIS of California. I yield the gentlewoman an additional 1 minute.

Ms. HANABUSA. As a Nation, this is one of the most positive acts that we can do, Mr. Speaker.

Mr. MCKEON. I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I have no more speakers, so I reserve the balance of my time to close.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume to close.

I want to thank the gentlelady for bringing this issue. I think it is something that we can totally support on our side, and I would encourage all Members of this body to support this issue. I thank all of the women who have made the trips over there to Afghanistan because they have really added to the cause.

Our men and women in the military that have fought for all these many years—one of the major benefits from this war is the freedoms that these women and girls are able to enjoy right now, and it's my hope that we can leave sufficient force there to complete the mission, to guarantee the safety of these women and children, young girls, going forward. To leave precipitously without having completed that mission and put these women and girls in jeopardy, after they've seen a whole new life emerge, a whole new opportunity presented to them that they never conceived of before, would be a disaster.

So I thank again the gentlelady from California (Mrs. DAVIS) for her efforts here, and all the women who have spoken on this issue and traveled to Afghanistan, and urge that we all support this issue.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, as I said, I'm certainly prepared to close, and I yield myself such time as I may consume.

I want to again thank my colleague for his kind words. It has been an honor and a privilege to be part of this and to have worked with our female troops, all of our troops, of course, in Afghanistan, but to see the difference that they're making. There is an approach that they have, and it seems to work. They are able to bring people along and actually make the situation safer for the families and the community in which they are serving.

I want to thank everyone who spoke today, and I also certainly want to thank everyone who has traveled on this particular trip. This is an important motion to instruct. It defines something just as basic as ensuring the mobility of women within their own country.

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

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the Motion to Instruct Conferees on H.R. 4310, the National Defense Authorization Act, NDAA. Today, this House will send the National Defense Authorization Act, NDAA, to conference. Contrary to its title, the bill does not provide for the protection of the American people. It expands war. It further indebts our nation. It encroaches on basic rights with regards to indefinite detention. It eliminates the basic tenet that due process rights applies to everyone in this country—not just American citizens.

The legislation also includes additional sanctions against Iran despite numerous reports that our sanctions are affecting the ability of ordinary Iranians to obtain medicine and offer basic goods. Sanctions have thus far not served to solve the impasse or bring Iran to the negotiating table. More sanctions are not the answer and do not bring us closer to a diplomatic solution.

This legislation also perpetuates the myth that we are ending the war in Afghanistan. We are not leaving Afghanistan. We are deepening our commitment. This bill provides for another staggering $88 billion for the war. The Strategic Partnership Agreement between the U.S. and Afghanistan commits us to the country for at least another decade with a $20 billion price tag.

Finally, this legislation continues financing our bloated Pentagon. The United States maintains 1,000 bases worldwide. Some of these bases are infamous, like Guantanamo Bay. There are small bases to support our drones program. There are fortresses to support our wars.

The cost to maintain these bases is billions of dollars. Included in these costs are the costs to maintain and run 234 golf courses around the world.

The Pentagon is expanding their spy agency. The CIA has become a paramilitary organization. We are preparing to support intervention in Mali. Our government's policy in Syria is incoherent. We are expanding our military presence in Asia and in Africa.

And for what? For millions of Americans to be unemployed? For millions of Americans to go hungry? For millions of Americans not to have adequate access to education or even healthcare? For millions to lose their homes? For millions to lose their retirement security? For roads and bridges to collapse because we have no money for infrastructure?

I say it's time we pay attention to the defense of the American people's pocketbooks—The defense of the dignity of the American people—The defense of the moral authority of the United States. It's time to end this state of permanent war. We should throw out the NDAA, put an end to interventionism and begin to take care of things back home.

Ms. EDWARDS. Mr. Speaker, I rise today in support of the Davis Motion to Instruct Conferees that would include the Casey/Hutchison amendment in the final conference report on the NDAA bill.

I want to thank the gentlelady from California, Mrs. DAVIS, for her strong leadership in engaging the women of Afghanistan in their reconstruction. I first traveled to Afghanistan with Mrs. DAVIS for Mother's Day in 2009 and have returned each of the past three years.

As co-chair of the Afghan Women's Task Force, I have met with women parliamentarians and civil society members eager to achieve the common goal of a secure and stable Afghanistan.

These women and their advocates always raise security as the number one challenge to progress. The failure to ensure consideration of women in the security framework is an ongoing challenge to taking advantage of the opportunities in education, politics, and overall public life necessary for the long-term stability and prosperity of Afghanistan.

Yesterday's assassination of the acting head of women's affairs in Laghman Province less than six months after the previous head was killed exposes not only the threats to the security of women in the country, but the deep concern about the impact the transfer of responsibilities from coalition forces to the Afghan government will have on the gains made by women over the last ten years.

The Casey/Hutchinson amendment promotes the security of Afghan women and underlines the need for the United States to strengthen its commitment to ensuring that plans to improve, monitor, and respond to women's security are imbedded in the Department of Defense's strategies. In addition, the amendment aims to establish achievable goals for the recruitment and retention of women to the Afghan National Army and Afghanistan National Police which have fallen far below expected targets.

The United States has worked hard to dramatically improve the lives of Afghan women. The greatest indicator of this progress is the 2.7 million girls who are now being educated after years of restriction by the Taliban. Afghan women and girls have stated their goals and desires for progress.

The transition process gives the United States and our international partners an opportunity to strengthen women's rights and lay the foundation for women's full participation in all aspects of Afghan society in the future. Losing those gains will have a major negative impact on all Afghans and jeopardize the future security and stability of the country.

I urge inclusion of the Casey/Hutchinson amendment to send a supportive message to the women of Afghanistan and to enhance U.S. and international efforts to create a safer, more prosperous future for the country. Vote for the Davis Motion to Instruct Conferees.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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 10 o'clock and 38 minutes a.m.), the House stood in recess.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 11 a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed. Votes will be taken in the following order:

the motion to instruct on H.R. 4310;

the motion to permit closed conference meetings on H.R. 4310, if offered; and

the motion to suspend the rules and pass H.R. 4053.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, offered by the gentlewoman from California (Mrs. DAVIS) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 399, nays 4, not voting 28, as follows:

[Roll No. 624]

YEAS—399

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—4

Amash
Jones
Massie
Paul

NOT VOTING—28

Ackerman
Akin
Bartlett
Bono Mack
Cantor
Carney
Cole
Costello
Dicks
Doggett
Gallegly
Griffin (AR)
Hayworth
Holden
Johnson (IL)
LaTourette
Lewis (GA)
Mack
McCarthy (CA)
Noem
Nunnelee
Pence
Pitts
Reyes
Ros-Lehtinen
Ross (FL)
Sanchez, Loretta
Stark

□ 1123

Messrs. CARTER, SAM JOHNSON of Texas, SESSIONS, PEARCE, SMITH of Texas, Mrs. CAPPS, and Mrs. SCHMIDT changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO PERMIT CLOSED CONFERENCE MEETINGS ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. MCKEON. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and Senate on H.R. 4310 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 53, not voting 27, as follows:

[Roll No. 625]

YEAS—351

Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Campbell
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie

Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Nugent
Nunes
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Pompeo
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—53

Adams
Amash
Amodei
Barton (TX)
Blumenauer
Brady (TX)
Broun (GA)
Buerkle
Burgess
Burton (IN)
Canseco
Carter
Clarke (NY)
Conaway
Cuellar
Culberson
DeFazio
Ellison
Farenthold
Farr
Flores
Gohmert
Granger
Green, Al
Hahn
Hensarling
Herrera Beutler
Honda
Huelskamp
Jackson Lee (TX)
Johnson, Sam
Jones
Jordan
Kucinich
Labrador
Lee (CA)
Lummis
Marchant
Massie
Mulvaney
Neugebauer
Olson
Paul
Pearce
Poe (TX)
Polis
Posey
Price (GA)
Ribble
Speier
Walsh (IL)
Waters
Woolsey

NOT VOTING—27

Ackerman
Akin
Bartlett
Bono Mack
Cantor
Cole
Costello
Dicks
Doggett
Gallegly
Griffin (AR)
Holden
Issa
Johnson (IL)
LaTourette
Lewis (GA)
Mack
McCarthy (CA)
Noem
Nunnelee
Pence
Pitts
Reyes
Ros-Lehtinen
Ross (FL)
Sanchez, Loretta
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1132

Messrs. AMODEI and AL GREEN of Texas changed their vote from ''yea'' to ''nay.''

Mr. DUNCAN of South Carolina changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4053) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 29, as follows:

[Roll No. 626]

YEAS—402

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall

Woolsey	Yoder	Young (FL)
Yarmuth	Young (AK)	Young (IN)

NOT VOTING—29

Ackerman	Griffin (AR)	Noem
Akin	Harris	Nunnelee
Bartlett	Higgins	Pence
Bono Mack	Holden	Pitts
Cole	Issa	Reyes
Costello	Johnson (IL)	Ros-Lehtinen
Dicks	LaTourette	Ross (FL)
Doggett	Lewis (GA)	Sanchez, Loretta
Gallegly	Mack	Stark
Green, Gene	McCarthy (CA)	

□ 1142

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLE. Mr. Speaker, during rollcall votes No. 624, on the motion to instruct conferees regarding H.R. 4310, No. 625, on the motion to permit closed conference meetings for H.R. 4310, and No. 626, on the motion to suspend the rules and pass H.R. 4053, I was unavoidably detained and unable to cast my votes. Had I been present, I would have voted "aye" on all three votes.

APPOINTMENT OF CONFEREES ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. MCKEON, BARTLETT, THORNBERRY, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, RIGELL, Mrs. HARTZLER, Mr. WEST, Mrs. ROBY, Messrs. SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Messrs. ROGERS of Michigan, NUNES, and RUPPERSBERGER.

From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571–73 of the Senate amendment, and modifications committed to conference:

Mr. PETRI, Mrs. NOEM, and Mr. SCOTT of Virginia.

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:

Messrs. WALDEN, WHITFIELD, and WAXMAN.

From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:

Mrs. CAPITO, Messrs. HUIZENGA of Michigan, and PERLMUTTER.

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245–47, 1301, 1303, 1531–33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201–04, 1212–15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114 and 5023 of the Senate amendment, and modifications committed to conference:

Ms. ROS-LEHTINEN, Messrs. ROYCE, and BERMAN.

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:

Messrs. KING of New York, TURNER of New York, and THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of secs. 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII, and title LI of the Senate amendment, and modifications committed to conference:

Messrs. SMITH of Texas, DANIEL E. LUNGREN of California, and CONYERS.

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:

Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101–04, 1111, 1616, 1683, 1702, 1704–06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894–96, 903, 1099A, 1101–04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:

Messrs. ISSA, WALBERG, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159 and 3504 of the Senate amendment, and modifications committed to conference:

Mr. HALL, Mrs. BIGGERT, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of secs. 1611, 1621–23, 1631, 1632, 1641, 1651–58, 1661, 1671–73, 1681–83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference:

Mr. GRAVES of Missouri, Ms. HERRERA BEUTLER, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503–05, 3508, and 3509 of the Senate amendment, and modifications committed to conference:

Messrs. MICA, COBLE, and BISHOP of New York.

From the Committee on Veterans' Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759–64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:

Messrs. BILIRAKIS, LAMBORN, and MICHAUD.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come. At this point in time, I yield to my friend, Mr. CANTOR, the majority leader, for that purpose.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet at noon for morning-hour and 2:00 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday, Wednesday, and Thursday, the House will meet at 10:00 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9:00 a.m. for legislative business.

Members are advised that, due to the ongoing negotiations regarding the fiscal cliff, a weekend session is possible and, therefore, last votes for the week are not yet known.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business Friday. Additionally, we expect to consider a conference report for the National Defense Authorization Act for the Fiscal Year 2013, and a number of other expiring provisions of law are also possible.

As was announced last week and the week before, the House will not adjourn the 112th Congress until action has been taken to avert the fiscal cliff. Members are advised to retain flexibility in their travel schedules through the end of the year to the maximum extent possible.

I thank the gentleman.

Mr. HOYER. I thank the gentleman for his comments.

We had originally thought that we would not be meeting on Monday. I want to make it clear to Members that the majority leader has indicated that we will be meeting on Monday and coming in at 6:30, so they take note of that and their staffs take note of that as well.

Mr. Leader, can I ask you if you know or have some pretty good sense of, on Tuesday, do you know what we might be considering on Tuesday?

I say that because a number of Members who had scheduled things Tuesday during the day have asked me that question, and I'm wondering whether or not you have any thoughts on that. My presumption is the Defense bill conference probably won't be done by that time. I don't know whether that's your sense or not.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'd say to the gentleman he is correct in assuming that the Defense bill will not be ready. We don't know for sure, but probably likely by Wednesday or after, so, without complete surety, I will say to the gentleman, likely a suspension debate on the floor on Tuesday.

Mr. HOYER. I thank the gentleman for that information. The Members will find that helpful.

The majority leader mentioned last week and reiterated this week that we will not adjourn the 112th Congress until we've averted the fiscal cliff. I think the American people would share that view and would hope that was the case. I hope that's the case as well.

On the fiscal cliff, one of the things, of course, in the fiscal cliff, one of the items of concern—we had a debate on the floor today, and the majority leader and I have discussed it again last week and the week before that. Part of the negotiations are with respect to the 98 percent of Americans who fall in the category that we seem to have agreement on should not receive a tax increase.

There have been an increasing number of Republicans and Democrats who have urged us to take that issue on which we agree in the near term, and I again ask my colleague, the majority leader, whether or not there is any possibility that next week we might consider at least that segment.

And let me make perhaps a wrinkle of a suggestion to the majority leader, if I might. Obviously, we have a disagreement on that over 250. We could, Mr. Majority Leader, perhaps consider two bills—one for those under 250 or 200, the Senate bill, essentially, and another bill that you might bring to the floor which would involve extending the tax cuts on those over those limits—so that Members, even though there's a disagreement, could express themselves on both of those propositions.

□ 1200

I know the gentleman has made the point repeatedly that there are small businesses that would be hurt if we did not extend over the $250,000 level. That would give Members an opportunity to express themselves on that point of view as well as expressing themselves on the under $250,000 and under $200,000 for individuals. My presumption is both of those bills would pass. And that would give the Senate two bills to consider and to send to the President to at least, to the extent we can reach agreement, have some certainty brought to some segment of the population.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

He is correct. We've had this discussion before at the end of each week, and I would say to the gentleman that suggestion that he has, has certainly been brought to me on several occasions this week.

I would say to the gentleman I know that he joins me in the desire to try and address all the aspects facing this country in terms of the fiscal cliff, namely, to try and actually put us on a path to managing down the deficit and the debt; and, as the gentleman knows, we are trying, in terms of negotiating with the White House. And the Speaker has been very earnest in his desire to want to address the spending problem, not just the revenue problem, and the gentleman's suggestion would not go to that.

And I would say to the gentleman his proposal would leave the issue of increased taxes on small businesses making over $200,000 a year. And if the concern is to try and focus on generating more jobs and helping heal the economy, I'd ask the gentleman, in return, what is his suggestion about helping those businesses because, as we know, the preponderance of the jobs created come from those small businesses making $200,000 and up.

Mr. HOYER. I thank the gentleman for his comments.

Of course, we have this discussion on a regular basis. I'm sure everybody in America looks forward to this discussion.

Obviously, when the gentleman talks about small businesses, he is essentially talking about 3 percent of the small businesses in America, because 97 percent of the small businesses, those job creators of which the gentleman speaks, 97 percent of them make less and would be positively affected by the bill that affects those under $200,000 individually and $250,000 collectively. Of course, 100 percent of the small businesses would be assured—let's say they make $350,000—would be assured that the first $250,000 would not get a tax increase.

So I tell the gentleman I am concerned about those small businesses, and small businesses will be included in the under $250,000 and under $200,000 as well. One hundred percent of America, no matter how much they make, would have the assurance that the first $250,000, or $200,000 if they are individuals and not families, that they would not get any tax increase.

The gentleman, particularly in the election cycle of 2010, talked a lot about—and I agreed with him—about bringing confidence, certainty of what the tax structure and what the rules would be. I suggest to the gentleman small businesses, whether they be in the 97 percent or the 3 percent—the 97 percent being affected by the bill that I would like to see passed, that the Senate has passed, but the other 3 percent, as I say, would be positively affected, knowing full well that the first $250,000 of income would not see any increase in their taxes. I think that would be a positive step for those small businesses and the small businesses above and below those figures.

Mr. CANTOR. Mr. Speaker, I thank the gentleman again.

I think, as the gentleman has heard me say before, the majority of business income comes from those small businesses with incomes over $200,000; and the higher the percentage of income derived from a small business, the more jobs are created by that individual. And that is the point.

We also know, and the gentleman has heard me recite these figures before, there was a third-party outside study conducted which would indicate that if the gentleman's proposal is passed, that we are going to see the reduction of 700,000 jobs going forward. Again, if the focus is on jobs, as it should be, it raises certain concerns.

I would also remind the gentleman, he and I both feel very strongly about trying to do something about the fiscal health of the Federal Government in attempts to try and heal the economy, and the fiscal health of the government has much more to do about getting control of the spending rather than bringing more revenue in. More revenue in can come if we grow the economy, but just by statically increasing tax rates without doing anything to try and address the spending problem will actually make the problem worse and will leave that mountain of debt untouched.

As the gentleman knows, our Speaker has tried and tried to get the White House engaged in actually discussing specifics the way those specifics were discussed a year-and-a-half ago. These kind of things that we all know need to be done on the entitlement programs, the White House needs to come forward and say that they'll join us in trying to fix the problem, and that is what we have not seen.

We have seen, Mr. Speaker, Speaker BOEHNER go forward and put revenues on the table, and we asked the White House to join us in trying to fix the problem on spending. And that's where things have stopped, and hopefully we can resolve that. As the gentleman knows—and I'm committed—and as we have announced in the schedule, we will stay here until we can resolve the problem.

Mr. HOYER. I thank the gentleman for his comments, and I agree with him, as he knows, to staying here until we get this problem solved. America expects it. America, more importantly, needs it.

The economy needs the confidence of a resolution of this stalemate, so I agree 100 percent with the gentleman. But let me say in terms of, again, one of the disquieting factors is we can't even act on that on which we agree.

Now, the gentleman and I disagree on a proposition, and that is the gentleman believes and cites a study, which we think is of questionable validity, that says we're going to lose jobs if we raise taxes on those above $250,000. We don't share that view, and most economists that I talk to don't share that view. But there is a study that the gentleman refers to that says that. I understand that. And what I'm saying is we can vote on that and some of us will agree and some of us will disagree.

But if we can't vote on it—let me call the attention to somebody who's certainly not a Democratic spinmeister, but I think the perception will be that what we are doing is holding the better off, if we can't help them, we can't help those who are not making as much money. I'm sure you're aware of David Brooks' column in The New York Times. He's not a liberal Democrat—or not a Democrat. I don't think he's a Democrat or Republican, but a more

conservative columnist. He says this, and I quote from The New York Times just a few days ago:

Sometimes you have to walk through the desert to get to the Promised Land. A budget stalemate on these terms will confirm every bad Republican stereotype. Republicans will be raising middle class taxes in order to serve the rich—shafting Sam's Club to benefit the country club. If Republicans do this, they might as well get Mitt Romney's ''47 percent'' comments printed on T-shirts and wear them for the rest of their lives.

I use that quote not to criticize but to say that the perception, I think, is, if we do not act on something on which we agree, we are not doing so because we want to make sure that the best off, if they're not helped, nobody will be helped, and I think that's not good for the country. I think, frankly, it's not good for the Congress, not necessarily Republicans or Democrats. I think we're all perceived as either having the ability to act or not act. If we're going to get this fiscal cliff resolved, it will be because we agree on that which we can agree. Here, we do.

We have 167 CEOs who have written to us saying that the Business Roundtable agrees that we ought to move in this direction. Senator CORKER said that just the other day. Others have said that as well. And I really don't think it's either a political ''gotcha'' or political advantage. I just think it will do what the gentleman talked about. It will give confidence to 98 percent of the American people who pay taxes that they don't have to worry on January 1 about their taxes going up. It seems to me that's a positive for our economy because it will give them confidence that they're going to have resources to do some of the things that will help our economy grow.

I understand the gentleman's position is that there will be 2 percent who won't have that confidence and 3 percent of small businesses who, as the gentleman points out, those 3 percent are relatively large businesses in the sense that that 3 percent gets 53 percent of the business income. He's correct. Those are large small businesses or, in many cases, individuals who just make a lot of money, and that's fine, but they're not the majority. I think job creators, in terms of the numbers of small businesses, are those who add one or two or three people to their rolls.

□ 1210

We can get off this, but I certainly will yield to the gentleman and hope that we can do that.

The reason you've gotten the suggestion of the two-bill strategy, or two-bill scenario, is because that gives everybody in the House of Representatives—and you talked about this particularly in 2010, but you've talked about it since then of giving the House of Representatives the opportunity to work its will. Two bills, if you move them forward, one which the President says he will sign, one which the President says he will veto—and after all, he's going to be our President for the next 50 months—we can get something done. At the same time, all 435 Members—or 433, I think we have presently—can express their views on those issues on which we have agreement and those issues on which we have a disagreement.

I yield to my friend.

Mr. CANTOR. I'd say to the gentleman, on issues that we have agreement on, I think the gentleman and I both have agreement on many of the spending issues. I think the gentleman has been outspoken in his commitment to say, hey, we've got to modernize, if you will, the age eligibility of some of our entitlement programs. I think the gentleman, if I'm correct, has said that he is in support of adjusting the age eligibility for Medicare.

Mr. HOYER. If the gentleman will yield, what I have said is everything needs to be on the table, not that I agreed with everything that would be on the table. I have some very substantial reservations about age increase. Particularly—it was in the Ryan bill—it doesn't get you any money in the next 10 years so it will not help us get to that fiscal crisis.

What I have said, and I'll repeat, is you have the right to put everything on the table; we have a right to put everything on the table. If you're going to have an honest negotiation, we ought to consider everybody's point of view. That's what I've said.

Mr. CANTOR. I'd say to the gentleman this is exactly the kind of conversation that we should be having about fixing the problem rather than just kicking the can.

Again, the gentleman has been very upfront about, I think, his commitment to do some of those more difficult political things that I agree with him on. But, unfortunately, we're not having those conversations. We're not having those conversations because I believe there are others in his party in the House and elsewhere—certainly in the White House—that refuse to engage in the specifics about how we address the mountain of debt and the continuing spiraling upwards of spending. That is what we've got to do.

I think the gentleman would say, with running the risk of putting words in his mouth, that many folks out there who are wealthy would say, sure, I'll pay more taxes. But I would say back to those individuals: I believe that you say that because you would trust that your money is being spent to pay down the debt and the deficit. That's what we're trying to get to.

None of us on this side of the aisle believe raising taxes is good in this economy or it's something that we should do by feeding more money into the Federal Government, and certainly if the Federal Government is not fixing the problem. That's what we're trying to do, Mr. Speaker. I know the gentleman understands my point of view on this, and we've had this discussion continuously.

Mr. HOYER. I thank the gentleman for his comments.

It is a discussion the country is having. It's a discussion we need to have, and we need to have it honestly with one another.

The gentleman knows my position: it's not taxes or spending; it's if you buy something, pay for it. We haven't done that. That's what creates debt. Taxing doesn't create debt; spending doesn't create debt if you pay for it. Spending creates debt only if you don't pay for it. The revenues—taxes—are what you pay for things that you buy. We are buying things and we're not paying for them, and your children and mine are being put in debt as a result.

So this debate is really about: What are we going to pay for? How much do we want to do? And if we want to do it, we need to pay for it.

The gentleman knows my side very much believes that we had two tax cuts in '01 and '03; we didn't pay for it. We had two wars, both of which I supported, as the gentleman knows; we didn't pay for it. We passed a prescription drug bill; we didn't pay for it. We are hopefully going to pass a disaster relief bill that hopefully we're not going to pay for in the short term, but that we will pay for and have a scenario to pay for in the longer term because we know owe that to our children and to our grandchildren.

I'll just make a point. The gentleman always talks about tax and spending is the problem. The problem is we vote to buy things—whatever those things are—and we haven't voted to pay for them. The discipline in any system—in the family's budget, in the country's budget—should be, if you want to buy it, have the discipline to pay for it, or at least to amortize it to pay for it over a series of years that you've planned for. We haven't done that. We're in a debate about this fiscal cliff of how to do that.

We planned this fiscal cliff. This is not a happenstance. We planned. I didn't vote for the tax bills, but they sunsetted. They sunsetted this December 31. That was planned. It was planned because of a scoring issue—not because I think your side really believes they ought to sunset, but because of a scoring issue.

The fact of the matter is the sequester was put in place as a fail-safe to make the supercommittee work. It didn't work, so on January 2 the sequester takes place. I don't think any of us believe a sequester ought to take place in the way that it's planned to do so.

So what I'm saying to the gentleman is everything that's going to happen on December 31 we've planned, we've put in place, we've sunsetted. It is our responsibility to meet that. And, yes, taxes is the way we pay for things that we buy because if we pay for them, we don't create debt.

I would be glad to yield.

Mr. CANTOR. Mr. Speaker, along those lines, the gentleman talked

about the '01, '03 tax cuts. He is talking about mostly the 98 percent that he refers to that continue to need that tax cut. I'd ask the gentleman, Is he now saying we need to pay for that tax cut?

Mr. HOYER. I absolutely believe that we need to pay for that tax cut over the 10-year plan that we try to come up with to get us to a place that we can agree on being the objective in 2022 or 2023 as to where we want to be as a country in terms of fiscal sustainability, a credible plan that will get us from here to there, including taking cognizance of the cost of that tax cut. Yes, I am saying that over the longer term we ought to pay for it. Right now the economy is struggling. The reason I think none of us want to raise taxes on the average working men and women in this country is because the economy is still struggling.

We're going to have that issue in terms of the payroll tax. We did the payroll tax deduction, which is controversial and there hasn't been a lot of the discussion, in order to get some additional revenues, 2 percent cut in the FICA tax—actually, a third of the cut, a third of the FICA tax so that we can get additional moneys into the pockets of the consumers so they can continue to buy. The economy has been better than it certainly was. We have grown, but not to the extent that we need to. That is why our view is that for those working Americans we ought to continue that level, but not because we think that we ought to just put that on the credit card and forget about it. It's got to be part of these fiscal cliff negotiations. And your point is making sure we pay for things.

Mr. CANTOR. Well, Mr. Speaker, I'd say to the gentleman I know the gentleman understands that my view is you don't have to pay for giving people back the money that they earned, but the gentleman takes that view; but that's exactly the point of these discussions. Where is the discussion about the specifics on where we are paying for things in terms of reducing spending? That's exactly the point.

If the gentleman would be so kind as to go to the White House and engage the President to say, hey, give us some specifics, because the President so desperately wants to raise those taxes and to grant the 98 percent the tax relief. If the gentleman's contention is the President's, where are the specifics on the other side of the ledger? That's exactly what we're saying, Mr. Speaker. We need to solve this problem.

Mr. HOYER. Reclaiming my time, we had that discussion in terms of specifics. I pointed out to the gentleman last week, and I'll point out to him again today, the President has in his budget 23 pages of cuts, including, very frankly, with respect to Medicare, in which he cuts more—specifically identified—than PAUL RYAN's budget that passed this House reduced Medicare expenditures.

□ 1220

So I will say to my friend, I have given him this little list—he can't see it. You have five items on your proposal in the letter that you sent, five items. They're over here on the right, five line items, all conclusionary, no specifics. For instance, the gentleman refers to 800 billion—not the gentleman, but in the Republican offer—refers to $800 billion in revenues. Now, the President has been very specific as to what he thinks we ought to do in revenues. We ought to go to the Clinton rates on those over 200,000 individually and over 250,000 family—very specific. And he has made other specific proposals that get him to his revenue number.

Frankly, your revenue number is posited on the fact that we're going to reduce, as I understand it, preference items to attain an additional 800 billion in revenue without increasing rates. I understand that general proposition.

Would the gentleman tell me which preference items he would reduce to get to 800? Now, that's a little rhetorical because I don't want to put you on the spot on that, but it is to the extent I don't think you have been specific in terms of your offer at all while I do believe the President has put forward, both on the tax side and the spending side, some very specific proposals of how to get to his numbers.

I yield to my friend.

Mr. CANTOR. I thank the gentleman, Mr. Speaker.

I will say this, again, the gentleman has been very good, not in the negotiations with the Speaker and the President, but somehow knowing the state of affairs. Because this is the problem: if the gentleman says that we ought to look to the President's budget proposals as our guide as to what he would accept and propose on the specifics, just yesterday, I think, the news came that the administration has now decided not to uphold its commitment on the Medicaid reduction in spending.

So what are we to believe as far as the President's proposals in his budget from months and months ago and how that applies to the discussions and negotiations around the fiscal cliff? Which is exactly why we need the specifics now. I understand and take the gentleman's point as far as the 800 billion, but we have not dealt at all with the spending side of the ledger. And the commitment should be balanced. As the President always says, we need a balanced approach. Yet we don't have any discussion on the spending side of the ledger other than to reference a prior proposal by the administration which has now said, no, we are not sticking to that on the Medicaid piece.

So what are we to believe? Which is exactly the point. We need real specificity in terms of the spending. And I take the gentleman's point on the 800 billion. Yes, but it takes two sides, and this White House and President have refused on the spending side.

Mr. HOYER. Well, of course, again, we have a disagreement. And this list—I can't read it either, so you couldn't read it from there.

Mr. CANTOR. If the gentleman would yield, we have just seen the administration backtrack on its commitment on that list.

Mr. HOYER. I don't think he backtracked. What he said was, and what we have said continually is, on the revenue side, if you're going to have a balanced package on the revenue side—this is his specific proposal: he's made a number of proposals on the spending-cut side already, as I said in Medicare more than the Ryan budget had in his budget. The fact is, I will tell the gentleman, you have no specificity on balance. Nor do you have any specificity, frankly, on cuts. There is no specificity on your spending cuts here. They're conclusions. So I'm not sure how you think one side ought to be specific, i.e., the President, which I think he has been specific, and the other side comes with five lines of dollars that add up to $2.2 trillion, none of which have any specificity. As you see, there are no individual items below those five lines saying where you want to cut or raise revenues.

Therefore, we need to get to an agreement, and this argument is not very helpful, I think. We need to get to an agreement; both sides need to get to agreement. But the reason we get into this conversation is we have agreement on a part of that, which will help give confidence to our people, and that is on the middle class taxes not going up.

I would again urge, and then perhaps we can get off this subject because I don't think we're really enlightening our public very much other than the fact there are obviously disagreements; but they expect us to, and we need to bridge these disagreements. I think the President has shown—you and I participated in discussions with the President of the United States. I've been here 31 years. No President in the 31 years that I've been here has spent as much time sitting in the Oval Office discussing with you and me and others, Mr. BOEHNER, Ms. PELOSI, Mr. REID, Mr. MCCONNELL, and others, sitting in the office trying to get to specific agreements.

This President is willing to do that, and he has done it. He has shown that he's willing to do it in 2011, and you and I were in the room watching it happen. Now, did it result in what we wanted and that was an agreement? It did not. That's unfortunate. But this President is willing to do it. Hopefully, both sides are willing to do both sides of the ledger, which the gentleman points out are revenues and spending, a balanced package getting us to where we need to be.

Now I will move on to another subject unless the gentleman wants to make another point.

Debt ceiling. I'm very worried about the debt ceiling, Mr. Leader. I think the debt ceiling is something that you

and I have expressed publicly and privately ought not to be something that really we put at risk. I frankly think all the leaders I've talked to on the Republican side and on the Democratic side think that when you incur debts as the United States of America, the most creditworthy Nation on the face of the Earth, that you have every intention of paying those debts.

The debt ceiling theoretically says that you can't pay over a certain number, you can't go into debt anymore. You and I both know that sometime in February, maybe later, that debt ceiling will be reached.

Very frankly, both parties have played a game on the debt ceiling. When you were in charge, we played the fact that the debt was your problem because you had cut taxes and didn't pay for that. On your side, you said we spent too much money and we didn't pay for that. And so you voted against the debt ceiling when we were in charge. Neither one of us has, I think, covered ourselves with a great deal of glory on that issue.

The debt ceiling has to be raised because America will pay its bills. America will be creditworthy. And we saw the last time we had this political, I call it a charade or dance, the last time, for the first time in history, first time since you and I have served here—history is a lot longer than that—the credit of the United States of America was downgraded by one of the rating agencies, Standard & Poor's.

I would hope that the debt ceiling would not be a subject of disagreement. The President has proposed Senator MCCONNELL's proposal so that the party in charge can take responsibility for it. The McConnell proposal said that the President of the United States would say, look, in order to pay our bills, we have to raise our debt ceiling. Most countries don't have a debt ceiling, of course, and most families don't have a debt ceiling. They incur debt and they expect to pay it. I would hope that this would not be a subject of political leveraging or political disagreement.

We know as an economic fact of life that we're going to have to increase the debt limit, and I would ask the gentleman if he has any thoughts on that and when we might act on that. I yield to my friend. I don't think I finished what, for the public, for anybody who happens to be watching us who is not bored stiff by this point in time, the McConnell proposal, as the gentleman knows, was that the President would propose a level, and then if that were not rejected by two-thirds of each House, that it then would go into effect, which would mean that the President of the United States, Republican or Democrat, would take the responsibility for making that judgment on behalf of managing the finances of our country.

I'll yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding. I believe that, in all fairness, looking at the credit-rating agencies and their view towards debt ceiling increase discussions, some of that certainly has to do with the continuing increasing of debt and its burden on this country, our citizens, and its economy. And if the gentleman recalls a year and a half ago when we were engaged in the discussions around the increase in the debt ceiling, we established a proposition which said that if we're going to increase the debt ceiling, we ought to be decreasing the spending in a commensurate amount.

□ 1230

That's very simply put. The difficulty was we could not get the gentleman's party and/or the White House to go along with us in terms of agreement of those spending reductions. It's an echo of the original discussion the gentleman and I just had as far as the fiscal cliff is concerned.

Our commitment is to try to reduce the mountain of debt that is strangling this country and try to stop the spending that continues to spiral out of control. So any discussion of the increase of debt for us has to be accompanied with a real commitment to the reduction in spending, otherwise those credit rating agencies are going to continue to do what they did.

In order to engender confidence in those agencies and the markets and throughout the American economy and the public, we have got to gain some credibility on the spending issue and stop the spending. That is our position. The gentleman knows that. Yes, we all agree, America is a country that pays its bills. We need to stop racking up so many of them because we've gotten to a situation where we are generating a trillion dollars of additional annual debt. We can't do that. That is why we take the position we do, to try and arrest that, to get our economy back on an even keel so we can heal that economy.

Mr. HOYER. I thank the gentleman.

I don't think he answered my question about the debt limit, therefore, my presumption is unfortunately it will continue to be an item used as leverage, holding hostage the creditworthiness of the United States to this debate.

Mr. CANTOR. Will the gentleman yield?

Mr. HOYER. I will be glad to yield to the gentleman.

Mr. CANTOR. That is a mischaracterization of my remarks, Mr. Speaker. All I said was we feel this White House has a tin ear in terms of the spending problem. What we're saying is we need some balance. Just as the rhetoric comes from the White House that we need a balanced approach, we need a balanced approach on both sides, spending and revenue. That's what the whole discussion is about on the debt ceiling issue because it is accessing additional funds for the Federal Government, but instead of through taxation, borrowing. Equally, if we are going to increase that, we better be decreasing the other side of the ledger so we don't continue to increase and mount that debt.

Mr. HOYER. Mr. Speaker, I hear the gentleman, and the gentleman says spending is the problem.

If spending is the problem and spending obviously is one of the challenges we confront, as is revenues, if that is the case, then let me remind the gentleman that during the time that his party was totally in charge of spending, spending increased very substantially, otherwise known as an 86 percent increase from 2001 to 2008 in the national debt, an 86 percent increase. Under Ronald Reagan, it increased 189 percent. Under this President, it has increased 41 percent, and he confronted the deepest recession as a result of the economic policies in part pursued in the last administration, which I did not support and which my party did not support.

I hear this about spending all the time. We had a pay-as-you-go bipartisan process put in place by the first George Bush and Democrats in 1990. In 1993, that pay-as-you-go was continued. In 1997, a deal between Mr. Gingrich and Mr. Clinton continued that pay-as-you-go process. And for the last 4 years in a row of the Clinton administration, we didn't borrow a single additional nickel to raise the debt limit. We didn't have to. Why? Because we were paying for what we bought.

Republicans were in charge of the House and the Senate for part of that time, so they deserve some of the responsibility for that. The President was in charge of signing bills and making sure that we made investments. He made sure we did that, and the economy exploded. Those three factors obviously resulted in the only President in the lifetime of either the majority leader and myself who ended up with a net surplus in his term. We don't need to be lectured about spending. As I said, spending does not cause debt. What causes debt is not paying for the spending you make, and that's exactly what happened.

I tell my friend his party was in charge from 2001 to 2006, totally and essentially until 2008, because we didn't change any economic policies and President Bush had to sign any bill that was passed here. So this circuitous discussion we have about, simply, spending is the problem—yes, you're right. But the problem is ultimately if we want to buy things—and what we do now, as the gentleman knows, is we are producing a product that costs $23 to produce, and we're asking people to pay $15 for it. Talk about small businesses; any small business that does that goes out of business pretty quickly. That's what we are doing, and we have to stop it.

The debt ceiling, however, as the gentleman knows, is about that which we've already done and whether we are going to pay those bills. All I'm saying

is we ought not to make that a part of the leveraging between our two parties.

Let me go quickly to the farm bill, the Violence Against Women Act, and the Sandy supplemental. Can the gentleman tell me which of those three, if any, might we see next week?

With that, I yield to the gentleman.

Mr. CANTOR. As the gentleman knows, on the farm bill we are committed to trying to address the issue of the farm bill prior to leaving for the year.

As far as the Violence Against Women Act, as the gentleman knows, I'm in discussions with the Vice President. I know it is of particular interest to him. There are many Members on our side whom I've met with today, as well as Members of the other body, who are interested too. We have met, and we are trying to work out the differences. I'm committed to do all I can, as the gentleman knows, to bring this to a conclusion so we can see its passage.

As far as the supplemental bill, I know that the White House—and the gentleman has heard me say this before—has submitted its request. Our Appropriations Committee is doing its review of the request to see that that supplemental aid gets to the victims that need it, to the localities and the States that need it, and is money that will be spent directly as a result of the very catastrophic storm of Sandy, and we hope to be able to resolve that as well.

We are operating in an environment of the post-Budget Control Act where we have put in place budget mechanisms for disasters. As the gentleman knows, FEMA has indicated it has the money it needs to operate for at least a little while, but we're committed to making sure that adequate funding does get to the victims of that very catastrophic storm.

Mr. HOYER. I thank the gentleman for his intent there.

I would simply observe that the gentleman observed and he was correct, obviously, that FEMA indicated it has some resources to go through the beginning of the year. There are, as the gentleman well knows, a myriad of agencies that will be involved in helping the victims of Sandy that do not have those resources and need them. I appreciate, therefore, the gentleman's focusing on this and trying to bring this forth as quickly as possible.

Last, the miscellaneous tariff bill. That expires, as you know, on December 31, as well. Can the gentleman give me a view as to where that stands?

And I yield to the gentleman.

Mr. CANTOR. I think the gentleman is aware, Mr. Speaker, that the chairman of the committee, Chairman CAMP, is speaking with the ranking member to try and see what it is that we can do to go forward on that issue as well.

Mr. HOYER. I thank the gentleman for his comments, and I yield back the balance of my time.

□ 1240

ADJOURNMENT TO MONDAY, DECEMBER 17, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. CRAWFORD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

HONORING CONGRESSMAN LEONARD BOSWELL

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

GENERAL LEAVE

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

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

There was no objection.

Mr. LATHAM. Mr. Speaker, those of us from Iowa and elsewhere would like to recognize today the service of my fellow Iowan, Congressman LEONARD BOSWELL, who will be leaving the House at the adjournment of this Congress.

I first want to thank him for his 20 years of service to our great Nation in the U.S. Army. No one has done more to secure our freedom and the promise of a bright future than our veterans and military personnel. I know that LEONARD counts his efforts to secure additional support for military families and veterans among his most meaningful achievements. I also want to recognize the gentleman from Iowa for his time in public service as a legislator. His distinguished career traces back to the Iowa State Senate, where he once served as president of that body.

Although we haven't always agreed on the issues before us, LEONARD's relationships with his fellow Members have enabled him to work with colleagues of all political stripes. His work on behalf of his constituents has exemplified what Iowans expect of their Representatives in Congress—those who are approachable, thoughtful, and hard-working.

I appreciate the many years of service LEONARD BOSWELL has provided to our home State of Iowa and its people. I know that he will continue to serve his fellow Iowans faithfully beyond the conclusion of this Congress—and in that, I truly wish him and his family the very, very best.

Mr. Speaker, in addition to my remarks today, I asked Iowans to pay tribute to LEONARD by providing their comments for submission into the CONGRESSIONAL RECORD. We do not have the luxury of time to read the numerous notes and well-wishes that came in, but I would like to highlight a few of those at this time.

Iowa Governor Terry Branstad sent the following:

> I commend Congressman Leonard Boswell for his longtime dedication to public service. His selfless service to others has been demonstrated in many ways—as an officer in the United States Army, as president of the Iowa Senate, and as a Congressman from Iowa. Congressman Boswell should be proud of his public service accomplishments and for his personal achievements as a husband, father, and grandfather. I am heartened by Iowans like Congressman Boswell who have spent a lifetime serving the State of Iowa. We thank him for his service.

Iowa Senator CHUCK GRASSLEY wrote:

> Representative Boswell has worked hard to represent his constituents. He did his job very well. While we disagreed politically, we never had a personal disagreement. We found plenty of common ground. I'll miss his camaraderie around Congress, but I have no doubt we'll run across each other because Representative Boswell is unlikely to avoid public service, which has been his calling for so long.
>
> Thank you for your service, Representative Boswell.

Nancy Williams, president of AIB College of Business in Des Moines, wrote:

> I wish to recognize and thank Congressman Boswell for his dedication to our country, to Iowa, and to his constituents. He has changed our world, our country, and our State with his personal service for so many years. Every life has a great purpose, and Congressman Boswell has had a wonderful calling for his. I will wait in anticipation to see what he chooses to do next. I just cannot thank him enough.

Ken Sagar, president of the Iowa Federation of Labor, AFL–CIO, wrote:

> Congressman Boswell was a Representative who would take the time to listen to Iowans. He paid special care and attention to all veterans. He was a friend of working people. When home visiting, he would make an effort to meet with the labor leaders in the State. He spent time listening to their concerns and would give honest answers on his positions, not always to the liking of the unions, but always honest and up front.

Then Jon Murphy, director of government affairs at PolicyWorks, sums up the assurances we all have that Leonard will continue to serve his State and Nation:

> I would like to thank Congressman Boswell not only for his support of me, personally, but also for his service to our country. As a soldier and statesman, there are few people who have given more of themselves to our Nation. I wish him and Dody well as they move forward to their next adventure in life. I would ask them to take some time and get some rest, but I know that won't happen. That's not the Boswell way.

Mr. Speaker, at this point, I would like to recognize the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you, my colleague TOM LATHAM from Iowa.

This is my sixth year here in Congress. I'm just finishing it up, but this is only the third time that I've actually come to the floor to speak during Special Orders. That's how important it is for me to do this. The first time was when I was arguing for Boeing to get the tanker deal, when that was a big issue before our country. The second time was when I was pushing hard to make sure that the STOCK Act was passed so that Members could not trade on insider knowledge. Now I'm here for my good friend LEONARD BOSWELL. It's not that I don't come to the floor very much—I do speak for bills, what have you—but not during Special Orders. This is only the third time, and it's with very good reason.

I want to note at the outset here, too, how many Members of the Iowa delegation are here, including a former Member, Jim Nussle.

It is really fantastic that you're here today, Jim. This is really an honor for LEONARD. To think that you're here is just absolutely very special.

When you say ''Special Orders,'' Mr. Speaker, it applies in this case.

I didn't know LEONARD BOSWELL very well when I first got elected in 2006. I knew him but not very well. I was not an elected official before I got elected in 2006, but I'd been involved in Democratic Party politics for a number of years in helping other folks get elected. I think it's fair to say that, when I got elected, neither Leonard nor I—and I think he would say this, I think he would admit this—had any idea what good friends we would become over the years.

LEONARD has been very helpful to me in sort of helping me navigate the ways of this Chamber, the ways of Washington, the ways of Congress—something that, I think, everybody knows is a challenge. Whether you've been in the State legislature or in any kind of legislative body prior to coming to the Congress, it is a challenge to get to know how to operate in this environment. LEONARD has been very, very good for me, and I appreciate everything he has done.

I could talk about his military service and all of these other things that Congressman LATHAM just mentioned, but I'm not going to go through that except to say that I'm on Armed Services. I've never served in the military myself. I have two marine children with whom we're going to be spending Christmas again this year. No matter what the Congress decides to do and what the President and Speaker BOEHNER decide to do, we're with them to honor them and to honor our military this Christmas. LEONARD has a distinguished past in the military, and there is absolutely no doubt about that.

There is one other thing I'll say about LEONARD BOSWELL. We talked about a lot of us being from Iowa, but I often refer to LEONARD BOSWELL as being ''of'' Iowa. He's an Iowan true and true in every possible way, and I think those of us who are from Iowa know exactly what I'm talking about. The rest of you, I'll explain it to you at some point if you so desire, but it is very important that LEONARD BOSWELL is ''of'' Iowa.

I've had a wonderful time serving with him these 6 years. We're not going to lose touch. I do have six of his former counties, including his home county of Decatur, and I look forward to staying in touch with him and getting more advice from LEONARD as we go forward. He is a font of wisdom and advice for those of us who need it here in this body.

Thank you very much for having me, and thank you especially, Congressman LATHAM, for organizing this. I think that tells us something about what can happen if we put our minds to it on the larger issues of getting this country back on its feet. Thank you, TOM. I appreciate it.

Thank you, LEONARD BOSWELL, for your wonderful service.

Mr. LATHAM. I thank the gentleman.

I, too, want to recognize Congressman Nussle here on the floor in honor of Congressman BOSWELL, and we have the distinguished minority whip, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding, and I'll be brief.

I had the privilege many years ago to get on the telephone and call LEONARD BOSWELL. LEONARD BOSWELL was then presiding over the State senate. He tells the story about how his executive assistant came on the floor and said, ''There's a guy named Congressman HOYER on the phone. Shall I tell him you'll call him back?''

Fortunately, for me, President BOSWELL at the time said, ''No, I'll talk to him now.'' He turned the podium over to one of his colleagues, and came on the phone and talked to me.

And I said, ''Senator, this is STENY HOYER. I would very much like you to run for Congress. We think you'd be an excellent Member of Congress, we think you'd be a great candidate for Congress, and we think you could win this seat.''

He said, ''Well, what does Mr. Gephardt think about that?''

It so happened Dick was about 4 feet from me, so I said, ''Well, let me turn this over to him, and he'll tell you what he thinks about it.''

Of course, he echoed my comments.

□ 1250

Now, I didn't know LEONARD BOSWELL at the time, but I'd heard wonderful things about LEONARD BOSWELL, not only about his skill as a legislator, but of his decency and his character as a human being; not only his experiences in war, but his service at home as a farmer, as a businessman, as a public representative and as a Senate leader in Iowa. And I want to say that nothing that has transpired over the years that he and I have served together in this body have disabused in any way the extraordinarily positive things that were told to me of LEONARD BOSWELL and why I ought to ask him to come to the Congress of the United States.

He has been a dear and close friend of mine every day he has served. He will remain a dear and close friend of mine until he and I pass from this Earth. He is a salt-of-the-Earth human being. He is someone that the American people, if they knew personally, would say is the kind of person they wanted representing them in the Congress of the United States; or, frankly, in any other body.

LEONARD BOSWELL, thank you. Thank you for serving our country so well, so courageously, so ably, so conscientiously with so much character and decency. You have brought a greater degree of civility and understanding to this institution. It is better for your service. Godspeed.

I thank the gentleman for yielding.

Mr. LATHAM. I would now like to recognize the gentleman from Iowa, Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Iowa for leading this discussion to have an opportunity to say some things about my friend, LEONARD BOSWELL, across the floor.

I have reflected on a number of things. In 1996, I aspired to run for the Iowa Senate. I got there just as LEONARD BOSWELL was elected to come here to the United States Congress. I got to know a little bit about the area that he came from and traveled down to that area a good number of times. Little did I know that a few years later I would arrive here in this United States Congress, some 6 years later, representing not Congressman BOSWELL, not Lieutenant Colonel BOSWELL, but his cows.

I have stopped a number of times and looked across the landscape and wondered what makes a man the man that he is. Coming from Iowa, especially rural Iowa and growing up in the hills like I did, and walking through those hills and working in that soil and having my hands on a lot of things that are the origins of new wealth, you understand what makes a man who he is when you see the landscape that he came from.

And that landscape down there in Decatur County, it's a little hilly. It raises a lot of grass. We, where I come from, don't always think it's the best corn ground, but they're doing better down there with the new hybrids. Now I'm seeing the character of the man who served in this Congress these years, these 16 years, and served in the United States Army for I believe 20 years, the character of the man who took the controls of helicopters time after time as an assault helicopter pilot in Vietnam, was formed and shaped in the hills that today I have the privilege to represent and that feed those cows that wander out there in that pastureland and won't probably as often go down in that neighborhood to check on them, but I'm glad to know that Congressman LEONARD BOSWELL

will have some time to check on those cows because I know he loves them and takes care of them.

I also had the privilege to go to Vietnam as Congressman BOSWELL was going back to Vietnam for the first time since the end of his second deployment there. And he asked me if I would sit in front behind the glass with him as we went all around Vietnam, through Saigon, out through the streets of Saigon, out into the countryside, out on a boat on the Mekong River. And we looked at how the country had changed, how the population of Saigon had gone from 1 million to 7 million during that interim period of time since LEONARD so nobly, bravely, and patriotically flew over that landscape. Everybody that he served with didn't come back, but more people came back because of LEONARD BOSWELL, and I know that.

I heard some of those stories because I pulled a few of them out; but it is not something that he's brought out front, not something he's worn on his sleeve, as something within the character of the man that sits here with us today. It's part of the character of the man who served Iowans and Americans in the United States Congress these 16 years.

For this time I have had the privilege to serve with him, a decade for me, I'm grateful for those times. We've always been able to work together. We served on the Ag Committee together all of that time. There has been a certain communication that has gone on that was often unspoken even in committee when we'd look over across at each other, and somehow LEONARD BOSWELL would know what I was thinking and I think I knew what he was thinking. And that worked pretty good for Iowans, and it worked pretty good for Americans, and it worked pretty good for agriculture.

So I congratulate you, LEONARD BOSWELL, on your service to our country all of these years. It's been a stellar career, and it's not over. There's a future also of service that I know will continue every day, and I certainly will keep you in my prayers and in our memories here as I thank you for serving the United States of America and serving here in the United States Congress and serving Iowans the way that you have.

Mr. LATHAM. I thank the gentleman.

I would like to recognize the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding and for organizing this well-deserved tribute to my friend, my colleague, my mentor, and my hero, LEONARD BOSWELL.

Now, we've been talking about how LEONARD is Iowa through and through. But, LEONARD, the secret is out: you were born in Missouri. That was a great day for America, but I think it has also been part of shaping the person you are because you know that we are much more than the State we come from, the region we come from; and everything about your life of public service has reflected that.

LEONARD grew up on farms in both Ringgold and Decatur Counties and, amazingly, was drafted into the Army on his 22nd birthday. Quite a birthday present.

He served with distinction for 20 years, but the people who know him best can tell you that one of the things that made LEONARD BOSWELL unique was he went from a draftee serving at the lowest levels of the Army, to being encouraged to go to officer candidate school. What happens when you get commissioned, you actually have to resign from the United States Army in order to be commissioned. LEONARD did that and was commissioned as a second lieutenant on February 19, 1957. It seems like a long time ago.

After his commissioning as an officer, you've heard how LEONARD served two tours as a helicopter assault pilot in Vietnam. LEONARD, I know from doing a lot of interviews with Vietnam veterans for the Library of Congress's oral history project that everyone remembers that first day when they arrived in Vietnam. And for you, that was on April 12, 1965. I'm sure that you can tell us the sights, the sounds, the smells, the feelings you had when you arrived there.

One of the things that LEONARD never talks about because he's too modest of a person is the fact that he was awarded not one but two Distinguished Flying Crosses for his bravery and heroism serving our country in Vietnam. On November 1, 1968, on his second tour of duty, LEONARD became the assault helicopter company commander for the 336, and led that unit with distinction until he finally retired and came back to the State that he loved and started pursuing other things.

But LEONARD has always been about service to country, service to family, and service to his faith. So when an opportunity presented itself, he ran for office in Iowa. He was elected to the Iowa Senate, became senate president in Iowa in 1992, and then continued his career here, and we've heard the minority whip talk about how that all came about. And we're so glad that it did.

LEONARD has always been a strong advocate for military families. He has a lot of proud achievements in this body. But, LEONARD, your proudest moment was when the Joshua Omvig Suicide Prevention Act was passed in the House, passed in the Senate, and signed into law by the President. And the reason why that was so meaningful to me personally is I knew Joshua Omvig's family long before he took his life.

□ 1300

And for you to take up that cause and to give voice to the thousands of Americans who were losing loved ones to suicide who had served this country with honor and distinction was the cause you were meant to lead. And to me, that day when we passed the bill on the House floor was one of the highlights of my career in Congress, because one miraculous thing happened that day.

After you stood and talked about why we needed to do more for veterans like Josh Omvig to help them before they got to that point of taking their own lives, an extraordinary thing happened. After you spoke, Members on both sides of the aisle came down to the well and told the stories of constituents from their district who did the same thing that Josh Omvig did and put a human face on this crisis that was damaging our country. That happened because of you, LEONARD, and I have never been prouder of you. I've never been prouder of your leadership than the day that happened. And America owes you a grateful thanks for leading the charge and giving voice to that problem.

But LEONARD's courage and heroism just doesn't apply to his service to his country. Not long ago, when an intruder attacked his home and his family, LEONARD was there to stand up and protect them as well. And you shrug it off, LEONARD, but everybody who knows you knows that the outcome of that horrible moment was inevitable, that truth and justice were going to triumph because you were the one who was there at the right time and the right place.

We are honored to have the privilege of serving with you. We wish you and Dody and your entire family the best. Don't be a stranger. We're counting on you to continue to inspire us. And may God go with you.

Mr. LATHAM. Thank you, Mr. BRALEY.

I'd like to now recognize the Representative from northern Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Mr. Speaker, I rise to recognize the distinguished service of my neighbor to the north, Congressman LEONARD BOSWELL. And as was just pointed out, he was born in Missouri's Sixth Congressional District, which is the district I represent, in Harrison County. I think that's a fact that has probably dogged him throughout his career in Iowa politics, but we're very happy to have him actually born there.

But I got to know LEONARD through his hard work on matters related to aviation. And as has been pointed out today, LEONARD is obviously a former military helicopter pilot, but he later got his fixed wing license, and most recently he's been flying a Comanche and a Zenith, but he's been a great advocate for all of general aviation.

I've worked with him on countless pieces of legislation, large and small, to advance the interests of general aviation. In the FAA reauthorization, which we just finished this year, or parts of last year, there was an important provision in it to allow residential through-the-fence agreements at general aviation airports, and this provision would not have survived the process without LEONARD's efforts.

He's been a leader in opposing user fees, which is one of the number 1 issues to those of us in general aviation and to general aviation pilots, and ensuring the continuation of programs such as the Block Aircraft Registration program.

He has been an instrumental voice and established something that's very important to me, and that's the General Aviation Caucus. He's been very instrumental in the process of getting over 190 members, which is one of the largest caucuses here in the House of Representatives. And whenever I needed somebody to have courage to stand up for good policy even when it wasn't necessarily good politics, LEONARD was always there, and I could always count on him to stand with me on those issues.

I was also thrilled that Congressman BOSWELL attended the greatest little air show in the country, which is in my hometown of Tarkio, Missouri. And he has come there as a friend and, obviously, an aviation enthusiast, but I am hopeful he will join us again this year, July 13, for the show.

LEONARD has served his country in uniform and, obviously, as a Member of this House of Representatives, and he's served capably and very honorably. And on behalf of general aviation enthusiasts across this Nation, I want to thank you for everything that you have done to help those folks out. It's been an honor to work with you, and it's an honor for me to be able to call you my friend.

Thank you very much, LEONARD.

Mr. LATHAM. I thank the gentleman.

I'd like now to yield to my good friend from West Virginia (Mr. RAHALL).

Mr. RAHALL. Thank you, Mr. LATHAM. I appreciate your yielding, and do want to join today in paying tribute to the illustrious career of a colleague, a very good friend, the gentleman—and I mean gentleman in every sense of the word—the gentleman from Iowa, Mr. LEONARD BOSWELL.

As the ranking member on the Surface Transportation and Infrastructure Committee on which Mr. BOSWELL has served, I can tell you that his expertise in so many issues that we've already heard discussed today have been critical to us in passing much-needed legislation.

Much has been said already, but not enough can be said to say thank you to LEONARD BOSWELL for his serving our country as he has in the U.S. Army, to have risen, like he did, from private to lieutenant colonel. To have run as many missions as he did as a helicopter pilot in Vietnam and to have won two Distinguished Flying Crosses is something that this Nation can never say thank you enough for what LEONARD BOSWELL has done, even before he came to the illustrious Halls of the U.S. Congress.

In the real world, LEONARD BOSWELL has truly combined a midwestern farmer's common sense with practical, everyday living. And it has been that experience that has proven so invaluable to us on the Transportation and Infrastructure Committee, his work to draft critical legislation.

As a pilot, LEONARD BOSWELL knows very well the tremendous issues facing our aviation community, and he served on that Subcommittee on Aviation for each of his 16 years in this body. And during the hearings and markups, LEONARD often spoke about the critical importance of aviation safety and as an advocate for his fellow general aviation pilots.

It was for that reason that LEONARD received an appointment to the conference committee that wrote the FAA bill that we passed last year. He served as a conferee, providing very valuable firsthand experience about what some of the irresponsible cuts being proposed at the time in FAA funding would have meant. And it's thanks to his deep, deep knowledge of these issues that we were able to get what we did, and that we were truly on the right side of this fight and came out in what circumstances at the time would call a true victory for our side.

As a strong advocate of veterans, of independent truckers, and agriculture interests, LEONARD BOSWELL brought that same experience to us as a conferee when we considered the MAC 21 transportation legislation of last year as well.

It was his amendment that was offered in committee that ended up in the final legislation that gave veterans preference for jobs with highway and transit contractors, again, putting his past experience to work, ensuring that our veterans, after they have put their life on the line for our country, that they have a job to come back home to when they return home.

And in addition, he's one of the few members of our Committee on Transportation and Infrastructure who has a commercial driver's license. LEONARD BOSWELL knows very well the very intricate, the very complex and critical issues involved in motor carrier safety regulations. And he put that experience, along with his agriculture experience, to tremendous work for our colleagues.

I know that on our Committee on Transportation and Infrastructure, when LEONARD BOSWELL spoke, every member listened. You could hear the conversations, the side bars, the side conversations stop, and everybody listened to what LEONARD had to say when he spoke on our committee.

He played an instrumental role in the Midwest Regional Rail Initiative, establishing a new Amtrak route between Chicago, the Quad Cities, and Iowa City. This $30 million project will be completed in 2015 and is creating more than 500 family-wage jobs each year. And that's just the start.

Whether Mr. BOSWELL's been advocating for high-speed rail or for ethanol pipeline, he's always been focused on what is best for Iowa and for the transportation needs of this Nation. He's been an invaluable resource to our committee. I know we will miss him speaking on the committee, but we certainly will look forward to continuing to profit from his experiences and advice to us in whatever capacity he may follow in his many years left.

I would note that, again, before I conclude, as has already been noted, that it is the gentleman from Iowa that beat Mr. BOSWELL that is bringing this Special Order today. And I think that is worth special recognition, as well, because it shows the greatness of both of these individuals, how they can fight a very hard battle, political battle, yet both remain true gentlemen.

I would even submit that, in this day of critical fiscal cliff negotiations, that if Mr. LATHAM and Mr. BOSWELL were conducting negotiations, we'd be going home for Christmas by sundown today.

□ 1310

Mr. LATHAM. I thank the gentleman.

I would like to now recognize the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Iowa.

I actually want to echo the words of NICK JOE RAHALL in commending both of you gentleman—especially TOM—for organizing this Special Order. I think it says something about each of your character and your respect for the process and for this institution. We hear a lot about how the camaraderie or the goodwill has deteriorated in this body, but I think, at least so far as Iowa politics is concerned and a lot of us from the Midwest, that's not the case. There's strong differences, but there's also strong respect and a recognition that we're working on something that's greater than all of us and we're trying to do our best for the American people and for our country.

I got to know LEONARD BOSWELL and his wife Dody—I don't know if you remember this, but I think it was in Hershey, Pennsylvania, in 1979. A new freshman Member of Congress, my wife and 8-year-old daughter and I went up to Hershey. They had a bipartisan conference there for a couple of days. It was really fun. We got to go on tours and had different sessions. They broke us down into different groups, and my wife and I happened to be the same group with LEONARD and Dody, and we hit it off right away, feeling that here was someone who was not your typical idea of what a politician is but someone who is in it for the right reason and doing public service and was a decent person.

LEONARD is, I think, a very, very low-key, very proud, and very tough person. Some people say you've got to be a firebrand and you've got to yell and holler and all that. I was raised with the idea that it's the empty can that makes the most noise. Sometimes the most noise is not the way you get things done or you make a contribution.

LEONARD has always been a strong, steady, responsible, honorable, honest participant in the process and someone I have looked up to. I have served with him for many years on the Transportation and Infrastructure Committee. He's honored us in Wisconsin by coming with his true love of aviation. I think he actually graduated first in his class back when he was taking both helicopter and fixed wing aviation back in the fifties. So he's been a good pilot of all sorts for a very long, long time. A couple of Bronze Stars and a lot of the other awards that he has received during his service in the military, there's a story behind each one of those, an important one. I know that a lot of people are very grateful for what you did during those 20 years in the military representing our country.

He's a natural leader. He was selected by his friends and neighbors to be a leader in a co-op movement in Iowa, and then elected to the State senate and became president of the State senate. He's always shown, as I have had the opportunity to work with him, a real concern for his constituents and their problems and personally has gone to bat to make sure that they're getting a fair deal and a hearing and not just going through the motions. His knowledge of aviation has been a great resource for this Congress and for the Transportation Committee.

I don't normally participate in these sort of things, but I did want to come down here today to just say, LEONARD, I respect you. You're the salt of the Earth, the kind of person that I think we would all like to be. I'm sure your family is proud of you and your neighbors are proud of you. We thank you for your service to our country.

Mr. LATHAM. I would like to now recognize the person who's the subject of all this, my colleague, Congressman LEONARD BOSWELL.

Mr. BOSWELL. Thank you, Congressman LATHAM.

This is the first day we've actually talked, except for election night when I called to say congratulations. Our little conversation we had a few moments ago before this started was kindly, and I think I appreciated you coming to me and saying what you did in this event that took place last November. So I wish you well, and I appreciate the cordial treatment you have given me today.

Some suggest to me, You may not want to do this; he was your opponent. I said, No. We're from Iowa. We don't do things like that. That's protocol. You made me proud today, and I thank you for it.

I've said this on other occasions, as you've heard me, I have a regret. I'm sorry my mother couldn't have heard this discussion today.

I owe a lot of appreciation to those of you left in the room. I realize most people had to flee for the airport, as we normally all do. Thank you for staying and doing this.

I do want to pay tribute to my wife, Dody. I think she's probably watching. Sweetheart, I hope you have enjoyed this, as well as my children—Terri, Diana, Cindy, and Joe—and their families and many friends. I hadn't planned on this all coming to this kind of a closure, but it's caused me to reflect back over life, and I feel very blessed.

TOM, you heard it too many times. I started out in a tented farmhouse. You did hear that a time or two, I'm sure, in days past. But look what I've gotten to do, as you've heard about here today, when we talk about the American Dream and the opportunities that exist in America. It's been very rewarding to me. I can't say enough about that, but enough has been probably said.

I realize as I reflect back on what's happened over the last years that I couldn't have done it without the help of great staff. And some names—I shouldn't do this—but just to hit a few of them. A gentleman named John Norris—I think you knew him, TOM, at one time—we started out together. He's on the FERC Board now, and doing a good job.

I think back over many others. Sandy Carter, you're probably watching over there in our cube. Sandy, thank you for your service and your dedication to the people of Iowa in the Third District. I could go on and on. Back in Iowa, there's Jay Byers, Sally Bowzer, Grant Woodard, and all the rest. Frequently, I would stand before a group and invite Ted Tran to come and stand with me as a surrogate son from Vung Tau, Vietnam. He was one of those refugees, and what he went through to get to be an American and have the American Dream is very special. So the list is long, and I will stop. It's getting long for some of you. I know you've got travels to do.

But those here in the room, Bruce, thank you for your attributes. Jim Nussle, it's great to see you again. Tim, thank you for your remarks and the service we've had together. TOM, I wish you continued success. I know that you'll give your heart to what you believe in for our State. We both kind of come from the soil, really. That's probably a good thing.

So with that, I want to say a fond farewell. I will continue to respond to our constituents until we finally close this down, if no sooner, at least by the 2nd of January, when we change from the 112th to the 113th.

I'll just say it's been my pleasure and my good fortune to live this much of my life in the United States of America and to serve our country. It's the right thing to do. We've got lots on our plate, but we can do this because that's who we are. We can, and I'm sure we will.

Thank you and God Bless.

□ 1320

Mr. LATHAM. Mr. Speaker, I just want to say thank you to Congressman BOSWELL. I wish him and Dody the very, very best in the future.

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

Mr. Speaker, in addition to my remarks today, I asked Iowans to pay tribute to Congressman BOSWELL by providing their comments for submission into the CONGRESSIONAL RECORD, which follow.

REMARKS OF SENATOR CHUCK GRASSLEY ON REPRESENTATIVE LEONARD BOSWELL

Representative Leonard Boswell is a strong advocate for his constituents and many other categories of individuals who are not necessarily constituents but important members of our society, including veterans and farmers.

He saw the world as a 20-year veteran of the United States Army, returned home, and applied his broad perspective to public service, first in the Iowa state legislature, then in the U.S. Congress.

He made a big impression on me in the 1990s when he was president of the state Senate. When he had an issue on his mind, he tracked me down at my town meetings or whatever it took. At times, he rode with me from one town meeting to the next so we could talk. That persistence on behalf of Iowans is something I greatly admired.

His decorated military service, including two tours of duty in Vietnam, made him a natural for looking out for veterans' needs.

Representative Boswell did a tremendous amount to raise awareness of veterans' suicide and promote preventive services. He championed and shepherded through Congress the Joshua Omvig Veterans Suicide Prevention Act. This act, signed into law, is named for a soldier from Grundy Center, Iowa, who took his own life after returning from Iraq.

As the operator of a farm in Davis City that has been in his family for generations, Representative Boswell understands the challenges facing family farmers. He's been a vocal advocate for an updated farm bill and other policies critical to the nation's farmers.

Policy work to support economic growth in Iowa is another signature for Representative Boswell. He has promoted legislation that rebuilds the highways and other infrastructure that are necessary for job creation.

In closing, Representative Boswell has worked hard to represent his constituents. He did his job very well. While we disagreed politically, we never had a personal disagreement. We found plenty of common ground. I'll miss his camaraderie around Congress. But I have no doubt we'll run across each other because Representative Boswell is unlikely to avoid public service, which has been his calling for so long.

Thank you for your service, Representative Boswell.

STATEMENT FROM GOVERNOR TERRY BRANSTAD ON REPRESENTATIVE LEONARD BOSWELL

I commend Congressman Leonard Boswell for his long-time dedication to public service. His selfless service to others has been demonstrated in many ways—as an officer in the United States Army, as President of the Iowa Senate, and as a congressman from Iowa. In the United States House of Representatives, Congressman Boswell was a great ally for rural development, transportation infrastructure, and agriculture, and he championed legislation to help veterans across the nation. I enjoyed working with Leonard in a bipartisan fashion during his time in State government—just one example came in our joint work to bring IPSCO Steel to Iowa in 1994 which has provided hundreds of high-quality jobs for Iowans. Congressman Boswell should be proud of his public service accomplishments and for his personal achievements as a husband, father, and grandfather. I am heartened by Iowans, like

Congressman Boswell, who have spent a lifetime serving the State of Iowa. We thank him for his service.

On behalf of the Waukee City Council and myself, I would like to extend a heartfelt thank you to Congressman Leonard Boswell for his many years of service in the Iowa Senate and for the past 16 years, his service to the people of Iowa in the United States House of Representatives.

It has been a pleasure to work with Congressman Boswell over the years. In my communications with Congressman Boswell, he has always been friendly, receptive, and eager to work with and for his constituents. In particular, Congressman Boswell has been very supportive and helpful in the City's efforts to obtain funding and necessary approvals related to the Alice's Road/105th Street Interchange.

Congressman Boswell's many years of service in the military and in the halls of Congress are a testament to his love of home, state and nation. He is a true friend of Waukee and I wish him the very best in his future endeavors.

—Honorable William F. Peard, Mayor of Waukee

One of Representative Leonard Boswell's most significant and enduring accomplishments during his long political career was the critical role that he played in bringing the World Food Prize to Iowa and in helping ensure that it would have a permanent home in Des Moines.

The World Food Prize, known around the world as ''The Nobel Prize for Food and Agriculture,'' was created by Iowa's and America's greatest agricultural hero, Nobel Peace Prize Laureate Dr. Norman E. Borlaug. However, when the prize's original sponsor on the east coast was lost and the Prize was about to go out of existence, then State Senator Boswell was part of a critical bipartisan effort, with Republican Governor Terry Branstad and John Ruan Sr. to rescue the World Food Prize and relocate it to Dr. Borlaug's home state of Iowa.

Since then, thanks to the highly supportive role Representative Boswell has played, The World Food Prize has grown in stature and now annually welcomes more than 1,500 people from more than 70 countries for an award ceremony and symposium which has been called ''the premier conference in the world on global agriculture.''

In addition, Representative Boswell worked hand in hand with all of the members of the Iowa Congressional Delegation on a bipartisan basis to help attain approval of Dr. Borlaug receiving the Congressional Gold Medal, America's highest civilian honor. For this achievement Representative Boswell has our heartfelt appreciation, as well as for all he has done to preserve and enhance the legacy of Dr. Norman E. Borlaug.

On behalf of the World Food Prize Foundation, we extend our warmest congratulations to Representative Boswell on his dedicated career of public service, in the US Army in Vietnam, as well as in the Iowa State Legislature and the US House of Representatives.

—Ambassador Kenneth M. Quinn, President of the World Food Prize Foundation

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CONGRESSMAN BOSWELL

On behalf of the Iowa Federation of National Active and Retired Federal Employees (NARFE), thank you for your years of support and service to not only Federal employees and retirees but all Iowans.

When first becoming an officer in NARFE, I was not knowledgeable about legislation and you took the time to visit with me and bring me up to speed. I will always be grateful for this guidance.

It has been a pleasure knowing and working with you.

—Darlene Freeman, Past President and Legislative Chair of the Iowa Federation of NARFE

COUSIN LEONARD: Congratulations on your successful careers of service in the Armed Forces, State Senate, and U.S. Congress. We wish you and Dody a happy retirement.

—Eldon and Marilyn Boswell

CONGRESSMAN BOSWELL: We want to thank you for your years of service and we admire and respect your views/contribution to all of us!

I know we have not heard the last from you and we encourage you to stay involved. We need you! Again, thank you so much for helping all of us!

—Tom and Nancy Courtney of Burlington

CONGRESSMAN BOSWELL: I admire your service to our country, from your time in the military to the halls of Congress. You have always been fair and willing to compromise for the overall benefit of Iowans and Americans. I appreciate that you always make efforts to hear from constituents and to work hard on our behalf. Your work will enrich Americans lives for years to come.

Thank you for your service to the people of Iowa.

—Michael Worrell

DEAR REPRESENTATIVE BOSWELL: Thank you so much for your years of service. Roxy and I are from Burlington and are now in the 2nd District, but we appreciate your work so much.

—John and Roxy Riessen, West Burlington

Congressman Boswell has been my representative personally, as well as the representative for AIB College of Business in Des Moines, where I serve as the President.

In his time in DC, Congressman Boswell has been a huge supporter of Education, from K–12 through private and public colleges and universities. He believes in students and recognizes that young people are the future for our nation. He is also very supporting of our active duty military personnel and our Veterans.

I wish to recognize and THANK Congressman Boswell for his dedication to our country, to Iowa, and to his constituents. He has changed our world, our country, and our state with his personal service for so many years. Every life has a great purpose and Congressman Boswell has had a wonderful calling for his. I will wait in anticipation to see what he chooses to do next! I just cannot thank him enough!

—Nancy Williams, AIB President, Des Moines

Leonard Boswell was truly a gracious man and a class act.

I retired from teaching in 2010, after 38 years. A number of years ago, I had a group of 5 or 6 students that competed in a Citizenship Competition in Des Moines while Mr. Boswell was the President of the State Senate.

We presented a plan for the public library in our home town—Creston Iowa—and how it needed to be remodeled, updated, made handicapped accessible, and just made safe in general. We had to present an action plan along with pictures before a group of judges. Our presentation won the competition and Mr. Boswell made himself available to present the award to my group of students.

He then invited us upstairs in the Iowa Capitol and took the students through different parts of the Capitol and showed us his offices. He spent precious time with the group and throughout it was generous and patient and made it a very special day for some eighth grade students and their teacher. Mr. Boswell went above and beyond to be kind to us, when he could have easily either ignored the occasion, or made it a quick event.

I will always remember Leonard Boswell for his support for education and the time he took to support it.

Character is what you do when no one is looking and I felt that this experience with Leonard Boswell was a shining example of the true strength of his character.

We will miss him.

—Mrs. Lauris Heinzel, Creston

Leonard Boswell has a long and distinguished career of service to his state and to his country. He is a humble servant of the people, and we are going to miss him greatly in Congress. Congressman Boswell is a committed statesman, a dedicated family man, a courageous and decorated veteran, and a most trusted friend.

We extend our sincere and best wishes to Congressman Leonard Boswell and hope that the people of Iowa continue to enjoy his gifts of time, talent, and leadership in retirement.

—Myron R. Linn, Pella Corporation

CONGRESSMAN BOSWELL: We want to thank you for the years of dedicated service to our country, serving in Vietnam; and in the US House of Representatives. You did a great job of representing your District in Southern Iowa and voted your thoughts on the various issues. Your service in Vietnam as a helicopter pilot was far and away your greatest achievement, facing death on every mission. Your service to America should never be forgotten. Again, Thanks.

—Jerry and Beverly Wetzel, Indianola

Congressman Leonard Boswell . . . a quiet and thoughtful voice of reason, someone who saw the big picture, someone who always opened his door and his ear to his constituents, someone who sincerely worked for the betterment of his state and country, and someone who played his role as a servant leader with unparalleled dignity, honor and integrity.

I was so very fortunate to work with this dedicated public servant for more than 3 decades at the state and national level. I always left his presence with a keen sense of appreciation for the sincere commitment he had to our state, nation and the American people. Thank you Congressman Boswell for your friendship, service, and spirit of professionalism. Your legacy of leadership will live on through the lessons you taught to us while serving your country.

Thank you.

—Thomas R Temple, Former CEO of Iowa Pharmacy Association, Des Moines

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CONGRESSMAN BOSWELL: I appreciate the opportunity to thank you publicly for your service to our nation and state and for your friendship. The bond initially sparked by our common Vietnam aviator experience has led to a longstanding personal friendship that has endured despite our different political affiliations. I continue to hold your key leadership in the Iowa General Assembly in highest regard. In all of the capacities that you have served, you have put the greater good ahead of your self interest, beginning with your willingness to risk your life in military service. I honor your great record of public service!

I am retiring at the end of this year and hopefully we will have occasion to spend some time together. I have missed your presence at the statehouse, Leonard! There is a

lot of hangar flying yet to be done, my friend!

Best personal regards.

—Keith E. Luchtel, Nyemaster Goode, Des Moines

I served as a Congressional Page for the 108th Congress in 2003–2004 during my junior year of high school. Despite being a conservative Republican from southern Iowa, Congressman Boswell nominated me for this position and I cannot thank him enough for this amazing opportunity. During my year of service, I learned an incredible amount about the House of Representatives and the legislative process. This experience jump started my life in ways hard to imagine.

Congressman Boswell served with dignity and represented Iowa well in a place that seems foreign and out-of-touch to many Iowans. While I disagreed with him on most of his positions, I valued his working-man approach to representing ordinary folks in the U.S. Congress.

Again, thank you for your service. I know you will enjoy returning to your farm and family in southern Iowa—A place I will always call home.

Best wishes,

—Blake Yocom, Chariton

I owe Congressman Boswell a lot. In 1998, Congressman Boswell gave me an opportunity to work for him as a legislative assistant in his Washington, D.C. office. That opportunity evolved into other career opportunities throughout my career. Any of the successes I have achieved in my professional life are due in large part to Congressman Boswell. His willingness to place his trust in me to do an important job for the people of Iowa's Third Congressional District is something I will never forget.

I would like to thank Congressman Boswell not only for his support of me personally, but also for his service to our country. As a soldier and statesman, there are few people who have given more of themselves to our nation. I wish him and Dody well as they move forward to their next adventure in life. I would ask them to take some time and get some rest, but I know that won't happen—that's not the Boswell way!

Job well done, Congressman!

Jon Murphy, PolicyWorks, Des Moines

There is no doubt that Congressman Boswell was a friend of postal workers. He supported us on every front, as he has from the anthrax incidents to the recent financial situation the USPS is facing.

The Postal Workers in Iowa, and the country, want to thank Congressman Boswell for all his support and years of service.

On behalf of all the American Postal Worker Union Local in Iowa, thank you.

—Lance Coles, Iowa Federation of Labor AFL–CIO

CONGRESSMAN BOSWELL: The first time we met was in the year 2000 when the National Institute of Health asked me to contact the Iowa Congressmen to request their support of the Lupus Research and Care Amendment Act. Whereas most Congressmen were very polite, but spent no more than 10 minutes with me, you took me into your private office and spent more than 30 minutes asking me numerous questions about the disease and the prospective legislation. As it turned out, you were the only Congressman to cosponsor the bill that would affect 15,000+ Iowans afflicted with the disease, lupus. At that point I knew we would be friends for life.

When my husband served on the Des Moines City Council, you were always the first Iowa Congressman he would contact when he needed advice and assistance on an issue. He knew that he could always count on you. Not only were you the most accessible, but also the one who would truly ''listen'' to what he had to say.

These ''friendships'' have continued throughout your term of office. Whether it was a problem or concern with social security disability, immigration, social security, medicare, or numerous other topics, you and your staff were always prompt in addressing our concerns.

We shall truly miss your smiling face at the community events, as we always knew that we could count on you being there. We wish you the very best in the next phase of your life, and we hope that you, and your lovely wife Dody, will be blessed with good health and happiness.

Your friends,

—Sophie and Tom Vlassis

Leonard Boswell has been my friend for 20+ years and as I write this message my thoughts go back to all the roads we've traveled, the adventures we've shared, the laughter and tears we shed I just want you to know you are my brother.

To you and Dody my love and best wishes.

—John Flannery

CONGRESSMAN BOSWELL: I wanted to take this opportunity to thank you for your support for diabetes issues. I am proud that I have gotten to work by your side over the past 7 years to increase funding for diabetes research and on stem cell research. I will never forget the time when I was 13 and at an event listening to you speak. You pulled me up on stage and talked about how we needed to work to find a cure so that I wouldn't have diabetes anymore. That meant the world to me. Because of all you have done for me, you will always have a special place in my heart. You have taught me so much and I hope to someday impact my community as much as you have.

Thanks again!

—Karli Borcherding, Ankeny

Congressman Leonard Boswell is a name well recognized in Iowa. After years representing the issues important to Iowans in the U.S. Congress, many years addressing the concerns of Iowans at the state capitol, and twenty years defending the freedoms and rights that Americans hold dear as a member of the U.S. military, Congressman Boswell deserves the thanks of Iowans and Americans for his commitment to this country. This congressional recognition is well earned.

Congressman Boswell was a representative who would take the time to listen to Iowans. He paid special care and attention to all veterans. He was a friend of working people. When home visiting, he would make an effort to meet with the labor leaders in the state. He spent time listening to their concerns and would give honest answers on his positions—not always to the liking of the unions—but always honest and upfront.

The labor movement in Iowa has lost an ally in Congress, but we are grateful for all the years he was there for us. We hope he will not be a stranger to Iowa politics and will continue to support veterans and workers.

—Ken Sagar, President of Iowa Federation of Labor AFL–CIO

—Charlie Wishman, Secretary/Treasurer of Iowa Federation of Labor AFL–CIO

Leonard Boswell was my representative for 11 of the past 15 years he was in the U.S. Congress. Prior to that he distinguished himself as he represented Iowans for many years at the state capitol. Leonard has dedicated the majority of his life to public service and he is more than worthy of this congressional recognition.

Leonard was a decorated veteran of the Viet Nam war which has special meaning to me as I too had the privilege to serve during that time. I truly believe Leonard would have been just as caring for the Veterans of this land even if he hadn't served. Leonard is just that kind of person.

I have had the privilege of representing Union members in South Central Iowa for over three years and had the opportunity to partner with the congressman on numerous issues that affected working people. I can confirm that Leonard was receptive to all my concerns and he made my concerns his concerns in regard to working people and the citizens of Iowa.

I count Congressman Boswell as one of most trusted and beloved friends and look forward to partnering with Leonard in the future in whatever capacity.

Thank you,

—Mark Cooper, South Central Iowa Federation of Labor AFL–CIO

MEMBERS OF CONGRESS,

The Iowa Corn Growers Association would like to take this opportunity to express our gratitude and extend special recognition to Congressman Leonard Boswell for his many years of service to his country, his home state of Iowa, and to agriculture. His background as a family farmer and his service in the Iowa Senate greatly prepared him to represent corn farmers in the U.S. Congress.

Because Congressman Boswell values the family farmer, our goals have often been lock step with one another's. He has served the agriculture community well with representation on the House Agriculture Committee and as Chair and Ranking Member of the General Farm Commodities and Risk Management Subcommittee. In these roles, he has worked to; protect and strengthen corn farmer's risk management, build a secure and stable crop insurance program, and build realistic farm commodity programs. Congressman Boswell also served Iowa and its farmers on the House Transportation and Infrastructure Committee where his work on numerous highway bills as well as the Water Resources Development Act (WRDA) impacted Iowa's critical transportation systems.

During his years of service, the corn ethanol industry was developed. Congressman Boswell was instrumental in promoting the ethanol industry and shaping policies that allowed the industry to grow. From the Renewable Fuel Standard, to the Volumetric Ethanol Excise Tax Credit, to leadership on the Renewable Fuels Pipeline legislation, the ICGA could be confident that Congressman Boswell would work to support and defend one of the corn industry's top markets.

In closing, on behalf of the farmer members of the Iowa Corn Growers Association, we would like to again thank Congressman Leonard Boswell for his long standing support of Iowa agriculture and the corn industry. We are sincerely grateful for his tireless work to serve our state and our industry.

Sincerely,

—Bruce Rohwer, President of Iowa Corn Growers Association, Johnston

—Craig Floss, Chief Executive Officer of Iowa Corn Growers Association, Johnston

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CONGRESSMAN BOSWELL,

On behalf of the Greater Des Moines Partnership, we extend our deepest thanks and appreciation to you for your service to the

citizens of Greater Des Moines, the State of Iowa, and United States of America.

First and foremost, thank you for the 20 years of service to our country as a member of the United States Army. And, thank you for your excellent work in representing Central Iowa in the United States House of Representatives over the many years. You and your dedicated staff have been a tremendous asset to our community.

Your leadership and efforts in securing federal funding for transportation projects, quality of life priorities, and other economic development initiatives have played a critical role in the rapid growth and prosperity of the Greater Des Moines Region. We cannot thank you enough for being such an important partner in these efforts.

And thank you for helping accommodate our group and taking the time to address our participants during our annual visits to Washington, D.C. We appreciate the great work in helping set up meetings, coordinating schedules, lining up speakers, and advising and meeting with trip participants.

Again, thank you for your efforts on behalf of the Greater Des Moines Partnership in our nation's capital. We truly appreciate your leadership and all the work you have done on issues important to Central Iowa's business community. We hope for, and wish you, the best in your future endeavors.

Sincerely,

—Jay Byers, Chief Executive Officer of Greater Des Moines Partnership

—Eugene Meyer, President of Greater Des Moines Partnership

We residents of your hometown—Lamoni, Decatur County, Iowa—are privileged to join in paying tribute to you for your years of service to our community, our state, and our country. We can't list all of your achievements, but can mention a few:

Active sports player in High School
Farmer
Pilot in the skies of Vietnam
Senate President—Iowa Legislature
Father and Grandfather
President of Farmers' Coop
Member of U. S. House of Representatives
Problem solver for people immersed in ''Red Tape''
Pastor of Lamoni Community of Christ
Devoted Husband

Thank you for your many years of selfless service.

—Lamoni Lions Club and the Town of Lamoni

Leonard Boswell has worked for his country, his state, and his community throughout a lifetime of public service. Lieutenant Colonel Boswell had a distinguished 20-year career in the United States Army. His service in the Iowa Senate, as President of that body from 1993 to 1996, was where he first took the lessons he brought from his military life, and brought them to bear in the political arena. Those lessons included focus on the mission at hand, and get the job done. Trust your team, and let them know they can trust you. And perhaps most importantly, leave no comrade behind. In 1997, Leonard brought those values to work for Iowans, and their neighbors across the country, in the United States House of Representatives. His work on transportation issues has changed the face of Iowa. But it has been his advocacy for his fellow veterans and their families, that has changed the heart of Iowa.

We are grateful to his wife, Dody, and his family, for sharing him with us these many years. We are proud of the work he has done, and we welcome him home with open arms.

—Sue Dvorsky, Chair of the Iowa Democratic Party

CONGRESSMAN BOSWELL: All Iowans stop from what they are doing today to say thank you to Representative Leonard Boswell who has represented us well during his tenure as U.S. House Representative. We thank him for his leadership and courage dealing with issues of importance to the people of Iowa.

—Mary L. Madison

LEONARD: It is with gratitude that we thank you for being our Congressional Representative in the 90's and good friend in support of the issues that matter in middle Iowa. You always treated us with respect and desire to make things better for Iowans.

Thank you for your support of the Affordable Care Act. And we also thank you for always meeting with our delegation of Orthopedic Surgeons when we came to visit you each spring when Bob was on the Academy's Board of Councilors. We also appreciate your strong support for Israel, and your personal stories of facing the tragedies after the Holocaust. And thank you for serving in the US Army for many years. And also thank you for your support for women's reproductive rights and health care issues. I knew that you would always listen to us at Planned Parenthood and would do as much as you could to support us in Congress. And that was not an easy task these past few years.

All the best to you and Dody. We know that you will always be there for a good chat on issues and will always stand up for Iowans no matter what!!

—Debbie and Bob Gitchell, Ames

CONGRESSMAN BOSWELL: Your campaign this fall was full of energy, which is representative of your years of support. It is a privilege to honor your many years of serving Iowans both locally and in Washington, DC.

As advocates for working on behalf of vulnerable Iowans, we have found you to be loyal to these issues. I am appreciative of your willingness to listen to concerns from constituents and advocacy groups. I was especially delighted when you provided your support and signed on to the Social Work Reinvestment Act upon listening to our issues.

You have dedicated your time to working on behalf of Iowans and assuring policies were in place to support your constituents. Thank you Congressman Boswell for your years of service!

—Kelli Soyer, National Association of Social Workers, Iowa Chapter

REMEMBERING AN AMERICAN HERO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. GOSAR) is recognized for 19 minutes as the designee of the majority leader.

Mr. GOSAR. Today, I'm here to remember the sacrifice of an American hero and the bravery of those who served with him.

Two years ago this Saturday, our Nation lost one of our own who was serving to protect our country by securing the Arizona-Mexico border. On December 14, Border Agents Brian Terry, William Castano, Gabriel Fragoza, and Timothy Keller began patrolling an area west of the town of Rio Rico, Arizona, tasked with interdicting violent criminals sneaking into the United States.

At 11 p.m. on the following day, December 15, the team was alerted to five suspects in their interdiction zone. After identifying themselves, they were fired upon and Agent Terry was struck and killed. The men who fought beside him that night were heroic in their efforts to provide aid and to protect Agent Brian Terry.

After the dust settled, that horrific night's details were brought to light about our government's role in supplying weapons found at the scene of the crime. Through Operation Fast and Furious—a fundamentally flawed gunrunning operation ran by the U.S. Department of Justice—weapons like those found at the scene nearly 2 years ago were allowed to be purchased by middlemen and passed along to some of the most dangerous cartels in Mexico without proper law enforcement interdiction and justice.

Subsequently, numerous hearings have been held to demand answers as to how this program came to be, who authorized it, and who knew about it. My goals are simple: justice and accountability, not just for Brian Terry, who lost his life, and the brave men serving him that night, but also justice for the hundreds of Mexicans who also lost their lives from the weapons from the Fast and Furious scheme.

As I close, please join me in a moment of silence for those lives who have been lost and the loved ones that they leave behind.

For my part, I will continue to demand answers from the Department of Justice. I will continue to stress the need for bipartisan support for getting those answers. I look to leadership not to relent. I also look to the Hispanic Caucus to break their silence and to take up this issue affecting everyone in Mexico.

Finally, I will not rest until we are certain that justice is served and that this atrocity can never happen again.

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

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 60 minutes as the designee of the minority leader.

Ms. SCHAKOWSKY. Mr. Speaker, I am happy to be here representing the Progressive Caucus and talking about our fiscal situation now that I think a lot of people out there are worrying about, confused about, don't know how it's really going to affect them, wondering what the heck we're doing. Sometimes Members of Congress who aren't part of the negotiations are wondering what's going on too. But what I want to talk about today are the things that are at stake for ordinary people in our country, the things that are on people's minds as we deal with these economic issues that face our country.

I am Congresswoman JANICE SCHAKOWSKY, and I represent a district, a

very diverse district, in Illinois, diverse in every way—economically, certainly by race and ethnicity—and I think in many ways a microcosm of the country. I know that we're getting a lot of calls from our constituents. The calls that I'm getting were reaffirmed by a poll that I saw on Tuesday in our National Journal Daily on page six that says: ''Poll: Entitlement cuts feared most in cliff talks.'' It goes like this:

As President Obama and congressional leaders race to avert the fiscal cliff, Americans remain concerned that whatever budget deal they strike will cut too much from Medicare and Social Security, according to the poll. More of the Americans surveyed are worried about such cutbacks than seeing their tax bills rise, the latest United Technologies/National Journal Connection poll has found.

I was looking at who was involved in the poll. In total, 35 percent of Americans are worried it will cut too much from government programs like Medicare and Social Security; 27 percent—that's eight points less—that it will raise taxes on people like you; 15 percent, it won't meet its target for reducing the Federal deficit and debt; 13 percent, it will allow for too much Federal spending. Only 13 percent were worried it will allow for too much Federal spending in the next 2 years.

But when I looked at, for example, women, 40 percent of women are most worried about those cuts in Social Security and Medicare and other government programs. Forty-six percent of people whose income is $30,000 or less, that's what they're really, really worried about; that's the thing they're worried about most.

So most Americans, that is their top concern—not really so much that their taxes are going to go up and not really so much about the deficit. They're worried about the cuts in the programs that mean so much to their lives.

So that's really what I wanted to talk about today. If any Members are listening in their offices and they want to come down and talk about the fiscal cliff, as it's called—many of us don't see it as a cliff, nor as a slope, that we actually have time to set the problem straight. That's what most economists are saying, that if we go a few weeks into January, it's not the worst thing so that Americans shouldn't panic about this. But if you want to come down and talk about that, I am really happy to do that.

I wanted to welcome one of my colleagues, HANK JOHNSON, here to the floor today to add his thoughts. I know he had another something he wanted to talk about this afternoon, and I welcome you. Thanks for coming down, Congressman JOHNSON.

Mr. JOHNSON of Georgia. Always my pleasure, Representative SCHAKOWSKY, to be with you. You are such a staunch advocate for the middle class, the working poor, the poor. You are a champion for the people, so I'm happy to be here with you and happy to share some time with you.

But first I wanted to express the fact that last night I came in to do a Special Order on the situation happening in Michigan where a surprise attack, a sneak attack, by the right-wingers resulted in the passage of legislation which I won't refer to as right-to-work legislation, it's more appropriately named crush-the-union legislation. I came up last night to the floor to speak on that issue.

□ 1330

As I am prone to do, I use a lot of analogies, and so last night I used an analogy that some find offensive. And I certainly was not meaning to be offensive or use a derogatory term. Everybody knows what the N word is. The N word, Mr. Speaker, is used to describe a group of people. And the N word used to be fashionable, or it used to be socially acceptable to use the N word. But, now, we don't say the N word. We refer to that word as ''the N word.''

I had never heard of the M word, Representative SCHAKOWSKY. The M word is a word also that describes a group of people. It, at one time, had been commonly used as a descriptive term. It was, at one time, socially acceptable. But to my discovery, just within the last 12 hours or so, I have found that the use of the M word is no longer socially acceptable.

Now, the M word refers to a group of people, the little people. But when we say ''little people'' I'm not talking about the Leona Helmsley little people. I'm not talking about the 47 percent. I'm not talking about the takers instead of the makers, as some would describe them. I'm not talking about the middle class, working people, poor people, working poor people. That's not what is meant by the ''little people'' term. It really refers to a medical condition. ''Dwarfism'' is the name of that medical condition. And sometimes I guess one can even say ''abnormally small people.'' I like that term better than ''dwarfism.''

So, I wanted to say to all of those who may have been offended by my use of the ''M word,'' I want you to know that it was out of ignorance and not spite or hatred that I used that term. And please know that I will never use that term again. I will never use that term again.

Ms. SCHAKOWSKY. I think, actually, you have done a service to make people understand that there are those who are deeply offended by it and that we should all learn what to say so as not to offend people.

Mr. JOHNSON of Georgia. That's correct. It is a learning moment for me and perhaps many others out there.

But I'll tell you, if you want to find out more about little people or abnormally small people or unusually small people, there is a Web site, there is a group actually called the Little People of America, and their Web site is at lpaonline.org. I went to that Web site this morning and looked through it, and I have been awakened to the sensitivities involved. And so anyone who I offended has my deepest apology.

But, the analogy that I used, even though it used the wrong wording, was a great analogy in my personal opinion. And it is understood that when you put a big fish, a predatory fish, into a bowl with a small fish, that small fish has to learn how to get along with that big fish or else they'll get eaten.

That's what the organization known as ALEC is all about, because it puts the legislators, individual legislators, in a group setting with the corporations, the big fish. And those legislators who are members of ALEC, the American Legislative Exchange Council, they get together, and they do the work of the corporate big fish who are members of that organization.

So last night, that's what we were talking about, and I'm going to yield back to Representative SCHAKOWSKY to resume this discussion, and I will participate as I can.

Ms. SCHAKOWSKY. Thank you very much. I appreciate both—you know, sometimes as legislators we like to think we're always right, and sometimes we make mistakes, inadvertent mistakes. And coming to the floor to actually clear the air I think is really commendable, and I appreciate that.

And also, your talk about the decisions that were made in Wisconsin—you know, government is to serve the people, the best interests of the American people. And right now, we're trying to figure out how are we going to, in a fair way, ask Americans to be able to fund the programs that we need, to fund the services that we need as a country, to make sure that our roads are there and drivable, to fund our military so that we can be safe and strong, to help States to fund their law enforcement, et cetera, all those things that are important to Americans, and as I mentioned earlier, including things like Medicare and make Medicaid.

Budgets aren't just a bunch of numbers on a piece of paper, and government policies aren't just documents. But, in many ways these are moral statements about who we are as a country. I think we have to ask, are we really a poorer country today than we were 70 years ago when Social Security went into effect, when Social Security went into effect to say that we're not going to let older people end up in the poorhouse or out on the street, that we're going to have an insurance policy that they pay into, that everyone pays into during your working life, so that we can ensure that when people reach the age of 62, 65, 67, that they're going to be able to retire with some level of dignity?

At the time that Social Security was passed 70 years ago, there was a three-legged stool. One was this new program, Social Security, to provide retirement benefits that you paid for; two, private pensions, that was kind of

the common normal then. Many of those private pensions were won because workers were able to collectively bargain and get pensions for their family. The third were savings, savings for people.

So between all of that, we thought we'd be able to see a country now where the elderly were lifted out of poverty and they had some semblance of security.

Well, are we really poorer today than when we made that decision that we're not going to let old people end up in the poorhouse? That was a decision on how to fund a program that has never once missed a monthly check ever. In the 70 years plus, never ever has Social Security missed a monthly check. So it's been a program that works really, really well.

□ 1340

And I just want to point out that Social Security helps middle class families, not just older people. I have two grandchildren who get a Social Security benefit. Why? Because, tragically, their mother died. So it is an insurance policy for all families.

The other great thing about Social Security is that unlike many pension programs, there's actually a cost-of-living adjustment. You don't get it every year, as seniors know. There really hasn't been an increase in the economy so much in certain years, but it has been a success, a treasure to our country.

Some people want to put Social Security on the table as part of this discussion to reduce the deficit that we face.

Mr. JOHNSON of Georgia. Will the gentlewoman yield?

Ms. SCHAKOWSKY. I yield to the gentleman.

Mr. JOHNSON of Georgia. Social Security is one of the hallmarks of American civilization. It civilizes us where we can have a mechanism where we all come together to contribute our money into a pool as we work; and when we retire, we have a way of avoiding the poorhouse; we have a way of living out our lives with dignity and with comfort. You've paid your dues, you deserve to live out your retirement in a comfortable way. You put the money in, and you will get the money out. And as you say, we've never missed a payment and never will.

It being a hallmark of our civilization, it is something that many other countries have yet to put in place for their people. They have yet to see the wisdom, as our past leaders have seen, that you lose and your society weakens in accordance with how you treat your elderly and how you treat your children and how you treat the disabled. They also are able to get Social Security benefits. So it helps people. It's our social safety net. This is a collective. It's a mechanism whereby the whole supports each other, the weakest of these, if you will.

Social Security is not broke, nor is the Federal Government. The Federal Government is not broke. It has had to borrow money. And when we say borrow money, we really mean we offer Treasurys out to the public to purchase, and we pay interest on those instruments. When an investor feels good about how solid the American system is, they want to put money into it. They want to put money into it because they know that this is the safest place to invest money. They know that they'll be able to get their money out when they want to take it out. They know that they will get their money back with the interest that has been promised to them.

Ms. SCHAKOWSKY. Let me just say that right now we're paying very low interest because people do have confidence in our American economy and in those Treasury notes and it is a good, safe, and solid investment.

And I yield to the gentleman.

Mr. JOHNSON of Georgia. People have confidence in America. It's because of our civilization, and it's because of the forward thinking of our past leaders. It is our responsibility to continue that sense of responsibility to the people—not to the leaders, not to the chosen few, but to the people. We the people established this government, and it's ironic that people have now been turned against government as an institution. They believe that government is the problem. They've been led to believe that government is the problem. Sometimes government does have problems or causes problems; but I can tell you that in the history of this country, the American Government has been phenomenal. That is why we're the greatest country in the world. That is why we are the freest country in the world and we are the most prosperous Nation in the world.

We are not broke. Our Social Security trust fund is not broke. It's solvent. And the bills that we have to pay, we will definitely pay as we always have. It makes sense to borrow money now, by the way, if you can get it for 1 percent or 2 percent, and you can then use those funds to put people back to work in this economy, which is in need of a shot in the arm. I might point out, though, that unemployment is down to 7.7 percent, the first time since between 2007 or 2008 and despite the vigor that has been used in trying to suppress it by politicians in this body, despite their efforts to keep the economy from moving forward so that they could elect a President that they wanted to elect. They wanted to make our current President look bad, so they did everything they could to thwart action to make the economy better, but it has gotten better despite their efforts.

I was really hoping that post-election we would see a change in the direction of my friends on the other side of the aisle in terms of being responsible about government and our responsibility to make sure that government works of, by, and for the people. I was hoping that we would see a difference. We still have time, Representative SCHAKOWSKY. We still have time. It's not the end of the year. I, myself, I would like to be home for Christmas like everyone else, but my highest duty and responsibility is to be here and to help this Nation move away from this dangerous fiscal cliff that is coming up.

The fiscal cliff is actually here, and there is a lot that we agree on in terms of avoiding that fiscal cliff. But it seems like the thing that is holding it up is the top 2 percent, just wanting to preserve the expiring tax cuts for those top 2 percent. They would do that at the expense of the 98 percent that we all agree that we need to extend the tax cuts for. I just don't understand why it's going to take so long for us to——

Ms. SCHAKOWSKY. Let's talk about that for a minute.

It seems that there are those on the Republican side of the aisle who are willing to go to the mat to protect tax cuts for the very wealthiest Americans, people who make $250,000 and more. Of course, our proposal is to say that the first $250,000 of income for everyone, even if you make $500,000 a year, on the first $250,000—I think we all agree that we should extend those tax cuts. It's for the dollars above $250,000 that some of our colleagues are saying, no, we are not going to ask those people even to pay a penny more than they were.

□ 1350

Yet they're saying the only way that we will consider that, the only way that we will consider taking a little bit more from the wealthiest, is to go to the poorest.

Mr. JOHNSON of Georgia. Into that Social Security.

Ms. SCHAKOWSKY. I'm not talking about children. The poorest adults are people over 65 years of age and persons with disabilities. Their median income is $22,000 a year. The median income for older Americans is $22,000 a year. Really? Somehow this is a fair balance to ask the wealthiest Americans—the top 2 percent—to pay a little bit more, but darn it, we're not going to do it unless we get those poorest people through their Social Security, through their Medicaid, through their Medicare to pay a bit more? It doesn't seem right to me.

Mr. JOHNSON of Georgia. Representative SCHAKOWSKY, I think it's wrong that we would tell people who have paid into the Social Security system throughout their lives that now you're going to move the goalpost and put a couple of years more on there before eligibility, that you're going to up the age of eligibility.

Ms. SCHAKOWSKY. Especially for Medicare. They're talking about that.

Mr. JOHNSON of Georgia. They want to do that for Medicare as well. That PAUL RYAN budget would actually decimate the Medicaid system. They just want to whack off a third of the Federal funding and then turn it into a block grant program.

Ms. SCHAKOWSKY. I think it's something like $850 billion that would come out of the Medicaid fund. I know.

Mr. JOHNSON of Georgia. Then as to Medicare, they want to turn that into a voucher program and put a 1 percent cap, I think, on the cost-of-living increase and then give that in the form of a voucher to people so that they can go out and purchase insurance on the open market.

Ms. SCHAKOWSKY. Yes, and go to private insurance companies.

Mr. JOHNSON of Georgia. Yes. It seems to be a concerted attack on that social safety net that has made us such a great civilization, which is that we take care of each other. It's an attack on that. It's in accordance with a philosophy of laissez-faire economics.

Ms. SCHAKOWSKY. Let me just say one area in which I disagree a bit with you. Most Americans support these programs. I'm talking about huge percentages of Americans—Republicans, Democrats, Independents—who say, no, we don't think that Medicare, Social Security, Medicaid ought to be cut. We don't think so.

So I think, in terms of the role of government, most Americans see that it's important that when it comes to education, when it comes to infrastructure, when it comes to public safety, when it comes to health care, government cannot do it all. Americans aren't saying, just take care of me. From cradle to grave, I want you to take care of me. No. Americans are willing to work hard and play by the rules, but they see an important role for government. If we cut government too much, in some ways, we kill the goose that laid the golden egg. Here is what I mean:

It is true that the Internet really did come from research that was done by government. Look at the billions and billions—I don't know—maybe trillions of dollars, and then look at the advance of the Internet and everything that led from that—bio research, talking about curing diseases. Then, of course, the money that comes from that for the pharmaceutical industry, et cetera, mostly comes from the National Institutes of Health, the Cancer Institute, et cetera, in coming up with the cures and the medications. That's government research. I mean, look at NASA and the space research. It was really the Federal Government, in many ways, that developed the aviation industry. So we'd better be careful about cutting government too much.

Mr. JOHNSON of Georgia. We definitely do. I think we've spent about 1½ percent per year of the Federal budget on the National Aeronautics and Space Administration from 1958 up until a few years ago.

Can you imagine if the United States Government had left it up to private industry to achieve what happened in 1969, which was that we landed a spaceship, with men inside, and stepped foot on the Moon? Now, some who are not particularly scientifically astute will say, Well, what do we get out of going to the Moon?

I, not being the most astute scientist myself, wouldn't be able to explain all of the benefits that society has enjoyed as a result of that victory and as a result of the space program that has continued, but I will tell you that, at this point after 50 years of investment, we've now entrusted the private sector to continue the exploration of outer space, and private industry is going to take us further than we have been.

So that is the role of government. It's a support structure. It's an investment in the lives of the people.

Ms. SCHAKOWSKY. Think about the potential in the energy industry if we just help to promote some of these clean, renewable energy technologies.

One of the things on this cliff is the end of the wind energy production tax, which has been so incredibly successful in helping build this wind industry that is ready to take off but still needs a bit more support. This means clean energy to my State, Illinois, and the Middle West, where we've got lots of wind—it's free. And investing in wind energy—if that expires, we're going to lose 7,000 jobs in Illinois alone because of the failure to help invest in the wind energy industry.

Mr. JOHNSON of Georgia. It's not profitable at this time for private industry to invest in such a new way of producing energy. There's no profit in it, so they won't do it. Government has the leadership and the vision to understand where we need to go, how we need to take our people into the future. We—the public policy apparatus, the government, we the people, the government being of us—have a responsibility not just to enhance short-term profits; we have a responsibility as a government to plan and prepare for the future of this great Nation.

We also have an inherent responsibility to lead the world. We're all in this world together. We all are going to breathe the same air. We're all going to drink from the same pool of water that exists on this planet. So we being the greatest Nation in the world are really shirking our responsibility by reducing government down to the size where you can drown it in a bathtub. I think that's the analogy that Grover Norquist used.

□ 1400

If you did that, where would America be? How would we have built the Interstate Highway System?

Ms. SCHAKOWSKY. That was Eisenhower; wasn't it?

Mr. JOHNSON of Georgia. Yes. A Republican, by the way, 1958, I believe it was, decided that this country needed an interstate highway system. Where would we be if we had not committed the dollars to get that done?

When we did that, it was an investment in the future prosperity of this Nation to link cities, towns, and States with a way, a mode of transportation. They did that in the 1800s with the railroad system, another situation where the Federal Government supplied the seed money and gave away the land to help it become a profitable industry.

Ms. SCHAKOWSKY. Along rail lines, along highways, of course, that's the engine of commerce that keeps not only our wheels turning, but the stores—everything going, all of the infrastructure.

Mr. JOHNSON of Georgia. That's what it's all about. Government is the entity which primes the economic pump through which prosperity then flows.

So we're now at a point, though, where: Are we going to turn everything over to the big businesses, and are we going to reduce the ability of people to be able to come together in a workplace and bargain collectively? Are we going to take steps to eliminate people from voting so that those who are the chosen ones can elect the people of their choice, and all of the rest of the people are just supposed to expect to be treated benevolently by those who are seeking to exploit the capital, the human capital, and make as much money as they can? At whose expense is that?

Ms. SCHAKOWSKY. You were talking about how government helps to prime the pump. So government spends money, and it spins out and often becomes commercialized. There are three ways that we can really deal with our economy right now to make it stronger: We can raise revenue, that's raising taxes; we can cut spending; and the third—that's not talked about enough—is the issue of growth in the economy, jobs. Jobs, jobs, jobs. That's what grows the economy.

I am so proud that our President, as part of this overall deficit reduction plan, has recommended spending about $50 billion on jobs. They would spend money on infrastructure, infrastructure spending that's supported by both business and labor because it is so important. And it's kind of a no-brainer. If you spend money that will create jobs, you now have people, one, who are not having to get unemployment insurance or food stamps. They are working and can support their families, so we get them off public support. And, two, now they're paying taxes. They're going out and they're buying stuff, and businesses are going to have to hire more people because they're buying holiday presents for their kids. They're buying winter coats now. So there is an economy through growth. That is an underrated portion when we talk about how do we save our economy.

I have been circulating a letter among our colleagues, Representative JOHNSON, saying we ought to encourage investment, that we ought to encourage spending on jobs in this deficit reduction, this economic growth package.

Mr. JOHNSON of Georgia. We have to stimulate, as government does, economic vitality. We can do that. It has been done repeatedly throughout the history of this country. A great example is the recent $787 billion stimulus that was passed back in, I think, 2007.

Ms. SCHAKOWSKY. Some people say it didn't create any jobs. Well, I think

the testimony is that many of our colleagues, almost all of our colleagues, showed up at the ribbon cuttings.

Mr. JOHNSON of Georgia. Yes, with the big checks. And they were actually clamoring for that Federal money, and it made an important difference. It allowed States and local governments to retain teachers and firefighters, police officers, construction workers. You know, the whole nine. That's, in part, the reason why we have such an uptick in our economy, however modest it might be right now. That $787 billion stimulus has made a difference, and I'm glad.

Ms. SCHAKOWSKY. It actually created millions of jobs.

Mr. JOHNSON of Georgia. Yes, it sure did.

And so I readily signed on your letter that you're circulating, your ''Dear Colleague'' letter. And I'm glad to know, as well, that the President has included a modest $50 billion stimulus aspect in his proposal to strike a grand bargain and avoid the fiscal cliff. So all of these things are a part of what is hopefully being negotiated now.

Ms. SCHAKOWSKY. You were talking about a difference in philosophy and even economic philosophy. There are those who call that top 2 percent the job creators. Well, if that's true, then where are the jobs? Because most of the growth, almost all of the growth in income over the last many years has gone to the wealthiest Americans where, for ordinary Americans, their income has remained flat.

Mr. JOHNSON of Georgia. Actually, since 1979, the income, or the after-tax income, of the top 2 percent has increased by about 372 percent, if I recall the correct number, 372 to 378, while, as you say, regular working people, the middle class, their incomes have remained flat. It's actually a redistribution of the wealth of the country.

Ms. SCHAKOWSKY. When we have a situation in this country where the top 1 percent of Americans, 1 percent, control as much wealth as the bottom 90 percent, that's not a healthy situation. I don't want to moralize about it. It's just not a healthy situation.

Mr. JOHNSON of Georgia. No, it's not healthy. And it's amoral. Greed, when you've got to get more, more, more and you're not willing to share, you're not willing for everyone to prosper; and when you think that a person is poor because they don't want to get out and work, they have bad habits, they didn't do this, they didn't do that and, therefore, they deserve to be where they are now. But me, I did it the old-fashioned way, I inherited my money. And so don't blame me. I'm going to make more money and I don't care about you, I'm going to make money off of you, that is rather immoral, rather shortsighted.

Ms. SCHAKOWSKY. I have to tell you, I introduced legislation that actually would increase the taxes on people starting at a million going up, ratcheting up, different tax brackets up to a billion dollars.

□ 1410

And I've got a lot of very rich people who say, yeah, that's fair. That's right.

Mr. JOHNSON of Georgia. It's only a few, like Sheldon Adelson, the Koch brothers, who want to control the public policy apparatus. They want to control government so that they can have government to make them more money. That's all they're interested in is themselves, the U.S. Chamber of Commerce.

Ms. SCHAKOWSKY. But let me just say this: the other philosophy, though, is that if you have a robust middle class of consumers who will actually have enough money in their pockets, middle class people, hopefully even including those who aspire to the middle class have more money in their pockets, that that is what's going to drive the economy. They're going to go out, and they're going to spend the money, and that's going to spread throughout the economy.

Whereas, the wealthiest Americans may buy another yacht, but probably are just going to accumulate that kind of money and really don't do nearly what the middle class does to make a robust economy for everyone. When we all do better, we all do better.

Mr. JOHNSON of Georgia. We all do better when the money is circulating. Those on the top end, they're going to continue to make money; but those who are just working people, regular working people, and those who aspire to the middle class, when that money is circulating, then we can all, collectively, become more wealthy, and we will all spend more dollars, and that means more goods and services have to be produced, and that means you have to have people employed to service the needs of those with the money.

So it's just really common sense. Instead of trying to break the unions, we should be trying to solidify the relationships that the unions have established with their employers.

Detroit is a fine example of how the greatest, richest union, the Auto Workers Union, came to the table with the corporate bosses, after the corporate bosses had run the business into the ground, and needed a bailout from government, and President Obama made a determination that we're going to invest money in GM and in Chrysler, and we're going to not let those companies go bankrupt.

Ms. SCHAKOWSKY. That was a lot of jobs that would have gone down.

Mr. JOHNSON of Georgia. And so we spent $700 billion. And it was the United Auto Workers union that sat down at the negotiating table with Big Business, worked out what some may call give-backs. It actually gave up some of the benefits that it had signed contracts for with the employer.

These are things that actually created the middle class, things like working days, working hours, wages, benefits, retirement, those kinds of things that people would not have had unless they had been represented by a union and we had strong unions.

So those things workers gave back in part to make sure that the corporations could maintain or regain stability. And so now, just a short, 3, 4, 5 years later, GM is back to being the number one car maker in the world.

Ms. SCHAKOWSKY. And all the money's been paid back to the United States Treasury.

Mr. JOHNSON of Georgia. I think they still owe us a little bit. We still have some GM stock. The Federal Government still owns some GM stock, which they're going to have to repurchase those shares from us. So we are still involved, but that's another example of the role of government.

And I, myself, I'll never be one to hate government. And I try to explain to people why government is not the problem. Government is a part of the solution.

Ms. SCHAKOWSKY. Part of the solution.

Can I just ask, Mr. Speaker, how much time we have remaining.

The SPEAKER pro tempore (Mr. DENHAM). The gentlewoman from Illinois has 5 minutes remaining.

Ms. SCHAKOWSKY. I want to say a few things about organized labor.

I'm old enough, Congressman JOHNSON, when I was growing up, one person could work in the steel mills on the south side of Chicago, tough job, but you could not only make a decent wage that put you in the middle class; you could buy a car, you could have a little house, modest house, and you could even afford to send your kids to college. You had health care benefits. You had a pension, a private pension. And that was the normal. That was the normal in the United States. You worked hard, often really hard, but you could, you know, make a wage that would afford you a good, middle class life.

I think there's a lot of people who think that, well, unions, that is so 20th century. You know, that was yesterday. We don't need them anymore today. But I want to say that if we have a low-wage economy—you know, some of the companies that are coming back to the United States, you know what they're saying, that the differential in wages between the United States and Bangladesh is insignificant enough that they might as well come back and make their products in the United States.

Mr. JOHNSON of Georgia. You've got an educated work force, relatively speaking. You've got enhanced transportation abilities here to get your goods and services to market quickly, as opposed to the expense and the security of coming across the water. And I'm happy that businesses are looking to re-establish their production facilities inside of America. That's good corporate consciousness.

Ms. SCHAKOWSKY. Let me end with this since we just have a couple of minutes. As we face all these negotiations that are going on, I think there's a couple of bottom lines. One—and the President has been very clear—we are

going to have to ask the wealthiest Americans to pay a bit more.

And, number two, I think we ought to say that those programs that help people have a decent retirement—Social Security, Medicare, Medicaid, as well—that that is the wrong place to go in order to balance our budget. We don't have to go to the poorest people. We can make those programs more efficient. We can cut the costs of those programs, but we don't have to reduce the benefits and further impoverish people who aren't making a lot of money right now.

For me, those are sort of bottom lines for the deal that we want to make. All of us are in this together. We should all see each other as our brother's and sister's keepers. With that kind of philosophy in mind, I think we can come up with some sort of an agreement that serves our country, that serves its people, that is just and fair and helps us go forward.

Do you have a final word?

Mr. JOHNSON of Georgia. No, that's enough said. Let me say how much I enjoyed our colloquy today, and I look forward to continuing to work with you to ensure that America remains the great Nation that it has always been.

Ms. SCHAKOWSKY. Thank you. I yield back the balance of my time.

□ 1420

TAX BURDEN IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Georgia (Mr. WOODALL) for 30 minutes.

Mr. WOODALL. I appreciate my colleagues for their take on where we are, and I wanted to offer kind of an alternative view on that. And it's not an alternative view in that it is one that's not commonly shared. It's a bipartisan view. But we hadn't heard it much in this particular debate.

I want to take you back, Mr. Speaker, to John F. Kennedy. He's a revered President for a whole variety of reasons. I come from a rock-solid, hardcore conservative district in the State of Georgia, but I absolutely see the wisdom of so much of what President Kennedy was trying to do for the country. He said this:

> It's a paradoxical truth that tax rates are too high and tax revenues are too low, and the soundest way to raise the revenues in the long run is to cut the rates now. The purpose of cutting taxes now is not to incur a budget deficit but to achieve the more prosperous, expanding economy which can bring a budget surplus.

John F. Kennedy, November 20, 1962.

Those words are as true today as they were then, Mr. Speaker. But we have a different kind of budget challenge today than we had then. The largest budget deficits in your and my lifetime, Mr. Speaker, were run up during the George W. Bush administration. Again, I come from a hard-core red State, Republican through and through in our part of the world, and I can tell you the largest budget deficits in the history of this country were run up during a Republican Presidential administration. And those record-setting deficits have now been surpassed.

We're not running 100 percent of those deficits today. We're not running 200 percent of those deficits today. We're not running 300 percent of those deficits today. Mr. Speaker, the deficits today are almost four times larger than what was formerly the largest budget deficit in American history. We've got to get a handle on that.

There are revenue components, there are spending components, but it seems like this town is obsessed with the tax side of that ledger. I want to talk about that because, for Pete's sake, I didn't come to Congress to be a Congressman; I came to Congress to make America better. I came to Congress to solve the problems that plague my family and my neighbor's family and the families surrounding us in the community. I came to Congress to make a difference.

So it's whatever we need to do here, Mr. Speaker, to make a difference. And I don't mean just to change things. Change for change's sake has no constituency with me. I mean to make a difference so that our children's lives and our grandchildren's lives are better than they would be otherwise.

Let me go again to John F. Kennedy and how he was trying to make a difference. He said this:

> Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased—not a reduced—flow of revenues to the Federal Government.

Mr. Speaker, he was right. He was right then. Ronald Regan was right when he said it. President Clinton was right in the tax cuts that he presided over, as was President Bush. It's absolutely true. I'll say it again:

> Lower rates of taxation will stimulate economic activity and so raise the levels of personal and corporate income as to yield, within a few years, an increased—not a reduced—flow of revenues to the Federal Government.
>
> It is a paradoxical truth that tax rates are too high and tax revenues are too low, and the soundest way to raise revenues in the long run is to cut the rates now.

Why do I bring this up? Is there anybody in Washington, D.C., who's talking about cutting tax rates? And the answer is no. There's really not. There's not one person in this Chamber who comes to the floor and talks about cutting tax rates. We might like to, but we're in a tough economic crisis right now and folks are concerned about the revenue side of the equation. What folks are talking about, though, is not raising tax rates. And for some reason, for reasons that I can't understand, Mr. Speaker, the President has gotten wrapped around the axle on an insistence that actual rates go up. Speaker JOHN BOEHNER offered him revenue. He said, If you just want the money, we'll find a way to get the money through taxes. It doesn't have to be through higher rates. We can do it by broadening the base, by reducing exceptions and exemptions, by eliminating loopholes and deductions. The President said, No, I want actual higher rates.

President Kennedy talked about the damage of those higher rates, Mr. Speaker. It's as true today as it was then. When we're not talking about higher rates from the White House, Mr. Speaker, we're talking about fairness.

And I've got to tell you, Mr. Speaker, you and I are freshmen in this body. We came with the largest freshman class in modern times. And we came not from folks who had dreams of being a Congressman one day, but folks who were from families back home that were struggling and people were running for Congress then because they wanted to find a better way. Folks did not come to be Congressmen; they came to be agents of change, to make a difference for America, to make sure the promise of America continues for another generation. And yet we find ourselves in this debate about whether now is the right time to raise taxes on family-owned businesses, whether now is the right time to raise taxes on American job creators.

Milton Friedman is one of my favorite economists. He's a Nobel Prize-winning economist. He passed on from this Earth, but his words remain with us today. He said this about taxes, and I think it's profound. He said:

> There is all the difference in the world, however, between two kinds of assistance through government that seem superficially similar.

Two kinds, superficially similar.

> The first, when 90 percent of us agree to impose taxes on ourselves in order to help the bottom 10 percent.

That happens all the time. It happens all the time. I love the generous spirit of the United States of America. And I've got to tell you I know, Mr. Speaker, folks are from all parts of the world—I'm from Georgia and you're from California—but the people in Georgia, their generosity is second to none, and I love being part of that community. And Milton Friedman says it's one thing when 90 percent of us in America agree to tax ourselves, agree to bear the burden ourselves in order to help 10 percent who are struggling, that's one thing. Or, second, he says:

> The other thing is when 80 percent vote to impose taxes on the top 10 percent to help the bottom 10 percent.

Hear that. It's one thing when 90 percent of us agree that we need to bear the burden such that the least fortunate among us can prosper—that's the American way, and I love that about this Nation—but it's something else altogether, Milton Freidman says, when 80 percent decide they want to tax the top 10 percent so that they can help the bottom 10 percent. That is not who we are in America. That is not who we have ever been in America, where we let someone else carry the burden.

What makes this country great is the shared burden. I heard the words ''shared burden'' from my friends on the other side of the aisle. I hear the words ''shared sacrifice'' from my friends on the other side of the aisle, and I see proposal after proposal after proposal that exempts most of America from bearing any part of that burden and continuing to place the burden on someone else.

Milton Friedman goes on to say this: ''The first way may be wise or unwise''—talking about the 90 percent of us taxing ourselves to help the 10 percent—''that could be unwise, it just depends on why you're doing it and what the purpose is you're doing it for. It could be effective or ineffective as a way to help the disadvantaged. But it is consistent with the belief in both equality of opportunity and liberty.''

The second way, Milton Friedman says—that's the way where 80 percent of the folks agree that they're going to tax the top 10 percent so that they can help the bottom 10 percent—that second approach seeks equality of outcome and is entirely antithetical to liberty. When we all come together to agree to help one another, that is consistent with a belief in equality of opportunity and liberty, but when we try to amass enough votes in this Chamber or enough votes across the Nation so that we can take from one group to give to another group, that is entirely antithetical to liberty.

And so, Mr. Speaker, I come to the floor today not as a defender of the 1 percent. I'm not in the 1 percent. I do hope one day I'll be fortunate to have those opportunities. I think that's what all kids do in America; you try to work hard, apply yourself, good work ethic, good ideas, you want to be successful one day. But I'm not in the 1 percent. But I recognize the immorality of passing on bills to our children and our grandchildren in the form of debt because we, the 80 percent, refuse to take on that burden and, instead, we try to thrust that burden off on someone else.

□ 1430

We have burdens in this country, and it falls to every citizen of this country to shoulder those burdens.

Mr. Speaker, because I do think it's a moral case, I think folks need to understand what it is the President is proposing and why he's proposing it. I have two sets of figures here, Mr. Speaker. One is the percent of the income that each kind of strata of American income earner earns. I've got the lowest 20 percent of income earners, the second 20 percent, the middle 20 percent, the fourth 20 percent, and the highest 20 percent—in fact, I have the top 1 percent pulled out on the side because they seem to attract so much attention these days.

I also have the share of the individual income tax burden that each of these groups are paying. How many times, Mr. Speaker, have you heard the President of the United States say he just wants the top 1 percent to pay a little bit more; he just wants the top 1 percent to do their fair share? How many times have you heard ''fair share,'' Mr. Speaker? I've heard it more times than I can count.

This is what I see: For the most recent year for which the Congressional Budget Office has numbers, the top 1 percent of all income earners earned 13.4 percent of all the income in America. I'll got to tell you they're doing well, there's no doubt about it. They are 1 percent of the population and they are earning 13 percent of all the income in America. That's impressive. They can afford to pay. They can afford to pay. You won't get any argument from me.

But today, Mr. Speaker, again, with the most recent numbers the Congressional Budget Office has available, that top 1 percent—that's earning 13.4 percent of the income in this country—is paying 38.7 percent of all the burden. I ask you, Mr. Speaker, what incarnation of fairness leads you to believe that when you earn 13 percent of the money and you're paying 38 percent of the bills that you need to do more to do your fair share? Mr. Speaker, if you think for a moment that you might fall into that category let me take you to the other end of the spectrum, where the ''we'' are. I'm not trying to put the burden on someone else, I'm trying to take the burden on myself.

Mr. Speaker, we passed a bill in this Congress that gave a payroll tax break to every single Member of Congress—well, in fact, it gave it to every single member of America. Every citizen in America got this payroll tax break. This was a payroll tax break. As you know, payroll taxes are dedicated to Social Security and Medicare. All they do is fund those important programs. Every man, woman, and child in America knows those two programs are going bankrupt, but this President and this Congress, in their wisdom, passed a bill to give every American a tax break in that category, reducing the amount of tax dollars going into that trust fund. I voted no, but I lost and I got a tax break—didn't want one, didn't need one. I have obligations to contribute to the survival of this economy and this Republic, but I got one anyway.

Look at what's happening here, Mr. Speaker. If you're in the bottom 20 percent of all income earners, we want you to succeed. Mr. Speaker, if you're in the bottom 20 percent of all income earners, we develop every single Federal program around the idea that if you apply yourself, if you put your ideas to work, if we can give you enough of a helping hand here, a hand up there, that you will be able to change your economic future, you will be able to improve your income lot tomorrow relative to today.

In the Tax Code, Mr. Speaker, today, if you're in the bottom 20 percent of all income earners—in fact, if you're in the bottom 40 percent of all income earners the Tax Code pays you money. You get every penny of your pay back. It pays you money. I ask you, Mr. Speaker, what's becoming of our Republic? How are we defining ''fair share?''

There is no, no, no constituency in this Nation that wants to extend a helping hand more than my constituency does back home. And you know where that comes from—and you see it right now in the tax rates, Mr. Speaker—folks are saying let me give away all the money I can right now because the Tax Code is going to change. I'm not going to give away money next year because I'm going to get punished for it; I'm going to give away money this year instead. Folks who can give do give. Folks who can support this country do support this country.

Mr. Speaker, the top 20 percent of all income earners in this country earn 50 percent of all the income. The top 20 percent of all income earners earn 50 percent of all the income. We can talk about whether or not that's right, we can talk about where those jobs come from, we can talk about why we can't get more high-paying jobs, why the highest corporate tax rate in the world is driving all those high-paying jobs overseas, we can talk about all of that. But the fact is that 20 percent of Americans earn 50 percent of all the money. So, what's a fair burden of the bills for them to pay, Mr. Speaker? Top 20 percent earn 50 percent of the money, so they should certainly pay 50 percent of the bills. In fact, they should pay more than their fair share, right? They should pay 60 percent of the bills—maybe even 70 percent of the bills.

Mr. Speaker, the top 20 percent of income earners today in America pay 94 percent of all the bills—94.1, in fact. What that means, Mr. Speaker, then is that the other 80 percent of us, the other 80 percent of us, families here in this Chamber, 80 percent of America is only paying six percent of the bills.

When you're in a Republic, Mr. Speaker—a lot of folks say democracy; of course we're not a democracy, we're in a Republic—but when the people rule, what becomes of you when 80 percent of the people are only paying 6 percent of the bills. What kind of decisions do I make? I know the answer to that, Mr. Speaker, because I love things that are free with rebate. I don't know if you read the CVS and Walgreens ads on Sunday like I do, Mr. Speaker—in fact, I look them up online on Saturday night just so I know what to pick up on the way home from church. If toothpaste is free with rebate, I don't care if I have 12 tubes of toothpaste in the closet at home, I'm going to go by and pick it up because it's free. We make decisions based on how much things cost us.

Right now, if you think government is too big in this country, if you think we waste government dollars in this country, if you think we tax you too much in this country, understand that

when we go to the voting booths, I get to vote for 100 percent of government benefits and I only have to pay for 6 percent of it. That's true for everybody in the 80 percent, Mr. Speaker. Is it American, is it who we are as a people that 80 percent of us who all get to vote are not asked to shoulder the burden of today's bills?

The thing is, Mr. Speaker, it's not as if they're getting a free ride, it's not as if we're getting a free ride. We are passing the burden on to our children and our grandchildren. You may not have to pay the bill today, your family might not have to pay the bill today, but your children and your grandchildren are going to have to pay that bill tomorrow. It's immoral. It's immoral.

I say that to my conservative colleagues back home in Georgia. I say if someone is willing to spend your money and they're not willing to raise your taxes, don't you dare applaud them because you're just going to have to pay those taxes later when the debt comes due. We either need to stop the spending or we need to pony up the money to pay the taxes. But Mr. Speaker, don't you dare let it be said, the top 1 percent, they earn 13 percent of the income, they're paying 40 percent of the bills, and the President of the United States thinks that's not enough, they need to pay more.

Be very careful, Mr. Speaker, about changing who has skin in the game in this country. When we don't have skin in the game as voters, we make bad decisions. What has always made America great is there has been more that unites us than that divides us, and one of the things that has always united us is that we all have skin in the game. The changes that have been made to the Tax Code are changing that, Mr. Speaker.

You know, I'm not the first one to come up with this idea. A man much wiser than I am, much earlier in this country's history, Benjamin Franklin, observed that very same thing. He's cited to have said this: ''When the people find that they can vote themselves money, that will herald the end of the Republic.'' One of the great thinkers of his time, Mr. Speaker. What he observed is not rocket science, it's common sense, but it's worth restating. That is, when you're in a Republic, when you're in a democracy, 51 percent of the people can get together and say I don't want to shoulder any of the burden, I want to put it all on the 49 percent and let's live life that way. That signals the end of the Republic. It's always been true, it always will be true. What unites us as a country is that we are not shirkers of responsibility, we are acceptors of responsibility, and we want skin in the game.

□ 1440

Mr. Speaker, I don't want to let it be said that the President today, President Obama, is the first President to have ever come up with the idea that wouldn't it be neat if none of the voters have to pay for anything except for the top 1 percent, wouldn't that be a good plan.

That has actually been the plan of every American President in my lifetime and every Congress in my lifetime. Why? Because folks want to get elected. Folks want the voters back home to think nice things about them. And guess what. When I go home and I tell people they have to actually pay for government, they're less excited than when I tell them it's free.

In 1979, the last President from the great State of Georgia, Jimmy Carter, when he took office, the bottom 80 percent, most of us, 80 percent of Americans paid 35 percent of the bills. Eighty percent of us paid 35 percent of the bills in 1979. The top 1 percent at that time were paying 18 percent of the bills.

Look what's happened in my adult lifetime, Mr. Speaker. This red line represents the burden that we placed on the 1 percent. The blue line represents the burden that we placed on the 80 percent. And it is so changed today that, again, the bottom 80 percent of us, middle class America, the bread and butter of this country, are paying 6 percent of the bills.

Mr. Speaker, we owe America better than that. Folks need to make informed decisions at the voting box, and government isn't free. We spend $3.8 trillion—trillion dollars—a year in this government. When you are paying 6 cents out of every dollar, you may think you're getting your money's worth, but if you were paying 10 cents out of every dollar, or 50 cents out of every dollar, or even $1 out of every dollar, you begin to view your responsibilities for ensuring that government dollars are spent wisely differently.

I just asked you, we are in control of our own destiny. I tell the kids I talk to in schools all the time that what's so great about this country is they're going to run it one day, and it's going to look however it is they want it to look within the bounds of the United States Constitution.

Is this the kind of country you want to live in where, when times get tough, when burdens have to be carried, when bills have to be paid, more and more often we say, Do you know what? Don't tax me; tax him. He's the one who should shoulder the burden.

It's a dangerous, dangerous precedent.

There's no question that the wealthy should pay more in this country. They earn more; they should pay more. They have more disposable income. I've never had a wealthy man or woman come to me and say, ROB, I don't want to pay my fair share. In fact, folks come to me all the time and say:

ROB, I'm willing to pay more, except I think you're going to throw it down a rat hole like you threw the last bit I sent to you down a rat hole. And if you guys in Congress ever get your act straight and put us on a path to a balanced budget, I'll be happy to pay a share in order to make that happen. I love this country—love this country.

This is not the country that you and I grew up in, Mr. Speaker. So, why is it, then, if we're talking so much about taxes, why aren't taxes the problem or the solution? The truth is, and you know this, Mr. Speaker, if we tax everything in America not at 10 percent, not at 20 percent, but at 100 percent, if we took everything from every family in America, if every man, woman, and child had all of their income confiscated, if we sold your clothes, your house, and your possessions on the auction block, if we liquidated every single company in America and we put all that money into a bank account in present value, we still wouldn't have enough money to pay for all the promises that this Congress, past Presidents, past Congresses, and this President have made.

This is what I have here, Mr. Speaker. I have a chart of revenue versus spending. This green line is revenue in this country. As a percentage of the size of our economy, it turns out that wealthy people are pretty smart. And so if you start taxing part of their income at 90 percent and part of their income at 20 percent, they just move all their income from the 90 percent category to the 20 percent category. That's what happens here. No matter what the tax rates have been over the history of this country, the modern history of this country, Americans are willing to give about 18 percent of GDP in tax revenue. It's just the way it's been. Tax rates have been as high as 90 percent; we were only paying 18 percent. Tax rates have been as low as 28 percent; we were paying 18 percent.

The red line represents spending. And that's what I want to point out, Mr. Speaker. Spending, historically, has been flat, as well. The red line comes up above the green line, which shows you all the budget deficits that we've been running. It's been a common occurrence in the history of this country. But we are spending today—these are the promises. If we close Congress today, Mr. Speaker, if we never make one new promise, not one new promise in this country, this red line represents the costs of all the promises we've already made.

Spending, not taxes, is the problem. We are in a spending-driven crisis. If you don't believe it, Mr. Speaker, I have another chart here.

The green line, again, this one only goes from 2006 out to 2041, but the green line represents the current taxes that are on the books. The red line represents the spending that we've already promised out of this body. And the blue line represents the tax increase that the President is proposing, the tax increase on small businesses, on family-owned businesses, a tax increase that economists agree is going to lead to slower growth in the jobs market and less hiring. This blue line represents the sum total of that tax increase.

Now, Mr. Speaker, I know enough to know that if I'm bringing in this much money and I'm spending this much money, when I add this blue line to it, I still don't have enough money. This chart is labeled #SpendingIsTheProblem, Mr. Speaker. Folks can tweet it out. Spending is the problem. It's not a revenue problem. We're bringing in about the same revenue that we've always brought in in this country. The President can raise taxes all he wants to; he'll never be able to pay for the spending promises that he has made—never. There is not enough money to do it. Spending is the problem.

Current taxes, the President's tax increase and the President's spending plan don't come to balance.

Mr. Speaker, we can do better. In fact, here's the President's 10-year budget plan, Mr. Speaker. The President raises taxes by $2 trillion in his 10-year budget plan, and he doesn't lower the projected debt by one penny, not by one penny from its projected levels in 2013 or 14 or 15, not in 16 or 17 and 18, not in 19 or 20, but just a little bit—and I blew it up so everybody could see it because you can't see it, Mr. Speaker, as it is on the chart. If you raise—if you agree to the President's budget and you raise taxes by $2 trillion, he predicts that way out in 2021, things will be just a little bit better for America—just a little bit better. Not $2 trillion better, just a little bit better.

It's not the right plan, Mr. Speaker. Do you know what is the right plan? The one that we've passed here in the House. And by the one that we've passed here in the House, I mean the one we've passed here in the House in a bipartisan way. And by the one that we passed here in the House in a bipartisan way, Mr. Speaker, I mean the only budget in the entire city of Washington, D.C., that has been passed. It doesn't just make a little bitty change that you can't see 10 years from now, Mr. Speaker. It takes us from this red path, our current spending path, our current debt and deficit path, and it puts us on the road to balance, on the road to balance; not just on the road to eliminating our annual deficits, but on the road to finally paying all the bills back.

Taxes can't do it, Mr. Speaker. They can destroy the economy, but they cannot pay the bills.

Spending is the problem. We can take that challenge on, Mr. Speaker. We have, in this House, with our budget, passed in a bipartisan way, we have taken on those tough challenges.

I say to the President again, Mr. Speaker, I know he wants to raise taxes. He's been talking about it for 2 years. Where are his spending cuts? They asked the folks in the Presidential debate, Mr. Speaker, Republicans, would you agree to a $1 tax increase if we'd cut spending by $10, and everybody said no.

Mr. Speaker, I challenge the President to give that a whirl. Take all these tax increases he wants to create, the ones that have absolutely no chance at all of solving the problem, take those tax increases and couple them 10 to 1 with spending cuts, couple them 9 to 1 with reforms and programs, couple them 8 to 1 with things that will actually matter to American families and send that bill to the Congress. Send that bill. Call our bluff. Are we serious about solving the problem or are we not? The budget that we passed in this United States House says that we are, Mr. Speaker, and I challenge the President to be equally serious.

In 4 years of his budgets, we've never once seen him introduce one that was balanced. We've never once seen him introduce one that ever comes to balance. We've never once seen him introduce one that pays back even a penny of our national debt.

The bipartisan budget we passed in this House does all of those things. And I would love to see the President's proposal for achieving that very same goal, which is absolutely critical for the American economy, for American families, and, I dare say, Mr. Speaker, for the American way of life.

With that, I yield back the balance of my time.

□ 1450

PRESIDENT MOHAMED MORSI'S ALLEGIANCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. As most anyone can tell you, it's important to know who your friends are and who your enemies are. That's absolutely true when it comes to knowing who to deal with favorably and unfavorably when it comes to foreign relations, when it comes to gifts to foreign nations.

An article from December 11, by Maxim Lott says the following:

Key lawmakers are expressing concerns about the Obama administration's plan to send 20 F–16 fighter jets to Egypt, where new President Mohamed Morsi's allegiances are as uncertain as his grip on power.

Under a foreign aid deal signed in 2010, when Morsi's U.S.-friendly predecessor Hosni Mubarak was in charge, the U.S. is giving the planes to Egypt's air force, which already has more than 200 of the aircraft. The first four jets are to be delivered beginning January 22, a source at the naval air base in Fort Worth, where the planes have been undergoing testing, told FoxNews.com. But the $213 million gift is raising questions on Capitol Hill as Morsi is under fire for trying to seize dictatorial powers and allegedly siccing thugs and rapists on protesters.

That's the allegation.

The article goes on:

Florida Representative Vern Buchanan, who recently called for ending foreign aid to Egypt altogether, said the Muslim Brotherhood-backed Morsi government has been sending increasingly troubling signals to Washington, and giving it state-of-the-art fighter jets is a dangerous idea.

It quotes VERN as saying:

American tax dollars must not be used to aid and abet any dictatorial regime that stands with terrorists.

Representative Mac Thornberry from Texas, vice chairman of the House Armed Services Committee told FoxNews.com Egypt is a wildcard under Morsi. At this point:

We don't know where Egypt is headed, Thornberry said. We should be cautious about driving them away, but we should also be cautious about the arms we provide.

The article says:

Just last week, vigilante supporters of Morsi captured dozens of protesters, detaining and beating them before handing them over to police. According to human rights advocates, Morsi-backed groups have also been accused of using rape to intimidate female protesters who have gathered in Cairo's Tahrir Square to protest a sharia-based constitution and Morsi's neutering of the nation's legal system.

The U.S. Government ordered and paid for the fighter jets for Egypt's military back in 2010. But since Mubarak's ouster, the democratically elected Morsi has sent mixed signals about whether he wants an alliance with Washington, even meeting with leaders in Iran earlier this year.

The Morsi-led Muslim Brotherhood government has not proven to be a partner for democracy, as they had promised, given the recent attempted power grab, a senior Republican congressional aid told FoxNews.com.

Representative Ileana Ros-Lehtinen from Florida, who chairs the House Committee on Foreign Affairs, recently criticized U.S. military aid to Egypt. She said:

The Obama administration wants to simply throw money at an Egyptian Government that the President cannot even clearly state is an ally of the United States.

The package had to be approved by lawmakers in Washington. While the basic F–16 has been a military workhorse for top Air Forces for more than 25 years, the cockpit electronics are constantly updated and the models Egypt is getting are the best defense contractor Lockheed Martin makes.

This is a great day for Lockheed Martin and a testament to the enduring partnership and commitment we've made to the government of Egypt, said John Larson, vice president, Lockheed Martin F–16 programs. We remain committed to providing our customer with a proven, advanced fourth generation multirole fighter.

In an air combat role, the F–16's maneuverability and combat radius exceed that of all potential threat fighter aircraft, the U.S. Air Force description of the plane reads.

The F–16 can fly more than 500 miles, deliver its weapons with superior accuracy, defend itself against enemy aircraft, and return to its starting point. An all-weather capability allows it to accurately deliver ordnance during nonvisual bombing conditions.

A Pentagon spokesman said the United States and Egypt have had an important alliance that is furthered by the transfer:

The U.S.-Egypt defense relationship has served as the cornerstone of our broader strategic partnership for over 30 years, said Lieutenant Colonel Wesley Miller. The delivery of the first set of F–16s in January 2013 reflects the U.S. commitment to supporting the Egyptian military's modernization efforts. Egyptian acquisition of F–16s will increase our military's interoperability and enhance Egypt's capacity to contribute to regional mission sets.

But Malou Innocent, a foreign policy analyst at the Cato Institute, warned that Egypt's murky intentions could lead to the prospect of U.S. ally Israel facing an air assault from even more U.S. made planes.

Should an overreaction by Egypt spiral into a broader conflict between Egypt and Israel, such a scenario would put U.S. officials in an embarrassing position of having supplied massive amounts of military hardware to both belligerents. Given Washington's fiscal woes, American taxpayers should no longer be Egypt's major arms supplier.

□ 1500

There was an article that came out in September of 2012 after the 9/11 horrific killing—murdering—of our Ambassador and three other Americans and of the wounding of other Americans who, apparently, this administration is keeping under wraps so that Members of Congress cannot interview them and find out what really went on. Even after the administration sent out Ambassador Rice with false talking points, we can't find out who created the false talking points. It apparently started out being more correct, but it became false in the way they were used, so they provided such false information to numerous networks and to people in America and around the world.

One thing we do know is that we have the President on video and accurately quoted with this quote. He gave an interview with Telemundo on September 16, 2012, during which President Obama said and, I believe, used the pronoun ''them'':

I don't think we would consider Egypt an ally, but we don't consider them an enemy. They are a new government that is trying to find its way.

Yet we've still got people in our Air Force at the incredibly able Lockheed Martin facility who are not aware that Egypt is no longer an ally or that the Muslim Brotherhood won the election and that they are about to push through a sharia-based constitution that will further persecute Christians and Jews.

You have a leader in Morsi who, yes, helped to temporarily suspend the altercation in the Gaza Strip with the massive number of rockets that were being flown out of the Gaza Strip into Israel—a constant death threat hanging over Israel. We haven't learned of anything that would indicate that he is slowing the growing importation, through tunnels and otherwise, into the Gaza Strip of more and bigger rockets that threaten Israel, and the President of the United States does not know if Egypt is an ally. He wouldn't say they're an enemy yet, even though they didn't stop the protesters, as they are required to do, from climbing up on our Embassy walls, which is American property, or stop them from bringing down the American flag and running up the Muslim Brotherhood flag.

Mr. Speaker, I'd humbly submit that, until we know for sure that Egypt is not an enemy, we should not be sending 20 F–16s—the most advanced generation of F–16s—to a country which many of its leaders have made clear they want Israel gone off the face of the Earth.

Now, Lockheed Martin relied on the representations of the United States Government that we were going to buy these planes and give them to our ally Egypt. Perhaps it would have been good if this administration had remembered that the Mubarak administration in Egypt was an ally. They were an ally according to the agreement that this administration made with their friend and ally Hosni Mubarak, as the head of Egypt, to send them a gift of 20 F–16s; but they forgot that, and they supported the removal of Mubarak, who at least made some pretense of trying to keep the peace there on the border of Israel.

Morsi, on the other hand, in coming from the Muslim Brotherhood, doesn't seem so inclined. Simply engaging Gaza in asking them to hold up on sending rockets in to mock, hit, potentially kill Israelis was a nice gesture; but it's hardly evidence of a substantial nature that this is an ally. That's why the President hasn't made clear we're absolutely certain now that they're our ally. Until we are absolutely certain they're an ally, we don't need to be sending them the means and methods to kill Israeli friends. The Israelis are suffering enough and, in part, due to bad judgment here in the United States.

When others outside the United States asked us to go in and get rid of Qadhafi, despite this administration's alliances and relationship with Qadhafi, this administration decided to provide air cover and enable al Qaeda-backed revolutionaries to take out Qadhafi. Qadhafi was not a good man; he had blood on his hands. But after 2003, the Bush administration, followed by the Obama administration, was working with Qadhafi, and he was completely transparent about all the weapons he had. Not so with what's going on in Libya today.

At some point, instead of the President of the United States trying to nullify the Constitution and saying, You know what, I disagree with that marriage law that Congress did, so we're going to ignore it, and as I speak, so it shall be the new law—that's what kings do and that's what pharaohs do. So it would seem a little bit hypocritical if you have someone from an administration who said, You know what, we don't like the immigration law, and so, as I speak it, so shall it be. I will make—I will pronounce—new law because I don't like what was duly passed by Republicans and Democrats in both the House and Senate and was signed by a prior President. So, as I speak new law, so shall it be. It just seems a little hypocritical if an administration like that were to turn around and say, You know, Morsi is just suspending civil rights in Egypt, and we're not sure that he's a good guy for doing that.

That's very interesting because what you have in Egypt is a leader who is taking away civil rights, who is ignoring the existing law. He has backed off of some of the abuses of the law, but he just makes law as he sees fit.

It's time that the people in America, Mr. Speaker, made it clear to the White House that it's the United States that your allegiance is owed to. It's not to NATO. It's not to the OIC. Yes, we have alliances with them. It's not with the U.N., though we have agreements with them. Your number one alliance is to the people of the United States of America. When anyone is not a supporter—is not an ally—or is someone we're not sure of their ally status, it should not be a country that we start giving planes to even when the alliances are made with a prior administration, because this administration had a good working relationship with Mubarak sufficient to cause President Obama to work this deal with Hosni Mubarak, the leader of Egypt, and sufficient to make them want to just give Egypt under the leadership of Mubarak 20 F–16s. Once that leadership changes and we no longer know whether they're an ally, it is outrageous to send them, or to even contemplate sending them, planes.

What you do with those 20 planes that we already agreed to buy as the U.S. Government and give away is you give them to someone you know is an ally. If you want to give them to somebody, give them to Israel. Israel believes in the same value of life as we do here in the United States. They believe in the equality of women. They believe in the value of children. They do not believe women and children are the property of some man. They have our values and they have had our back, so the best defense money we can spend is in providing a defense to Israel because any nation—look it up—any nation that has said they want to destroy the little Satan of Israel normally follows it up by wanting to destroy the big Satan, the United States. So, according to these wild-eyed radical terrorists, if they see Israel as the little Satan and want to hit Israel, we will be next. We're next on their agenda.

□ 1510

So it is good defense for the United States when we help protect our friend Israel. And the thought that this administration would even still entertain the possibility of sending 20 F–16s to Egypt after we supported the deposing of our ally, President Mubarak, is outrageous. And what I would hope is that somebody in the administration would say, Mr. President, we're going to look pretty stupid if we send 20 F–16s of the most advanced generation to Egypt when they're making waves about and some of their leadership thinks they ought to go ahead and get rid of Israel. And so maybe we'd better hold up on that. And you've got people like Congressman GOHMERT over on the Hill who's talking about how stupid it would be to give 20 F–16s to a potential renegade government if they continue to abuse the civil rights of people in Egypt, he's talking about how stupid it would be, why don't we go forward and say we can't believe that anybody would think for a moment that we're going to send 20 F–16s to a country

when the President has said we don't even know if they're an ally.

I would hope that somebody would tell the President: Let's go out and say people like GOHMERT need to calm down because we're not going to send them. And I would welcome that news. But until that happens, people need to be speaking up and letting the White House know this is outrageous. You don't send advanced aircraft as a gift to a country that has been less than helpful, and we're not even sure if they won't take out Israel or try when they get a chance.

It's a different government. It's not the same country, not the same administration with whom we made an agreement. It hasn't continued under the same constitution or laws. We have to make sure that we have an ally, and we don't know that. In fact, the indications are constantly to the contrary.

So as soon as Clinton goes out after Morsi, goes into Gaza, expresses great sympathy for the people in Gaza, despite the fact they took over a Gaza strip from Israel that Israel unilaterally gave away, hoping it would buy them a semblance of peace, and fully equipped with greenhouses and businesses and ways to make a living and ways to live in great sustenance there on the Gaza strip, they walked away from it, gave it away, and immediately the greenhouses were destroyed. The people are living there in poverty, and they could keep stirring up the venom of hatred among the people, although the people of Israel had just done an incredibly unilateral and generous thing, hoping to buy peace.

But what we see over and over, whether it's in southern Lebanon, whether it's in the Gaza strip, going back historically, any time Israel has given away land hoping to buy some peace, not only have they not bought peace, that land they gave away has ultimately at some point been used as a staging area from which to attack it. How sad would that be that Israel's incredibly generous gift of the Gaza strip, with ways to make a living and have full sustenance, plenty to eat, they gave that as a gift. They took the land and destroyed their ways of sustenance.

And then, the ultimate irony, on top of the irony of that being used as a staging area to launch rockets on a continuous basis into Israel, how ironic if that ends up being the flyover area for new F–16s that we give to Egypt, that Egypt uses in an effort to attack Israel once again. We cannot allow the continued attacks on our allies. Israel has been an ally. Israel is an ally. Israel is operating under the same rules of government that they have when they have been our close ally. They've made mistakes. So have we. But they're our friend. And friends, as I saw when I was down in Florida not long ago, a billboard said, ''Friends don't let friends get nuked.'' We need to take that to heart. It is done a bit tongue-in-cheek, of course.

But this article from back in September, the day after 9/11, the President said in this article, September 12, from NBC's Shawna Thomas:

> President Barack Obama said on Wednesday that while he does not believe Egypt is an ally of the United States, he also doesn't consider the country an enemy. 'I think that we are going to have to see how they respond to this incident,' Obama said in an interview with Telemundo anchor Jose Diaz-Balart, host of Noticiero Telemundo. He was referring to Tuesday's protests in Egypt, during which demonstrators, angered by a movie trailer parodying Prophet Muhammad, breached the U.S. Embassy in Cairo.

The President continued:

> Certainly in this situation, what we're going to expect is that (the Egyptian government is) responsive to our insistence that our embassy is protected, our personnel is protected, and if they take actions that they're not taking those responsibilities, as all countries do where we have embassies, I think that's going to be a real big problem.

The President is also quoted as saying:

> Libya is a government that is very friendly towards us. The vast majority of Libyans welcomed the United States' involvement. They understand that it's because of us that they got rid of a dictator who had crushed their spirits for 40 years.

Those are quotes from President Obama.

The article says President Obama expressed confidence. ''Our hope is to be able to capture them,''—talking about the people that attacked us in Libya—''but we're going to have to obviously cooperate with the Libyan government. And you know, I have confidence that we will stay on this relentlessly, because Chris Stevens, he's somebody who actually advised me and Secretary Clinton during the original Libyan uprising. He was somebody who Libyans recognize as being on the side of the people. And we're going to get help. We're going to get cooperation on this.''

Well, that's what the President said in September. Now he said we were going to pursue the killers of Ambassador Stevens and the three others ''relentlessly,'' is his term. We will stay on this relentlessly. And yet what we've seen, we find out that they may have the instigator, and there is no outrage that this man has not been provided, turned over to the United States. There's no outrage that this man has not been brought to justice.

Friends don't let other friends get nuked, and friends don't send 20 F–16s to the enemies of their friends. It's time that this administration began to understand history to the point that when you reward your enemies, your enemies get stronger, and they get more abusive and more threatening.

□ 1520

The best thing this administration can do is reward friendship and punish our enemies, and then our enemies cower, and our friends are emboldened, instead of what this administration has done the other way around.

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

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973; to the Committee on Financial Services.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

H.R. 3319. An act to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

H.R. 4367. An act to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, December 17, 2012, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

8747. A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule — Designation of Product Categories for Federal Procurement, Round 9 (RIN: 0599-AA15) received December 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8748. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2011-0514; FRL-9360-3] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2011-0759; FRL-9371-3] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8750. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2012-0326; FRL-9371-5] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8751. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Zeta Cypermethrin; Pesticide Tolerances [EPA-HQ-OPP-2010-0472; FRL-9371-7] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8752. A letter from the Acting Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the National Oceanic and Atmospheric Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8753. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Approval of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Charleston Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2012-0422; FRL-9759-7] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8754. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Inventory for the Baltimore, Maryland Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0143; FRL-9759-6] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8755. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Washington County, Maryland Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0154; FRL-9760-1] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8756. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Huntington-Ashland, WV-KY-OH Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2012-0119; FRL-9759-9] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; The 2002 Base Year Emissions Inventory for the Parkersburg-Marietta, WV-OH Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0077; FRL-9760-7] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard and Diesel Sulfur Programs [EPA-HQ-OAR-2012-0223; FRL-9758-8] received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8759. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-156, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8760. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-095, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-126, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8762. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-066, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8763. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-162, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8764. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 1, 2012; to the Committee on Foreign Affairs.

8765. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Germany pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

8766. A letter from the Deputy Director, Congressional Affairs, Federal Election Commission, transmitting the Commission'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.

8767. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8768. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports 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.

8769. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's Performance and Accountability Report for Fiscal Year 2012; to the Committee on Oversight and Government Reform.

8770. A letter from the Acting Director, Peace Corps, transmitting the Corps' Performance and Accountability report for fiscal year 2012; to the Committee on Oversight and Government Reform.

8771. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1411; Directorate Identifier 2011-NM-074-AD; Amendment 39-17206; AD 2012-19-11] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B. V. Airplanes [Docket No.: FAA-2012-0593; Directorate Identifier 2011-NM-238-AD; Amendment 39-17200; AD 2012-19-05] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Airplanes [Docket No.: FAA-2012-0644; Directorate Identifier 2012-NM-011-AD; Amendment 39-17193; AD 2012-18-16] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives Airbus Airplanes [Docket No.: FAA-2012-0192; Directorate Identifier 2011-NM-225-AD; Amendment 39-17152; AD 2012-16-05] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0038; Directorate Identifier 2011-NM-209-AD; Amendment 39-17153; AD 2012-16-06] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0422; Directorate Identifier 2011-NM-177-AD; Amendment 39-17146; AD 2012-15-16] received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Corporation's annual financial audit and management report for the fiscal years 2012 and 2011, in accordance with OMB Circular A-136; to the Committee on Transportation and Infrastructure.

8778. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1326; Directorate Identifier 2010-NM-177-AD; Amendment 39-17144; AD 2012-15-15] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8779. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0267; Directorate Identifier 2011-NM-174-AD; Amendment 39-17192; AD 2012-18-15] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8780. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1319; Directorate

Identifier 2011-NM-143-AD; Amendment 39-17151; AD 2012-16-04] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8781. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1229; Directorate Identifier 2011-NM-132-AD; Amendment 39-17181; AD 2012-18-05] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8782. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0354; Directorate Identifier 2010-SW-104-AD; Amendment 39-17165; AD 2012-17-02] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8783. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0671; Directorate Identifier 2011-NM-096-AD; Amendment 39-17197; AD 2012-19-02] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8784. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Helicopters [Docket No.: FAA-2012-0337; Directorate Identifier 2007-SW-090-AD; Amendment 39-17185; AD 2012-18-09] (RIN: 2120-AA64) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8785. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to U.S. Customs and Border Protection Regulations [CBP Dec. 12-21] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8786. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Fees on Health Insurance Policies and Self-Insured Plans for the Patient-Centered Outcomes Research Trust Fund [TD 9602] (RIN: 1545-BK59) received December 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. POE of Texas (for himself, Mr. CHABOT, Ms. ZOE LOFGREN of California, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6654. A bill to provide for the exchange of information related to trade enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. CAMP, Mr. PAULSEN, Mr. MCDERMOTT, Mr. REED, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. CROWLEY, and Mr. LEVIN):

H.R. 6655. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself and Mr. LEVIN):

H.R. 6656. A bill to reauthorize customs trade facilitation and enforcement functions and programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Homeland Security, and the Budget, 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 Ms. ROS-LEHTINEN:

H.R. 6657. A bill to condition security assistance and economic assistance to the Government of Egypt in order to advance United States national security interests in Egypt, including encouraging the advancement of political, economic, and religious freedom in Egypt; to the Committee on Foreign Affairs.

By Mr. CLARKE of Michigan (for himself, Mr. FRANKS of Arizona, and Mr. HULTGREN):

H.R. 6658. A bill to amend the Internal Revenue Code of 1986 to provide a zero capital gains rate for certain new investments in specified areas made during a temporary period; to the Committee on Ways and Means.

By Mr. CLARKE of Michigan (for himself and Mr. CONYERS):

H.R. 6659. A bill to amend the Internal Revenue Code of 1986 to extend the recovery zone economic development bonds for certain cities; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. MCDERMOTT, Mr. SCHOCK, Mr. RANGEL, Ms. HERRERA BEUTLER, Mr. DICKS, and Mr. SMITH of Washington):

H.R. 6660. A bill to amend the Internal Revenue Code of 1986 to exclude dividends from controlled foreign corporations from the definition of personal holding company income for purposes of the personal holding company rules; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself, Mr. CRAVAACK, Mr. ELLISON, Mr. KLINE, Ms. MCCOLLUM, Mr. PAULSEN, Mr. PETERSON, and Mr. WALZ of Minnesota):

H.R. 6661. A bill to designate the facility of the United States Postal Service located at 14 Red River Avenue North in Cold Spring, Minnesota, as the ''Officer Tommy Decker Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER:

H.R. 6662. A bill to direct the Secretary of the Treasury to establish a pilot program to study alternatives to the current system of taxing motor vehicle fuels, including systems based on the number of miles traveled by each vehicle; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science, Space, and Technology, 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. BROOKS:

H.R. 6663. A bill to permanently extend the 2001 and 2003 tax cuts; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 6664. A bill to direct the Secretary of Agriculture to convey to the State of California all right, title, and interest of the United States in and to certain National Forest System land to facilitate the relocation of the South Operations Coordination Center, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAWFORD (for himself, Mr. GRIFFIN of Arkansas, Mr. ROSS of Arkansas, and Mr. WOMACK):

H.R. 6665. A bill to amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds; to the Committee on Natural Resources.

By Mr. KIND:

H.R. 6666. A bill to provide a comprehensive approach to preventing and treating obesity; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Natural Resources, Education and the Workforce, Transportation and Infrastructure, and Agriculture, 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. KUCINICH:

H.R. 6667. A bill to establish the Financial Consumers Association to advance the rights and remedies available to consumers with respect to financial services transactions, and for other purposes; to the Committee on Financial Services.

By Mr. KUCINICH:

H.R. 6668. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the National Labor Relations Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. FRANKS of Arizona, Mr. RANGEL, Mr. MCDERMOTT, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. JACKSON LEE of Texas, Ms. NORTON, Ms. BASS of California, Mr. HASTINGS of Florida, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. TOWNS, Mr. SCOTT of Virginia, Mr. FATTAH, Mr. CLAY, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. SCHIFF, and Ms. LEE of California):

H.R. 6669. A bill to amend the Higher Education Act of 1965 to provide information to foster youth on their potential eligibility for Federal student aid; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mrs. NAPOLITANO, Mr. LUJÁN, Mr. GRIJALVA, Mr. SABLAN, and Mr. HOLT):

H.R. 6670. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 for the purposes of extending the Reclamation States Emergency Drought Relief Act of 1991 through 2017, and for other purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY (for himself, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. HIMES, Mr. TOWNS, Mr. GRIJALVA, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, and Ms. MOORE):

H. Res. 831. A resolution honoring and recognizing David ''Dave'' Warren Brubeck for his contributions in musical composition, jazz, and to the international community; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mrs. ROBY, Ms. SEWELL, Mr. WALBERG, Mr. KILDEE, Mr. LEVIN, Mr. HUIZENGA of Michigan, Mr. CURSON of Michigan, Mr. BACHUS, Ms. RICHARDSON, Ms. LEE of California, Mr. NADLER, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. DINGELL, Mr. CLARKE of Michigan, Mr. CLAY, Mr. FATTAH, Ms. MOORE, Ms. NORTON, Mr. RANGEL, Ms. JACKSON LEE of Texas, Ms. CLARKE of New York, Mr. CAMP, Mr. GOODLATTE, Mr. PIERLUISI, Mr. SENSENBRENNER, Mr. COHEN, Ms. MCCOLLUM, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS

of Florida, Mr. RICHMOND, Mr. THOMPSON of Mississippi, Ms. WILSON of Florida, Ms. CHU, Mr. ADERHOLT, and Ms. CASTOR of Florida):

H. Res. 832. A resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy; to the Committee on the Judiciary.

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. POE of Texas:

H.R. 6654.

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

Clause 8 of section 8 of Article I of the Constitution.

By Mr. DOGGETT:

H.R. 6655.

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

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Mr. MCDERMOTT:

H.R. 6656.

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

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties and to regulate Commerce with foreign Nations, as enumerated in Article I, Section 8.

By Ms. ROS-LEHTINEN:

H.R. 6657.

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

Article I, Section 8 of the Constitution.

By Mr. CLARKE of Michigan:

H.R. 6658.

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

Sections 7 and 8 of Article I of the United States Constitution.

By Mr. CLARKE of Michigan:

H.R. 6659.

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

Sections 7 and 8 of Article I of the United States Constitution.

By Mr. REICHERT:

H.R. 6660.

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

Pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mrs. BACHMANN:

H.R. 6661.

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

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. BLUMENAUER:

H.R. 6662.

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

The Constitution of the United States provides clear authority for Congress to pass legislation regarding income taxes. Article I of the Constitution, in detailing Congressional authority, provides that ''Congress shall have Power to lay and collect Taxes . . . ''(Sec. 8, Cl. 1). Further clarifying Congressional power to enact an income tax, voters amended the Constitution by popular vote to provide that ''Congress shall have power to lay and collect taxes on incomes, from whatever source derived. . . .'' (Sixteenth Amendment). This Act modifies U.S. income tax laws in a manner consistent with these Constitutional authorities.

By Mr. BROOKS:

H.R. 6663.

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

Article I, Section 8

By Mr. CALVERT:

H.R. 6664.

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

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 and clause 18, and Article IV, section 3, clause 2.

By Mr. CRAWFORD:

H.R. 6665.

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

Article VI, Clause 2 of the United States Constitution as upheld by the Supreme Court of Missouri v. Holland, 252 U.S. H16 (1920)

By Mr. KIND:

H.R. 6666.

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

Article I Section 8, Clause 3 and Article I, Section 8, Clause 1.

By Mr. KUCINICH:

H.R. 6667.

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

Article 1, Section 8, Clause III and/or Article 1, Section 8, Clause IIXX of the Constitution.

By Mr. KUCINICH:

H.R. 6668.

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

Article 1, Section S, Clause III of the Constitution.

By Mr. LEWIS of Georgia:

H.R. 6669.

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

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MARKEY:

H.R. 6670.

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

Article I, section 8.

ADDITIONAL SPONSORS

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

H.R. 494: Mr. WELCH.

H.R. 1537: Mr. HANNA and Mr. DENT.

H.R. 2669: Ms. DEGETTE, Ms. TSONGAS, Mr. LUJÁN, Ms. PINGREE of Maine, and Mr. BOSWELL.

H.R. 2672: Mr. DENT.

H.R. 2697: Ms. CLARKE of New York and Mr. DAVIS of Illinois.

H.R. 2775: Mr. CRITZ and Mr. CURSON of Michigan.

H.R. 2931: Mr. ELLISON.

H.R. 3098: Mr. KINGSTON.

H.R. 5195: Mr. WOLF.

H.R. 5871: Mr. GRIMM.

H.R. 6101: Ms. SCHAKOWSKY.

R. 6107: Mr. AL GREEN of Texas.

H.R. 6388: Mr. FITZPATRICK.

H.R. 6419: Mr. CONNOLLY of Virginia.

H.R. 6470: Mr. CAMPBELL.

H.R. 6575: Mr. KING of New York.

H.R. 6588: Mr. RANGEL.

H.R. 6589: Mr. AL GREEN of Texas and Mr. SAM JOHNSON of Texas.

H.R. 6597: Mr. WOMACK and Mr. WALBERG.

H. Con. Res. 142: Mr. LATTA and Mr. MURPHY of Pennsylvania.

H. Con. Res. 144: Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, and Mr. SMITH of Nebraska.

H. Res. 193: Mr. GARY G. MILLER of California, Mr. GUTIERREZ, Ms. TSONGAS, Mr. CARNAHAN, Mr. WATT, and Mr. POE of Texas.

H. Res. 220: Mr. FITZPATRICK and Mr. POLIS.

H. Res. 814: Mr. KLINE.

H. Res. 826: Mr. CALVERT and Mr. BURGESS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 6 by Mr. WALZ on H.R. 15: ALCEE L. HASTINGS, JOE BACA, GARY L. ACKERMAN, and EDOLPHUS TOWNS.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, DECEMBER 13, 2012 No. 161

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

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

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

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL of New Mexico led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:30 a.m. this morning. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes.

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

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

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

THE FISCAL CLIFF

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

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

TRIBUTES TO DEPARTING SENATORS

HERB KOHL

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

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

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

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

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

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

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

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

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

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

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

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

Everyone said HERB KOHL made a bad deal. Why did he pay so much money for that basketball team? But his decision to buy the Milwaukee Bucks, which at the time some said was crazy, proves doing the right thing and doing the profitable thing are often one in the same. Today, the Bucks are worth ten times what HERB paid for the team and they are an important pillar of that vibrant Milwaukee community.

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

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

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

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

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

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

Mr. REID. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

FARMING CHALLENGES

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

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

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

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

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

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

payment for providing those services. But then at my death, the Government wants to take up to 55 percent of the value after I have invested my efforts into providing those benefits. That is not right, nor is it fair.

I agree with Allen. Part of the American dream is creating an inheritance we can pass on to our future generations. Our farmers and small businesses deserve to pass along their investment to their heirs without having to worry about a tax. That is why I introduced legislation to actually eliminate the death tax. While this idea will not be included in the final tax deal, these hard-working families cannot afford Congress to allow the death tax to return to 55 percent. It is simply unacceptable. At the very least, we need to maintain current policy for another year, until we are able to implement and provide a more permanent solution. We owe it to these hard-working families to work together to solve this issue.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

FISCAL SOLVENCY

Mr. THUNE. Mr. President, I come to the floor today to talk about the debt crisis facing this country and why I believe any deal to avert the fiscal cliff must address serious entitlement reform. We should not let the discussion around taxes, which is sort of dominating the airwaves here in Washington, distract us from the fact that Washington has a spending problem, not a revenue problem.

Every independent expert who examines America's long-term structural fiscal dilemma comes to the same conclusion: Entitlement programs are the drivers of our national debt over the long term.

Those who argue that we can dig our way out of a $16 trillion debt—and counting, by the way—by raising taxes are ignoring reality. According to the Congressional Budget Office's most recent forecast, under the current tax rates, revenues over the next 10 years will average roughly 18 percent of GDP. In other words, Federal revenues will return to their historical average without raising taxes on anyone. I will repeat that because I think it is an important point. Our tax revenues will go back to an average of 18 percent over the next decade, which is the historical average, and that happens with existing tax policy in place, without raising taxes on anyone. In fact, according to the Congressional Budget Office, under the current tax rates, revenues as a percentage of GDP will reach 18.6 percent by the year 2022—a decade from now. That is more than half a percentage point higher than the historical average.

Clearly, our budget problems are not because we have too little revenue. Our budget situation today relates directly to Washington's addiction to overspending. In fiscal year 2007, before the recession, total Federal revenue was roughly $2.5 trillion and total Federal spending was approximately $2.7 trillion. Five years later, for fiscal year 2012, which recently ended, total Federal revenue was $2.45 trillion—basically back to the prerecession levels, about the same revenue we had back in 2007—but total Federal spending was above $3.5 trillion. In other words, tax revenue is back to where it was before the recession but Federal spending is now $800 billion higher than it was just 5 years ago, in 2007.

Even the Washington Post on their editorial page, which is not something I usually agree with, agrees. In an editorial entitled ''Mr. Obama's Time to Lead on Entitlements,'' the Post argued:

> Since 60 percent of the federal budget goes to Medicare, Medicaid and Social Security, there's no way to achieve balance without slowing the rate of increase of those programs.

Speaking of entitlement programs, the Post editorial went on to say, ''At some point he,'' referring to the President, ''has to prepare the American people—and his own supporters most of all—for the hard decisions required to put the country on a sound financial footing.''

Even the Washington Post agrees that we must take on the driver of Federal spending, entitlement spending and, second, that the President has to lead on that issue. Unfortunately, the President has continued campaigning around the country for higher taxes, but until he gets serious about leading on the issue of entitlement reforms, we simply will not be able to reach an agreement to tackle our fiscal problems in a meaningful way.

A look at the President's proposed tax hike demonstrates why we simply cannot tax our way out of a debt crisis. The President is proposing $68 billion in revenue next year by raising the top tax rates—in the process, raising taxes on nearly 1 million small business owners. The White House claims this will not have a major negative effect on America's business owners or their employees. But according to the National Federation of Independent Business, small businesses created two-thirds of the new jobs in the last decade, and those small businesses are the most likely to be hit by the new tax increases, and those are the small businesses that employ, by the way, 25 percent of the total workforce.

According to a study by Ernst & Young, the President's proposed tax increases will result in 700,000 fewer jobs, a nearly 2-percent decline in wages and economic growth that is 1.3 percent lower than it otherwise would be. Yet despite the broad impact of these taxes on small businesses and our economy, this tax hike would only fund government operations next year for about a week. If the President got everything he wanted in the form of higher rates on income, higher rates on capital gains and dividends—all of those things go back to the higher rates—it would fund government for about a week. The President appears to have an obsession with raising income tax rates and claiming that it is the only way to get significant new revenues. But this is not true according to the administration's own budget.

According to this administration's budget, the President's marginal income tax rate hike on high earners will raise $442 billion over 10 years. As I mentioned, if we look at just the top two rates, we would raise about $442 billion over 10 years. If we average that out, it ends up being about $40 billion a year. Yet, according to the same budget, the President's proposal to limit the value of tax expenditures for higher income earners by itself raises $584 billion over 10 years. In fact, the marginal tax rate increases alone are only one-fourth of the total $1.6 trillion in new taxes that the President has proposed.

So it is simply not true, as a factual matter or as a matter of arithmetic, that we need to raise marginal income tax rates to raise significant revenue. Yet the President continues to insist that marginal income tax rate increases be part of any fiscal cliff agreement. We have to wonder: Is it because of the arithmetic or is it because of a liberal ideology that considers higher income tax rates to be the holy grail of tax policy.

The last thing we ought to do if we want to boost economic growth is to raise tax rates, especially marginal income tax rates. Marginal income tax rates matter because they have incentive effects. They affect a worker's decision to work an additional hour. The Congressional Budget Office explains that phenomenon in this way:

> Increasing revenues by raising marginal tax rates on labor would reduce people's incentive to work and therefore reduce the amount of labor supplied to the economy.

Most Americans understand this logic intuitively. If we want less of something, raise the cost of producing it by taxing more heavily. If we raise marginal income tax rates, we will get less income as well as the labor that gives rise to that income. If we raise taxes on investment, we are likely to get less investment. It is time to recognize that we don't live in a static world. Taxpayers will adjust to higher rates and, in fact, this has already started to happen.

Consider that in the last month we have seen a host of companies announcing special dividends or rushing to move up their dividend payments before the end of the year. There were 228

companies that announced special dividend payouts in the month of November. This compares to 54 companies in the month of October and 72 companies in November of last year. So we have three times as many companies announcing that they are going to do special dividend payouts in the month of November as we had last year. We have to believe this is a direct result of the administration's plan to raise the top dividend tax rate from 15 percent today to 43.4 percent next year. The top tax rate on dividends next year will nearly triple unless we take action to prevent that.

Rather than raising taxes on America's small businesses, we should reform our Tax Code in a way that encourages economic growth and therefore generates new revenue. Instead of the President's approach to simply redistribute revenue, we should be focused on growing the economy over the long run thus increasing opportunities for wealth creation for all Americans. We know this approach can work because we have done it before. The Tax Reform Act of 1986 lowered rates, broadened the tax base, and resulted in one of the longest economic booms in American history.

Harvard economist Dale Jorgenson recently estimated that the gains available from fundamental tax reform amount to as much as $7 trillion in current dollar terms. The Joint Tax Committee has projected that revenue-neutral tax reform that lowered rates and broadened the tax base could lead to an increase in GDP by as much as 3.5 percent in the long run.

Mark Feldstein, former Chairman of the White House Council of Economic Advisers, calculated that lowering individual tax rates by only 10 percent, coupled with base-broadening measures to ensure revenue neutrality, would raise over $500 billion in new revenue related to growth over the next 10 years. That is lowering individual tax rates by just 10 percent. Increasing the rate of economic growth is the single most important thing we can do to ensure greater prosperity for Americans today but also for the coming generations.

A recent report by Third Way, a center-left think tank, highlighted the importance of raising economic growth back to the post-World War II average of 3.3 percent. According to this report, increasing economic growth back to 3.3 percent starting in the year 2018 would result in nearly 2 million additional jobs by the year 2022 and roughly 5.3 million new jobs by the year 2030. It will result in more than $600 billion in new revenue by 2022 and more than $5 trillion in additional Federal revenue by the year 2030.

Christina Romer, former Chair of the White House Council of Economic Advisers under President Obama, has equated a 1-percentage-point change in GDP with 1 million jobs per year. Given these estimates, there should be a bipartisan consensus that what we need is higher economic growth, not higher taxes. I would propose that the fiscal cliff is both a challenge and an opportunity. It is a challenge to get the Federal Government's runaway spending under control, but it is also an opportunity for us to make real entitlement reforms and to put in place a structure for comprehensive tax reform next year that will have enormous benefits for our economy.

I hope the President of the United States will soon join the discussion that many of us have been having about comprehensive tax and entitlement reforms. Presidential leadership on both of these critical issues is long overdue and is essential.

We cannot do big things in this country, such as entitlement reform or tax reform, absent Presidential leadership. President Obama has a unique opportunity in his second term to do some things that are desperately needed for this country and to put our country on a path toward fiscal solvency, a trajectory that will ensure a brighter, better, and more prosperous future for generations of Americans. In order to have that happen, we have to have the right policies in place, and those are policies that encourage jobs and economic growth.

The President said in his postelection press conference that his No. 1 priority was going to be jobs and the economy. I could not agree more with that statement. The way we achieve that is by getting fiscal discipline in place through budgetary restraint and by having policies in place that promote robust economic growth. If we look at what solves these problems, the best thing we can do is to grow our economy and then a lot of these debt and deficit issues become much smaller by comparison. It really does come down to growth, but we simply cannot grow the economy by raising taxes on small businesses, job creators, and people out there who are creating the jobs and impact literally millions of middle-class families who are employed by those very same small businesses.

Millions and millions of Americans work for small businesses in this country. If the President has his way, those Americans would see their taxes go up. That is not something we want to see happen in a weak economy.

In fact, it was only 2 years ago in 2010 when the President said that we ought to extend all of the tax rates because we should not raise taxes in the middle of a weak economy. At that time economic growth on an annualized basis was 2.4 percent. Economic growth now on an analyzed basis is 2. We have a weaker economy today than we did in 2010 when the President said raising taxes in the middle of a weak economy would be a mistake and a bad idea.

I agreed with him then, and I hope he will come to the conclusion now that this is a bad solution. I know the President is insistent on higher tax rates, but as I pointed out earlier, if we raise the top two marginal income tax rates alone, we generate about $40 billion of revenue next year. If we add to that capital gains and dividend tax rate increases, we get about $68 billion in additional tax revenue next year, which funds government for just under a week. It simply does not solve the problem if we are talking about fixing the deficit.

On the other hand, what it does do is make it more expensive and more difficult for American businesses to create jobs to get Americans back to work, to get our economy growing again, and to make this country prosperous for future generations.

I yield the floor.

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

WOMEN VETERANS AND OTHER HEALTH CARE IMPROVEMENT ACT OF 2012

Mrs. MURRAY. Mr. President, I come to the floor today to request that we have unanimous consent for S. 3313, which is the Women Veterans and Other Health Care Improvement Act of 2012, which was unanimously supported by the members of the Veterans' Affairs Committee to be moved out of this body today.

This legislation not only builds upon previous laws that we have passed to improve VA services for women veterans and veterans with families, but it also brings a new focus to the need for the VA to do more to help women veterans and the spouses of male veterans have access to assistance for one of the most impactful and serious wounds of these wars, reproductive and urinary tract trauma.

As many of you know, the nature of the current conflicts and the use of improvised explosive devices leaves servicemembers far more susceptible to those kinds of injuries. In fact, Army data shows that between 2003 and 2011 nearly 2,000 of our servicemembers have suffered those kinds of battle injuries.

Like so many of our veterans, these men and women come home and look to returning to their lives, to finding employment, and to starting a family. Yet what they find when they go to the VA is that the fertility services that are available don't meet their complex needs for these injuries. In fact, veterans suffering from those kinds of injuries find that the VA now is specifically barred from providing more advanced assisted reproductive techniques, such as in vitro fertilization or IVF. They are told when they come home that despite the fact they have made such an extreme sacrifice for our Nation, we can't provide them with the medical services they need to start a family—veterans such as SSG Matt Keil and his wife Tracy, who is here with us today. I am so proud of her and her courage in making sure this is available for families like hers.

Staff Sergeant Keil was shot in the neck while he was on patrol in Ramadi,

Iraq, on February 24 of 2007, 6 weeks after he married the love of his life, Tracy. The bullet went through the right side of his neck, hit a major artery, went through his spinal cord, and exited through his left shoulder blade. Staff Sergeant Keil instantly became a quadriplegic. Doctors informed Tracy that her husband would be on a ventilator for the rest of his life and would never move his arms or his legs. Staff Sergeant Keil eventually defied the odds and found himself off that ventilator and beginning a long journey of physical rehabilitation.

Around that same time, Tracy and her husband started exploring the possibilities of starting a family together—something that is a dream of so many young people in America today. Having children was all they could talk about once they adjusted to their new normal. With Staff Sergeant Keil's injuries preventing him from having children naturally, Tracy turned to the VA for assistance and began to explore her options for fertility treatments. Feeling defeated after being told the VA had no such programs in place for her in her situation, Tracy and Staff Sergeant Keil decided to pursue IVF through the private sector. While they were anxious to begin this chapter of their lives, they were confronted with the reality that TRICARE did not cover any of the costs related to Tracy's treatments because she did not have any fertility issues beyond her husband's injury. Left with no further options, the Keils decided this was important enough to them that they were willing to pay out-of-pocket to the tune of almost $32,000 per round of treatment.

Thankfully, on November 9, 2010, just after their first round of IVF, Staff Sergeant Keil and Tracy welcomed their twins Matthew and Faith into the world—two beautiful children. Tracy told me—and these are her words:

> The day we had our children, something changed in both of us. This is exactly what we had always wanted. Our dream had arrived. The VA, Congress, and the American people have said countless times that they want to do everything they can to support my husband or make him feel whole again, and this is your chance. Having a family is exactly what we needed to feel whole again. Please help us make these changes so that other families can share in this experience.

That is what Tracy said to me.

I have heard from these severely injured veterans, and while the details of their stories vary, the common thread that runs through all of them is that these veterans were unable to obtain the type of assistance they needed. Some have spent tens of thousands of dollars in the private sector, just as Tracy and her husband did, to get the advanced reproductive treatments they needed to start a family. Sadly, others have watched their marriages dissolve because of the stress of infertility in combination, of course, with the stresses of readjusting to life after a severe injury, which drove their relationships to a breaking point.

Any servicemember who sustains this type of serious injury deserves so much more. The bill I am here today trying to get passed will give the VA broad authority to offer advanced fertility treatments to the most severely wounded veterans, their spouses, or surrogates. It also gives the VA authority to determine how best to offer those benefits. It reverses this troubling barrier to care and will bring the VA in line with the military, which provides these services to this same group of servicemembers.

This is commonsense legislation. It should pass without delay. In fact, the New York Times recently ran an editorial on this bill, and it said:

> In more than a decade of combat overseas, the military and the VA have continually had to adjust to the challenges of new traumas with new treatments, as with the epidemic of brain injuries and post-traumatic stress. Adapting the VA health system to better meet reproductive health needs should be part of that response. It is one compassionate way to fulfill the country's duty to our wounded veterans.

They also noted that even this Congress should be capable of a bipartisan agreement to pass it, and I couldn't agree more. I can't think of any reason why any Republican or Democrat won't join us today in getting this bill passed. This is about giving veterans, who have sacrificed absolutely everything, every option we have to help them fulfill a dream of simply starting a family. It says we are not turning our backs on the catastrophic reproductive wounds that have become a signature of these wars. It says to all of these brave men and women, who didn't ask questions when they were in harm's way, that we won't let politics get in the way of our commitment to them.

The VA has an obligation to care for the combat wounded, and that should include access to the care they need. Our women veterans deserve this, our male veterans deserve this, and our military and veteran families deserve this.

My understanding is that the objections have been removed, and we expect this bill to be passed tonight when we clear the bills as we end discussions. I thank all of my colleagues who have stepped up to make the reality of a family real to these men and women who have served us so well in combat, have come home with extremely serious wounds, and who—because this legislation hopefully will pass this body and hopefully we will get the House to pass it—will then have their dream of having a family become a reality.

I am very proud to have worked on this bill in a bipartisan way to move it out of our Veterans' Committee. My understanding is that we will be able to clear this bill tonight and move it along its way to the President for his signature and give hope to many men and women who served our country to have a family once again.

Thank you, Mr. President. I yield the floor, and I suggest 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 Colorado.

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

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

WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I come to the Senate floor once again to urge my colleagues to act on extending the production tax credit for wind, otherwise known as the PTC.

If we let the production tax credit, the PTC, expire in the next 18 days—we literally have 18 days before it does expire—that expiration has the potential to cost our economy thousands of good-paying middle-class jobs. We just can't let that happen. Tens of thousands of Americans who work in the wind industry are depending on us to extend this important tax credit and in doing so save jobs and encourage investment in more States, such as my State of Colorado and the State of the Presiding Officer, New Mexico. If we fail to extend the PTC, we risk jeopardizing not only our economic growth but also our capacity, our potential, our ability to continue leading the world in the development and use of clean energy technology.

I have come to the floor over 25 times to speak about this issue, and each time I do, I highlight a different State and what the PTC has done to encourage economic growth. Today I am really pleased to be able to speak about the great State of New Mexico, the State of the Presiding Officer; their wind resources rank 10th in the United States. New Mexico is an impressive example of how wind can be harnessed to create good-paying jobs, support local communities, and produce American-grown power.

I wish to speak specifically about various areas in New Mexico. New Mexico has eight counties with wind projects, as my colleagues can see from the map here. The largest one is the New Mexico Wind Energy Center. It straddles Quay County and DeBaca County, which is located in the eastern central part of the State, in this area here. This is a very impressive project, as the Presiding Officer knows since it is his home State. It opened in 2003. It runs 136 turbines and produces 200 megawatts of power. Located 170 miles south of Albuquerque, it produces enough electricity to power 95,000 New Mexico homes, which is almost half of all the homes powered by wind in the State. So this is an impressive project. The Presiding Officer has probably visited the site and knows firsthand.

In terms of jobs, wind projects employ 500 New Mexicans around the State, and these are really good-paying

jobs. We have seen all across the country that investment in wind power is really an investment in the middle class and support for what makes our country great, which is building our economy from the middle out. These jobs are found across the ledger, if you will, including operations, maintenance, construction, and manufacturing, as well as the many support sectors. Of course, we know that when we have a fundamental, core business such as this, it creates a ripple effect. There are a lot of other small businesses that take root.

New Mexico—and I don't have to tell the Presiding Officer, but I will tell him anyway—has two outstanding Senators, outstanding leaders, and they are Senator BINGAMAN and Senator TOM UDALL. Those two Senators have championed the renewable energy sector, and they understand the significance of the production tax credit.

I particularly wish to mention Senator BINGAMAN, who is the chairman of the Energy and Natural Resources Committee. He has continued to press the Congress on the need to extend the PTC. I know we are going to see a package come forward that will have other clean energy tax credits in it. I am a member of the Energy Committee as well. I have that great honor. I really want to tell all of us in the country that we are going to lose a renewable energy champion when Senator BINGAMAN retires in just a few weeks.

Let me turn back to the potential in New Mexico for wind energy development. As I understand it, to pass this means that if we fully develop the wind resource in New Mexico, we could provide nearly 75 times New Mexico's current electricity needs. That is an enormous number. It is why we need, by the way, a grid upgrade, because when New Mexico harvests all that wind, we are going to send that energy to places such as Tucson and Phoenix, probably into Texas, and maybe all the way to the west coast.

Let me turn back again to the need to extend this tax credit. If we do not extend it—again, we have just over 2 weeks to extend it—we risk not only losing jobs but the momentum we have developed toward achieving true energy security and economic growth.

Already, because of inaction in the Congress over this last year, we have seen Americans laid off in the wind energy industry. Clean energy plays a crucial role in creating new jobs and electricity production. We cannot risk losing more good-paying American jobs. Some studies suggest that if we let the PTC expire, we are going to lose half the wind energy industry, which would fall from 75,000 jobs to something on the order of 37,000 jobs. This is not acceptable.

We cannot let the production tax credit expire. We need to pass it as soon as possible. It is simple: The PTC equals jobs. We need to pass it as soon as possible.

Think about countries such as China and Germany. They are continuing to expand their wind industries and renewable energy sectors. If we do not support our wind energy industry here and the wind manufacturing facilities, we are effectively offshoring and exporting those jobs. Our global competitors are not hesitating. They are encouraging wind power development, and they know the longer we fail to act, literally, the more wind they can steal from our sails.

So enough is enough. This is an American industry. It needs to continue to be an American industry. But we risk everything—literally everything—if we let the PTC lapse in 18 days. So let's focus on this made-in-America potential. Through it, we can obtain energy independence, we can ensure energy security, and we can keep jobs in New Mexico and Colorado and Minnesota and New York—every State in our great country. So let's not wait any longer. Let's continue to build this clean energy economy right here in the United States. Let's do it today. The PTC equals jobs. Let's pass it as soon as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

THE FISCAL CLIFF

Ms. KLOBUCHAR. Mr. President, I rise today to urge a fiscal compromise that will allow us to avoid negative and very real consequences of the approaching fiscal cliff. Every day that passes without a deal only increases uncertainty in the markets and puts the brakes on potential economic activity. Failure to bring the national debt under control threatens our country's future.

In the weeks following the election, the message was clear from the people of this country. They want the people in this Capitol, they want people in Washington to come together to find reasonable, balanced solutions to our Nation's problems.

We need to show the country we are serious about working together to address our fiscal challenges—reducing the cost of borrowing and strengthening our financial outlook. The sooner we can agree on a long-term, balanced deficit reduction package, the better for our economy and the better for our country. It is time to put political differences aside to work on an agenda that strengthens our economy, promotes fiscal responsibility, and increases global competitiveness.

I have always said that we need to make things in America, that we need to invent again, and that we need to export to the world. We are starting to do that again. I see it all over our State, where fortunately our unemployment rate is better than a lot of other States. It is about 5.8 percent, but we can do even better. One of the keys to doing better is not only focusing on exports, on education, it is also bringing down this debt in a balanced way, in a way that will not suddenly jar our economy and put us over the edge but in a way that in the long term means businesses, the people of the world can look at it, the businesses can look at it and say: They are serious about this. They are doing this in a measured, balanced way, but they are going to get this done.

If we refuse to have an honest conversation, if we insist on using the debate only for a vehicle for political rhetoric, we will not just be doing ourselves a disservice, we will be cheating our children and grandchildren out of knowing the America we grew up in, the America in Minnesota, where one smalltown businessperson can start a business and grow and grow and grow and employ their kids and their grandkids, where a farmer can build a farm that employs people throughout the town, where someone in New Mexico can get an idea for wind energy or solar energy and start a new business. That is what this America is about.

In 2011 we came together and put in place discretionary spending caps that will reduce our debt by over $1 trillion in the coming decade. We also agreed to find another $1 trillion in savings before December 31 of this year.

While significant spending cuts are a necessary part of a balanced solution, any plan to responsibly lower the deficit cannot come from cuts alone. Revenue must also be part of the solution. I have appreciated that several of our colleagues on the other side of the aisle have acknowledged this, that revenue must be part of the solution. Now we have to put words into action.

I think the most common refrain I hear from the business community at home when we discuss what it will take to spur investment and create jobs—what they talk about is certainty. They need certainty. They need certainty if they are a farmer. We need to include the farm bill in this package so they know what they need to get for their crop insurance. They need certainty if they are a businessperson and deciding whether they should invest in new equipment, and they need to know exactly what the tax consequences and other consequences of that investment will be.

So on the revenue side, in addition to the cuts I just discussed, what does that mean on the revenue side?

First, it means extending the tax cuts for middle-class America. In Minnesota, 2 million families and small businesses will see their Federal income taxes increase by an average of $1,600 unless the middle-class tax cuts are extended. This means a lot for a family trying to decide whether they can afford a student loan to send their kid to college this fall or a business owner looking to invest in their company. It means a lot.

Second, this means returning to the Clinton tax levels for people making over $250,000 a year. Let's go back to that time. Under those rates, the economy created nearly 23 million jobs. Small businesses generated jobs at

twice the rate during the Clinton years than they did under the years of the Bush tax rates.

But we do not have to look as far back as the 1990s to see the impact of extending tax cuts for 98 percent of all Americans versus extending them for those making over $250,000. At a recent Joint Economic Committee hearing, I pointed out that extending tax cuts to households making under $250,000 would increase real GDP by 1.3 percent and increase employment by 1.6 million in the fourth quarter of 2013. By comparison, expanding the tax cut extension to include taxpayers making over $250,000 per year would only add an additional one-tenth of 1 percent to GDP. That is very little bang for the buck than what you get by extending them for the middle class. So that is one of the reasons why we are so focused on looking at this in terms of extending those tax cuts for people making under $250,000 and then going to the Clinton levels for people making over $250,000.

What is the other reason? The other reason is pretty obvious. That is what I started with. We have to bring our debt down. When you look at how much this would save just by going back to the Clinton levels for people making over $250,000, it would save nearly $700 billion over the next 10 years, and when interest payments are included, that number could easily exceed $1 trillion.

How many times have we heard economists say that we should look at the neighborhood of $4 trillion in reduction in debt over 10 years to give the world confidence in our country? So that is $1 trillion of it right there simply by going back to the Clinton tax levels for people making over $250,000.

You have another $2 trillion—$1 trillion of which we already agreed to—that you can do in spending cuts. I believe the other $1 trillion you can get by closing loopholes and making some changes that will not be on the backs of the middle class and seniors and veterans in this country—things such as the oil subsidies, such as looking at the home mortgage deduction, which is incredibly important, but perhaps we could limit it to $500,000 of the value of a home. So if you buy a $1 million home, that is great, you get a home deduction for up to $500,000 of the value of the home. Those are a couple examples.

That is the last part we are most likely not going to get to in the next 2 weeks, which is closing loopholes and ending subsidies, but right now we have to look at the Bush tax cuts and what we can do to extend them for the middle class and then get $1 trillion in debt reduction, with a downpayment on that debt reduction going into next year, as well as the spending cuts we need to make. The downpayment on deficit reduction would send a strong signal that Washington is serious about getting our Nation's fiscal house in order.

Finally, in addition to the spending cuts and revenue measures I spelled out, in order to ensure that our country remains competitive, we must move toward tax reform. One of the ways we can ensure business growth and more jobs is to create incentives to invest here in the United States and spur innovation, and that is by simplifying the Tax Code, by closing some of these loopholes I discussed, and by reducing some of the business rates and paying for reducing those business rates by closing those loopholes and ending some of the tax subsidies.

We know that is not going to be an easy task, but I believe we are up to it because Americans are up to it. They are up to it every single day when they go to work, when they make it sometimes in a very difficult situation, with one, two, three jobs, having difficult profit margins. They make that decision every day, and the least we can do in this Chamber and in Washington, DC, and in the House of Representatives is to get this done.

It is time we get serious about advancing a deal that is both fair and achievable. If we are committed to our country and not to rigid ideologies, we will get this done. None of us want to see our economy crippled. We have finally seen it stabilize, and in States such as mine we are beginning to see it grow again.

We just found out we had a huge increase in November home sales in Minnesota. There are positive signs across our country. But the way we get this in the direction we want to go, which is moving forward in a strong way, not just a stable way, moving forward to make sure we bring down our debt in a balanced way—we do not want to see things go backwards; Democrats do not want that, and Republicans do not want that—it is time for us to work together to show the American people that Washington is not broken, that, instead, we are willing to put aside our politics to do what is right for America.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

WIND ENERGY TAX CREDIT

Mr. UDALL of New Mexico. Mr. President, I am pleased to join my colleague, the Senator from Colorado—my cousin, but he is more like a brother—to highlight the importance of clean energy, renewable energy. The Senator just spoke a little bit earlier about renewable energy, clean energy, and wind energy. I wish to express my support for the extension of the wind production tax credit.

MARK UDALL, he knows well—as do I—how important this is. I wish to commend him for his efforts on the floor—and his persistent efforts—to try to get this done. I came to the Chamber to discuss wind incentives earlier this year. I urged then and I urge now an immediate extension. We need this before the end of the year. We need to provide certainty for wind projects and employees.

But here we are again. We have not gotten it done yet. We are going to have to keep working. As the Presiding Officer and the Senator from California know, we work on the floor, we work off the floor, we are working behind the scenes to try to get this done. We need to get this extension.

This vital tax credit for wind is set to expire in 18 short days. That would be a huge mistake to let it expire. Many projects would be delayed, thousands of jobs would be lost. Clean energy jobs have been a bright spot in our economy. We have seen wind energy capacity in America grow to the equivalent of 75 large powerplants. It is still growing. We added the equivalent of 106 large powerplants' worth of wind power in 2011. We see this on this chart. We are going to add even more this year.

This chart shows some interesting facts about wind power in New Mexico. We already have enough wind power installed in New Mexico to power 200,000 homes. We have 20 times more capacity in the planning stages. Then look at this projection: New Mexico has wind potential power 75 times more than the State's electricity need, with the right transmission lines—and I think this is something we also want to work on together—getting a good grid in place, a smart grid, and getting the areas of the country hooked up that have wind energy to be able to move it around. With the right transmission lines, New Mexico is set to become a major wind power exporter.

Wind power already supports 500 jobs in New Mexico. Wind farms mean payments for farmers and ranchers in New Mexico during times of drought. They mean a local tax base support for rural schools. They mean a brighter future for our economy. We are seeing real growth, real potential. But progress depends, in part, on us continuing the support for this tax credit. The tax credit has been extended seven times by Presidents and Congresses of both parties. It was enacted under a Democratic Congress and signed into law by President George H.W. Bush. It was extended in 1999 by a Republican Congress and signed by President Clinton. In 2005, it was extended under President George W. Bush as a part of the bipartisan energy legislation drafted by Senator BINGAMAN and Senator Domenici of New Mexico.

I do wish to say we are going to miss Senator JEFF BINGAMAN, our chairman on the Energy Committee. He has done a remarkable job of putting clean energy at the front and center of our

agenda. Then this tax credit was most recently extended in 2009 as part of President Obama's Recovery Act. So renewable energy has enjoyed longstanding bipartisan support, and the wind tax credit has been a great success.

The cost of wind power has fallen dramatically, as the Presiding Officer knows. It has fallen dramatically over the years. For example, GE's wind power costs have dropped from 15 cents per kilowatt hour to near 5 cents in the last 10 years. Wind is becoming cost competitive with fossil fuels. On some days, it is the cheapest electricity available. Let me repeat that because that is important because we hear arguments out there that this is expensive. But on some days, it is the cheapest electricity available.

The Department of Energy estimates we could receive 20 percent of our electric power from wind alone by 2030. But we need to stay the course and support a policy with proven benefits. We will not need this incentive forever, but we should not eliminate it overnight. Wind resources are widely available in the West, the Midwest, and often offshore.

Support of the wind tax credit is diverse. Wind power benefits a wide variety of Americans: farmers and ranchers who lease their land, tax revenues for rural school districts, iron workers, steel workers and engineers and everyone who wants to breathe clean air. Other countries—China, India, Japan, and Germany—see these benefits too. They also want the job growth. They also want the energy security. They are acting aggressively to take leadership of the clean energy economy.

Our workers and entrepreneurs can compete with anyone on a level playing field. But the Congress is tying one hand behind their backs by leaving important incentives such as this in jeopardy. Let us continue the bipartisan support for the wind tax credit. Let us work together and get the job done for our economy, for our energy independence. Let us continue to invest in clean energy.

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

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

FAREWELL TO THE SENATE

Mr. KOHL. Mr. President, I rise for one final time to address the Senate. My remarks will be brief. Actually, I just want to say one thing: Thank you. I wish I could say it with the eloquence of one of my first friends in the Senate, Senator Dale Bumpers, who told his stories and always made his case pacing these aisles like a lion tethered to a specially made, extra long microphone cord, or with the breadth of vision of the late Senator Robert C. Byrd, who sprinkled his classic Mother's Day or Fourth of July speeches with memorized poetry and his vast command of history, or with the fire of my dear friend, the late Senator Ted Kennedy, who would bellow to the rafters his passion for the America that could be and then call on the Senate to make it so.

What a privilege it has been to serve with such men and so many other men and women who have made up this body over the last 24 years. You have been my friends, advisers, sometimes adversaries, always worthy, and my inspiration. I thank you. My colleagues in this body are, to a man or a woman, thoughtful, hard-working patriots. We do not always agree, understandably. But every Senator I have met is pursuing a course he or she believes is best for the Nation and advocating policies he or she believes are best for their States.

When I have come to any of you with my ideas about what is best for the Nation or my State, you have listened respectfully, counseled wisely, and helped whenever you could, and so I thank you.

The Senate is often referred to as a family, and that is certainly how I feel about my staff, many of whom are gathering today to say our goodbyes. Perhaps what I will miss the most on leaving the Senate is coming to work every day in Washington and in Wisconsin with such a bright, creative, and dedicated group of people constantly focused on what is best for our Nation and my State, challenging and pushing me to be the best Senator I could be. You cannot be a cynic about the future of this country when you work in an office such as mine and have the privilege to interact with generations of intelligent, civic-minded, and loyal staffers.

I thank them all for making a hard job not just easy but enjoyable and for serving the people of Wisconsin tirelessly and exceedingly well.

My final thanks go to the extraordinary people of Wisconsin. Thank you for letting me pay back, in part, the great debt my family owes to the State that took in my immigrant mother and father and allowed our family, including my brothers, Sidney and Allen, and our sister Dolores, to grow and thrive. Thank you for taking a chance on me in that first election 24 years ago and renewing my contract three more times. Thank you for trusting me with your problems and concerns, your hopes and dreams.

Please know we have listened to you carefully and fought for you always. Every Wisconsinite who wanted it, Democrat or Republican, rich or poor, farmer or city dweller, got full consideration in my office. Whether it was arranging a Capitol tour, finding a lost Social Security check, pushing for legislation to reform the Federal dairy program or reviving the shipbuilding industry in Marinette, WI, every Wisconsinite had an ally and an advocate in us.

It has been the greatest honor of my life to serve these 24 years in this hallowed institution, alongside my fellow Senators and my staff and as the voice for the people of Wisconsin. For that, I thank you all one last time.

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

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, with the close of the 112th Congress, our good friend and colleague Senator HERB KOHL is retiring after four terms of dedicated service to this body, the people of Wisconsin and the United States. As a Senator, HERB KOHL has shown the same dedication and work ethic that previously allowed him to build his family-owned business into a nationally known brand name. Indeed, during his 24 years in this body, he has been a classic workhorse Senator, as opposed to a show horse Senator. Few Senators have been more willing to shun the limelight and share the credit in order to get important things done for the people of this country.

Senator KOHL is also a proud and principled progressive. His work in the Senate brings to mind the great words of the late Senator Hubert Humphrey:

> The moral test of government is how its government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.

Senator KOHL has been respected as a leading advocate on children's issues. For instance, he authored legislation to expand the school breakfast program and has been a strong supporter of child nutrition programs. He also authored legislation requiring that handguns be sold with separate child safety locks.

Of course, as chair of the Special Committee on Aging, he has led the charge in the Senate on issues affecting older Americans, something especially important in my State of Iowa.

In particular, I salute Senator KOHL for authoring the Physician Payment Sunshine Act, which was included in the Affordable Care Act. The Sunshine Act, which was the focus of a series of hearings chaired by Senator KOHL, will require transparency and disclosure on payments made to doctors and surgeons by drug and medical device companies.

Senator KOHL has been our leader in improving the safety and quality of nursing homes, ensuring criminal background checks for employees in nursing homes, and working with CMS to institute new and meaningful quality ratings for nursing homes.

Senator KOHL and I worked together, in my capacity as chair of the Health,

Education, Labor, and Pensions Committee, on legislative reform of the Pension Benefit Guarantee Corporation and its outside board.

Senator KOHL also deserves enormous credit for his committee's indepth hearings and reports identifying financial scams and abuses targeting seniors and the elderly.

HERB KOHL is a good friend, and he has been an outstanding Senator. He has accomplished many things during his four terms in the Senate. But I can think of no greater accolade than to say, simply, that HERB KOHL is a good, decent, honorable person with a passion for social and economic justice and a determination to make life better for ordinary Americans.

I join with the entire Senate family in wishing HERB the very best in the years ahead.

COLLECTIVE BARGAINING RIGHTS

Mr. HARKIN. Mr. President, I wish to rise to express my deep sadness about the events in Michigan. Denied the chance to participate in their own government, Michigan workers have been the victims of backroom political trickery, and they have lost much in a short period of time. It is also a sad day, however, for our entire country because Michigan is only the latest battleground in a much larger war on workers' rights. If we lose this great battle, the casualty will be the American middle class.

I have always said and believe that strong unions are the foundation of a strong middle class. When union membership was at its peak in this country, we all grew together. The middle class grew and prospered. Everyone, from the richest CEO to the minimum wage worker, benefited from our Nation's prosperity when labor union organization was at its peak.

Michigan's economy has always been a shining example of that shared prosperity, where an autoworker who put in a hard day's work could earn enough not only to buy one of the cars he made but to buy a house, send his kids to college, take a nice vacation, have a good retirement, and live the American dream.

As unions have declined in this country, the middle class has suffered. Those at the top earn more and more, while ordinary working people are seeing the American dream slip out of their reach.

It is not just union workers who are losing ground because unions don't only benefit their members. They benefit each and every American worker, regardless of whether one has ever held a union card. It is unions that fought for all the things we sort of take for granted. It is unions that fought for the 40-hour work week, a fair minimum wage, laws against discrimination, and laws that keep workers safe on the job. It is unions that are fighting today for Medicare, Social Security, job training, and other programs that help working families succeed.

I think it is important to go back to, truly the founding father, if you will, of the American labor movement, Samuel Gompers. He was asked once, ''What does labor want?'' Here is what he said:

> What does labor want?
>
> We want more school houses and less jails; more books and less arsenals; more learning and less vice; more leisure and less greed; more justice and less revenge; in fact, more of the opportunities to cultivate our better natures.

That was Samuel Gompers, and he went on to say:

> Where trade unions are most firmly organized, these are the rights of the people most respected.

Historically, we know that is true. Perhaps, most important now, America's labor unions are the last remaining voice strong enough to speak out for those who are not rich and not powerful. That is why they are under attack. Unions are under attack because they are one of the few remaining groups strong enough to stand up to the powerful, the very wealthy interests that want to run our country and ship our jobs overseas.

Last Thursday, Governor Snyder of Michigan called a press conference with the Republican leaders in the Michigan House and Senate and announced their plans to force through a change in Michigan laws for the so-called right-to-work law.

By the end of that same day, Republicans had introduced and passed right-to-work bills. There was no real debate. There were no hearings. To make matters worse, they manipulated the process to prevent the voters in Michigan from ever reviewing their actions. Why do I say that? Because Michigan law allows voter referendums on most laws but has an exception for appropriations bills. So the Republicans in the legislature attach their antilabor provisions to an appropriations bill to deny voters in Michigan the chance to even be heard on it.

But here is the key thing about the American people, when we are fighting for our families and our children's future, we will not be bullied, nor will we be silenced. This week's events in Michigan illustrate this so powerfully. Ordinary working people with bills to pay, kids to feed, and worries on their minds are taking time out of their busy lives to stand together, shoulder to shoulder, to say enough is enough.

This is not, again, just about organized labor. There are huge stakes for the middle class in the ongoing Republican assault on the right of American workers to organize and bargain collectively. There is a very direct connection between this war on unions and the harsh reality that American workers' incomes have effectively stagnated and even declined in recent decades, even as corporate profits have skyrocketed.

In an important column earlier this week, the Nobel Prize-winning economist, Paul Krugman, points out that even as the economy has struggled, corporate profits are at an alltime high. Moreover, as Professor Krugman points out, ''profits have surged as a share of national income, while wages and labor compensation are down. The pie isn't growing the way it should—but capital is doing fine by grabbing an ever-larger slice, at labor's expense.''

As this chart shows, corporate profits have been rising rapidly for a decade in dollar terms, but wages have been stagnant, barely keeping up with inflation over time. In dollar terms, total wages have been increasing slightly, but that is because of inflation and the size of the workforce. A growing number of workers are dividing up their share of the pie. But corporate profits have been skyrocketing, almost tripling over a decade. Therefore, the worker's share gets smaller and smaller.

This is what this second chart shows. It is kind of a little confusing, so I will explain it. If we look at a longer period of time in terms of the gross domestic product, what we see is that from the 1950s till 2000, wages and corporate profits moved back and forth relative to each other. But since the 1980s, we see a picture of corporate profits increasing and exploding over the last decade. At the same time, wages and salaries have been on a steady downward slope as the economy has grown. As I said, this pattern has accelerated dramatically over the past decade.

So let's take a look and try to make some sense out of this chart. Here are wages as a percent of the gross domestic product. If we look back at the 1950s, 1960s, and 1970s, up to about 1980, we will see that labor's share was right around 50 percent, give or take a little bit—right around 50 percent of GDP—and corporate profits basically kept in line with its share. Beginning in 1980, wages—the red line—started going down and corporate profits started their huge climb. But for the recession, where they took a dip, we can see the huge increase now in corporate profits as a percent of GDP has more than doubled from its low point in the recession of a decade ago. It has reached its highest point in over 70 years. Wages have fallen down to below 44 percent of GDP.

So as a percent, we can see that corporate profits have skyrocketed but not wages, and this is what is happening: More and more of the pie is going to corporate profits, and less and less is going to wages. That is the squeeze that is going on. If we look at unions and trade unions during this same period of time, we see, beginning right in here—beginning early in the 1980s, right in here—the huge attack on organized labor, the eroding of labor's rights in many ways, and so wages started going down.

These are not just wages of union people. These are wages of all working people—all working people. That is why I say it is not just union members who have benefited from the strength of organized labor; everyone in the

middle class has benefited from it. Throughout most of the 20th century labor unions led the push for higher wages, for pensions, health care benefits, and safer working conditions. The gains won by unionized workers served to lift wages, benefits, and working conditions for nonunionized workers as well. Millions of middle-class Americans who never thought about joining a union have received very considerable benefits from the labor movement.

I always ask people: How did we get the 40-hour workweek, time-and-a-half overtime, paid vacations, worker safety? This didn't happen because management voluntarily gave it. People struggled for this. They fought for this, marched for this, and many got beat up, lost their jobs and their livelihoods fighting just for a 40-hour workweek or for time-and-a-half overtime or paid vacations. Yet it has benefited the entire middle class of America. That is why I say when the Republicans are doing an open assault on organized labor, they are assaulting the middle class of America. They are dragging down the middle class of America.

As the war on unions has succeeded in dramatically shrinking the share that is unionized, this has reduced the ability of most workers across the entire economy to negotiate increases in wages and salaries. The result is the growing imbalance—skyrocketing corporate profits at a time when personal income is stagnant or declining. The fruits of the expanding economy have accrued overwhelmingly to corporations, their executives, executive pay, and shareholders, leaving workers behind.

Despite skyrocketing profits, and despite the fact that corporations and shareholders have taken the lion's share of income from the growing GDP, corporations are still demanding lower rates of taxation and huge additional advantages regarding corporate taxes. So corporations get more and more of the GDP at the same time they say: We don't want to pay any more taxes; we want to pay less taxes. Corporations paid an average effective rate of just 7.9 percent in 2011—7.9 percent. Now, wasn't it Mr. Romney, the Republican nominee, who said corporations are people too? Well, I bet a lot of people in this country would like to pay 7.9 percent of their income in taxes. But the corporations are still not satisfied. They want even lower rates, even as the middle class and the poor are asked to make major sacrifices—major sacrifices—as we address the so-called fiscal cliff and the real deficit that we do have.

Very high income Americans get most of their income from capital gains and dividends. The tax on that type of income is now 15 percent—the lowest percentage since the 1930s. I repeat: Since the 1930s, the lowest percentage on capital gains and dividends is right now, at 15 percent. But until 2003, dividends were taxed at the same rate as regular income. Now dividends are getting the same very generous treatment as capital gains, while regular income rates are now 35 percent.

So just think about that: It wasn't until 2003 when we said, OK, capital gains, dividends, 15 percent. Before dividends were always the same rate as regular income. So who gets that? The wealthy. Average working people don't have significant dividends or capital gains.

Republicans claim that economic calamity will occur if those rates go up. But let's look at recent history. When the 1993 tax bill passed, every Republican here voted no. Many Senate Republicans predicted economic calamity if it passed. I was here. I remember those debates. You can look it up in the RECORD. However, in the 5 years after the passage of the Clinton tax bill in 1993, 14 million jobs were created. Contrasting that, in the 5 years after the 2001 tax bill passed—that lowered the regular rate to 35 percent—only 4 million jobs were created.

Now, I am not saying raising taxes creates jobs, but raising tax rates does not kill jobs either. As we address the fiscal cliff, corporations and high-income individuals can afford to pay a greater, fairer share of Federal revenue. In recent years, they have seen their incomes grow by huge sums. It would be grossly unfair to shift the burden to the middle class, which has already been deprived of its fair share of the growing economic pie in recent decades.

Mr. President, people in Washington are obsessing about what they call the fiscal cliff. Well, we do indeed face fiscal challenges in the future. But I am more concerned about the crisis of America's middle class—a middle class confronted by stagnant or declining wages, with jobs being shifted overseas and with traditional benefits, such as pensions and health insurance, being taken away.

There is no doubt the debate over collective bargaining rights will continue—in Michigan and across the country—for months, probably years to come. While there is little I can do standing in the Senate to directly help the people of Michigan today, I wanted to come to the floor to tell them a lot of us stand with them, and we will stand with them tomorrow. A great injustice is being committed in the State of Michigan—again, not just against union members but against the middle class.

I think we have to recognize what is happening in this country: an assault on union workers, on collective bargaining, and the assaults we have seen by my Republican friends on the National Labor Relations Board, the National Mediation Board—anything to take away from workers their right to bargain collectively.

When you are a minimum-wage worker or just above, and you are working at Walmart, how much power do you think you have against the Walton family or their corporate executive? What, are they the second or third richest family in the world now? Do you think you have some bargaining power? You don't have anything. But if you are unionized, and you have all of the union members with you, now you can bargain. Now you get on a more even keel with wages and capital to make sure wages and capital don't get too far out of kilter.

That is simply what has happened. Too much of our GDP in the last 30 years has gone to capital and not enough to labor. When that happens, middle-class America suffers. When middle-class America suffers, we all suffer because we know from history, from our American experiment, the American economy grows best from the middle out, not from the top down.

So, again, Mr. President, I feel sorry for those workers who were caught off guard in Michigan. I feel sorry for the middle class in Michigan—those whose rights are being undermined. But we stand steadfast in our support for the rights of working people and for the inherent—the inherent—right of people to be able to join together to form an association or a trade union and to bargain collectively for their wages, hours, and conditions of employment.

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

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

TRANSACTION ACCOUNT GUARANTEE PROGRAM

Mr. TOOMEY. Mr. President, I rise this morning to address legislation that is under consideration—the extension of what is known as the TAG Program. The acronym stands for the transaction account guarantee. I wish to discuss this a little bit and give the reasons for my opposition to the extension of this program.

First, a little bit of history about this. Many people are familiar with the FDIC Insurance Program. It is a longstanding program that provides a limited guarantee on bank deposits. Actually, for a very long period of time—I think it was over 25 years, starting in 1980—the limits on the dollar amount of a balance that would get this FDIC guarantee was $100,000. That limit was raised for all accounts to $250,000 during the financial crisis of 2008, and then subsequently this new program was created, this Transaction Account Guarantee Program, which provides an unlimited guarantee. There is no limit whatsoever for a large category of deposits—not all deposits but all non-interest-bearing transaction deposits, which is a long way of saying pretty much checking accounts, although it

would include other things. As you might imagine, there are many large corporations, municipalities, and very wealthy individuals who have these large accounts, and today those accounts are guaranteed without limit. The proposal we have is to extend this guarantee which is set to expire on December 31, to extend it for 2 more years.

Let me be clear about one thing right off the bat. This is a taxpayer-provided guarantee. The taxpayers are on the hook for these deposits. If anybody has any doubt about that, I refer them to the FDIC's Web page. The home page of the FDIC's Web site states very clearly that ''FDIC insurance is backed by the full faith and credit of the U.S. Government.'' That means the taxpayers, so American taxpayers are on the hook for the full amount of these transaction guarantees.

Let me explain why I think this is problematic. The first reason is a simple one. We are not in a financial crisis anymore. We have a miserable economy, but we certainly do not have a free-fall fiscal disaster, with financial institutions collapsing. We do not have the fall of 2008 anymore. There is actually quite a lot of stability in financial institutions. You could have a very interesting debate about whether this was ever a good idea, but I do not understand how you can justify it now in an environment that does not even faintly resemble the crisis circumstances of 2008. If we are going to extend it now for 2 more years when there is clearly no need for it, it certainly seems to me to suggest an interest in making this a permanent feature of the American banking system—permanent, unlimited guarantee, the socialization of deposits in this country, which I think is a terrible idea.

Second, this is a big contingent liability for taxpayers. There is about $1.5 trillion in deposits right now that fall into this category and is being guaranteed and would continue to be guaranteed if the guarantee were extended.

It is also worth noting that this mostly benefits the big banks. It is big banks, not surprisingly, that have a disproportionate share of big accounts. In fact, the 19 largest banks hold two-thirds of all the deposits and accounts that are guaranteed under the TAG Program, so this is a nice big help to a lot of big banks.

I would argue that there is something maybe even worse than all of this about this. I believe the very existence of the TAG Program actually increases the risk of bank failures, and here is the reason why. In the absence of these unlimited guarantees, a corporation or a municipality or a wealthy individual or an institution making a large deposit—an amount that exceeds the limited FDIC's traditional guarantee—such an institution is going to do its due diligence on the strength of the bank. It is going to want to understand that this bank is properly run, that it is prudently managed, and that due diligence is a discipline the market imposes on the banking system. The banks have to prove to potential depositors that they are well run, that they are sensible and prudent and are not taking too much risk in order for the depositors to be confident they will ever be able to get their money back. So that is a very important mechanism that imposes a discipline that helps to keep banks doing what is prudent.

With this unlimited transaction guarantee, nobody has to worry about whether the bank is well run because the government, the taxpayer is there to return all their money if the bank messes up. That removes that very important discipline and in the process I think actually increases the risk that more financial institutions, more banks would in time fail because they are not held to a higher standard by their depositors and that therefore the taxpayers would be picking up an even larger tab than what some might project.

I argue that the premiums systematically underfund this program. There are premiums that are charged to the banks in return, but banks would be adamantly insisting that they have the option to opt out if they were not being subsidized. The fact is, it is being subsidized. So the taxpayers are not getting, in my view, an adequate premium for the risk they are taking—not that they should be in the business of taking that risk in the first place.

The last point I would make about the banks is that I don't think this is good for the banks themselves because this is the kind of government program that inevitably leads to a lot of people in this town thinking they have the right to force the banks to do whatever they want them to do, including giving away goods, and it is justified on the grounds that it is reasonable for us to ask of these banks since, after all, we the taxpayer, we the government provide them with this guarantee. So I think this is not in the interest of the banks themselves.

I am sympathetic with the argument that some of my friends in the community banking world have made, the argument that with Dodd-Frank, when we codified too-big-to-fail, we created a whole category of large financial institutions and we designated them—we use a different acronym—we call them systemically important financial institutions. Most people see that as another way of saying too big to fail. Having codified that, our community bankers argue that that gives these banks an unfair competitive advantage in attracting depositors.

I am sympathetic to that argument, but I would argue, first of all, that it is seldom a good idea to counter one bad government policy with another one. Compounding errors usually takes you in the wrong direction.

Second, what we need to do is reform Dodd-Frank. We need to do a lot in reforming Dodd-Frank, in my view. That is the right way to deal with this perception of a competitive advantage. We ought to be providing a lot of regulatory relief for community banks, and I say that as someone who has been actively involved in the community banking industry personally.

I also suggest that there are other ways community banks can, in fact, successfully compete against the large banks, other than with this guarantee of deposits.

My last point is that last year we ran a deficit of $1.1 trillion. This coming year, unfortunately, it looks as though we are likely to do something like that again. This bill violates the Budget Control Act, the cap, the limit we put on spending. It exceeds that, and it creates a new amount of spending above and beyond what was contemplated. I think that is a huge problem in and of itself. So I oppose this legislation on the substance of it, but in particular I am objecting to the fact that it does exceed this budgetary authority.

Mr. President, at the appropriate time, I intend to raise a budget point of order. If that is now, I will do it now.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSACTION ACCOUNT GUARANTEE EXTENSION ACT

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

The assistant legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

Pending:

Reid amendment No. 3314, to change the enactment date.

Reid amendment No. 3315 (to amendment No. 3314), of a perfecting nature.

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.

Reid amendment No. 3317 (to (the instructions) amendment No. 3316), of a perfecting nature.

Reid amendment No. 3318 (to amendment No. 3317), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. TOOMEY. Mr. President, the pending measure, S. 3637, the Transaction Account Guarantee Act, exceeds the Banking Committee's section 302(a) allocation of new budget authority and outlays deemed by the Budget Control Act of 2011; therefore, I raise a point of order against this measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The senior Senator from South Dakota is recognized.

Mr. JOHNSON of South Dakota. Mr. President, pursuant to section 904 of

the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending measure, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees prior to a vote on the motion to waive the budget point of order.

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I support the budget point of order that has been raised, but let me just make a point. I had an amendment that would have kept this budget point of order from being a problem. The reason we are where we are is that both Republicans and Democrats had amendments to this bill, and the ones we put forth would have solved this budget point of order, but because my amendment has not been heard, the Senator from Pennsylvania has raised this budget point of order, and the fact is that I hope it will be sustained. But what is the shame of all of this is that both Democrats and Republicans had amendments to this bill. I think the amendment I put forth would have carried the day. It would have allowed the FDIC to actually charge enough money in the difference for these transaction accounts so we would not have the budget point of order that has been raised. But the amendment has not been heard. The leader filled the tree, and therefore no amendments—not Republican amendments, not Democrat amendments—could have been heard.

The other amendment I had that would have helped even more or added to this solution is we could have made this program voluntary so that if there are community programs around the country that wanted to participate in this program, they could have done so on a voluntary basis.

So there are two amendments—one that would have forced the FDIC to actually charge enough money to make this account actuarially sound, and that amendment is not being heard, and an amendment to allow this to be voluntary so that if there are community banks that are struggling and feel as though they need to protect these accounts and still keep them in their banks, they could have paid the actuarially sound amount to make that occur. But neither one of those amendments has been heard.

I would say to everybody in this body who is tired of this place not working because neither side of the aisle has the opportunity to vote for amendments, to have amendments heard and voted on, I say to both sides of the aisle that we absolutely should vote to uphold this point of order and hope that when we come back next year, both Republicans and Democrats will have the opportunity to represent their constituents back home by offering amendments that can actually be voted on in this body.

I thank the Senator for raising the point of order. I wish we could have made this work for our country in an appropriate way, but what we are going to have today is just a simple vote.

I will just say this—and I probably shouldn't—the only reason we are voting on this amendment is that my friends on the other side of the aisle know Dodd-Frank has hurt community bankers throughout this country. They are trying to throw a bone out to community bankers across this country, and they are trying to get us to vote against it. That is not the way this place should work.

I have amendments that would have fixed this bill, made it work for community bankers, and we could have gone forward. The only reason we are doing it this way is because my friends on the other side of the aisle know the provisions in Dodd-Frank are hurting community bankers and they are trying to throw a bone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I wonder if the Senator from Tennessee would yield to me on this very point.

Mr. CORKER. Absolutely.

Mr. WICKER. Mr. President, I thank the Senator from Tennessee for making this point. I have an amendment to this bill that I would like to have had heard. It strikes a middle ground between the unlimited per account liability and the $250,000 we have traditionally had. It is a modest compromise as well as an alternative, and it will not be considered because of the very practice my friend from Tennessee has mentioned.

It is not only our amendments—I just came in on the tail end of the Senator's remarks—but there are Democratic amendments which deserve to be heard on this bill. Senator UDALL has an amendment—he is a member of the majority party—and it is a well-reasoned amendment that deserves to be considered and heard. The distinguished majority leader has chosen to fill the amendment tree and offer only his select amendments, and now I am deprived from the ability that I think a representative of several States should have; that is, to bring forth an idea and have it heard. I might not be able to get a majority on it and Senator UDALL may not prevail, but we deserve to be heard.

This has been the greatest deliberative body in the world—at least that is what I heard before I came over from the House of Representatives—but it has not turned out that way. The majority leader time and time again fills the amendment trees, thereby preventing any of the other 99 Senators from offering amendments.

The Congressional Research Service has identified 40 instances in which opportunities for debating and offering amendments had already been limited by the Senate majority leader by filling or partially filling the amendment tree.

I have one more point and then I will yield back to my friend from Tennessee. We are going to miss the services and the independence of the distinguished senior Senator from Maine, Ms. OLYMPIA SNOWE. I think anyone in this body would have to admit Senator SNOWE has been evenhanded, bipartisan, and often nonpartisan. She has objected to this very practice by this very majority leader, and I think it is destructive to the overall process of the Senate.

In the specific words of retiring Senator OLYMPIA SNOWE: First and foremost, the Senate should have the ability to debate more than the three amendments the majority leader is allowing. It is therefore imperative that Senate deliberations on the Defense bill be conducted without limitations and in a manner that allows for the consideration of all related amendments that Senators may wish to offer.

I have been aggrieved that my little amendment is not going to get anymore debate than these few moments right now. I know the Senator from Tennessee feels the same way, and undoubtedly Senator UDALL would prefer a vote and debate on his amendment. We can fix the Senate. We can get back to the leadership we had under Mansfield and Mitchell of Maine and Lott of Mississippi and other majority leaders. We can move legislation along but not if we continue this abuse of the process by filling the amendment tree.

I will be voting with the distinguished Senator from Tennessee and the Senator from Pennsylvania on the point of order because we need to draw a bright red line there. Perhaps we can get on this issue at some other point. I hope the Senate can get back to an orderly debate on matters of substance.

I thank my friend, the Senator from Tennessee, for yielding on that point.

I yield back.

Mr. CORKER. Mr. President, I thank the Senator from Mississippi for his comments, and I will yield the floor to the Senator from Pennsylvania.

I have a couple more comments, and when appropriate, I will make them.

Mr. TOOMEY. Mr. President, I thank the Senator from Tennessee for allowing me to make a couple points. These are very well-made points about having the opportunity to actually debate and try to improve a bill on the floor. One of the things that disturbs me is that I see a pattern that is playing out today, and this is not the first time. This is just part of why we have not had a budget resolution for 3 consecutive years. The majority party does not want to have to come down and actually cast votes.

If there is a budget resolution on the floor, there surely will be amendments. We all come from different places, have different ideas, and we want our constituents to have a chance to get their

say. The majority party apparently does not want to have to cast votes. I think that is part of why there has not been a single appropriations bill on this floor, and that is just a shocking abdication of our responsibility.

Here we are in mid-December, and while the committee has voted this out—if not every appropriations bill, the vast majority of them—not a single one has been brought to the floor. We have seen this happen on bill after bill. I hear the criticism that Republicans will not allow the body to get on the bill. The motion to proceed passed; the cloture motion passed. We are on the bill. Despite that, there is no opportunity to have a meaningful, substantive debate about ways this could be improved and changed. It is not possible because the distinguished majority leader refuses to permit it. In my view, that is the dysfunction of this body; it is a pattern, and it is a problem. I too had a couple of amendments I would like to have had an opportunity to discuss.

I wish to make one other point. On the few occasions when the majority leader has actually permitted an open amendment process—the farm bill, postal reform bill, and Defense authorization come to mind—we would start with a huge, long list of amendments. Then people say: There are too many. I will give up some of mine. We got to a manageable amount, we dealt with them, and actually all three of those bills passed. The process works when it is allowed to take place, but this is not a very good function.

The last point I will make is to urge my colleagues to remember when we are running trillion-dollar deficits as it is, the last thing we ought to do is increase the size of those deficits with a taxpayer bailout of banks, and that is what this ends up amounting to.

I urge my colleagues to sustain this point of order.

I yield back to the Senator from Tennessee.

Mr. CORKER. Mr. President, I will be a little more brief this time. I thank the Senator for the point of order that he made and also his comments. We have some people on our side of the aisle who I know—due to things that have happened in this body previously—have had some amendments. I know some people feel as though we are harmful to banks which they may have supported in the past and maybe this is a way to do something that sort of makes it even, if you will.

I will just say to my friends on this side of aisle that may have some of those feelings, we have two amendments—there are actually multiple amendments—that will make this bill work. One amendment would cause the FDIC to charge the rate necessary to take into account the losses that are going to occur. I think it might pass by unanimous consent. I cannot imagine why people in this body would not like the FDIC to have to charge the appropriate amount.

Secondly, it would make this program voluntary. There are a lot of banks that candidly don't want to participate. They don't want to pay the fee. We can make this voluntary.

To my friends on this side of the aisle, I just want to say: Look, if we could hear these amendments, we could make this bill work for everybody. I don't like these kind of guaranteed programs, generally speaking, but I would be willing, if my amendment is passed, to support this bill.

I wish to go back to the last point. A point of order has been raised. The way this bill is now constructed, it violates the Budget Control Act. This body has voted to uphold budget points of order on some pretty tough issues.

I think the point the Senator from Pennsylvania is making is we are going to violate a budget point of order to create a bailout for banks. I don't know. In my opinion, that is not exactly what we need to be doing. We can fix this if we could hear our amendments to make it so it is not a bailout for the banks by just making it actuarially sound and know they are covering their costs themselves, but the majority leader will not let us do that.

Candidly, I hope my friends on the Democratic side of the aisle would vote to uphold this budget point of order, knowing that if we could consider all the amendments today, we could actually make this sound. I hope we would unify the body and say to the majority leader: Enough with filling the tree and not allowing the Senate to operate. Let's get beyond that.

Again, I hope we will support the budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the way we arrived at this point is the Congressional Budget Office, our chosen authority on budget matters, has concluded that the legislation violates the budget, and they submitted analysis to that effect that has been provided to the chairman of the Budget Committee, Senator CONRAD, an honorable chairman of the committee. He and his staff have examined it, and they concluded that it does. They have advised the Parliamentarian.

Senator TOOMEY has now raised the budget point of order, and based on the report from the chairman of the Budget Committee, the Parliamentarian will rule that this legislation spends more than we agreed to spend under the Budget Control Act limitations and will therefore sustain it. The people who are promoting the legislation will seek to waive the budget, ignore the fact that it violates our spending limits, and pass the bill anyway. I think that is bad.

We have had a series of these votes. It is time for the people who advance legislation in the body to be careful, and when they submit legislation that it stays within the budget. When they block this legislation, it violates it.

In August a year ago, Congress agreed to certain spending limitations. It was not enough in my view, but there were some noticeable limitations. We would still spend more every year but limit the growth. Regardless, it was limited. There was a limit on how much we could spend. Whether it is up or down, it limited it, and this would be in violation of it.

I wish we could get to a point of where the legislation was fixed before it got to the floor and was in compliance with the budget.

I say to my colleagues, as ranking Republican on the Budget Committee, we can get the score. CBO will give us the score. There is plenty of opportunity to have this information before the vote and before the bill comes before the floor.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota.

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

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

Under the previous order, the question is on agreeing to the motion to waive the budget point of order.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 42, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—50

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hutchison	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson (NE)	

NAYS—42

Alexander	DeMint	Moran
Ayotte	Enzi	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Cochran	Lee	Thune
Corker	Lugar	Toomey
Cornyn	McConnell	Vitter
Crapo	Mikulski	Wicker

NOT VOTING—8

Boxer	Inouye	Leahy
Hoeven	Kirk	McCain
Inhofe	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained. Under the previous order, the motion to invoke cloture on S. 3637 is withdrawn.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that today, Thursday, December 13, at 1:45, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 830, 832; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 830 and 832, in that order, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any statements related to this matter be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 1:45 p.m. with Senators permitted to speak for up to 10 minutes each; further that Senator SNOWE be recognized at 1 p.m. for up to 45 minutes; finally, at 1:45 p.m. the Senate proceed to executive session as provided under the previous order.

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

ORDER OF BUSINESS

Mr. REID. Madam President, we hope that after the first vote this afternoon we will be in a position to enter an order that we would be on—when we come back on Monday—the supplemental. We are going to come in earlier than usual. There will not be a vote until 5:30. That will likely be on a judge. But during the afternoon, there can be a case made for the supplemental. So we hope to have a consent agreement on that within the next couple of hours.

The PRESIDING OFFICER. The Republican leader.

TRIBUTES TO DEPARTING SENATORS

SCOTT BROWN

Mr. MCCONNELL. Madam President, I would like to continue the difficult task of saying goodbye to Senators who will not be with us in the next Congress. Sadly, that includes Senator SCOTT BROWN of Massachusetts.

Senator BROWN came to us already something of a political legend. In just a few short years, he leaves behind an outsized legacy. We all remember how SCOTT rose to national prominence in the election literally heard about around the world. After the death of Senator Kennedy, there was an open seat in Massachusetts and a special election to fill it. Few people even entertained the thought of a Republican winning. And for good reason. Few States are as synonymous with political liberalism.

Democrats outnumber Republicans in the State 3 to 1, and the entire congressional delegation is composed of Democrats. But supported by his wife Gail and their daughters, along with some key early allies, including our own Senator MCCAIN, SCOTT appealed to the State's political independents, ran a flawless campaign, and won. As he put it on election night, he beat the odds and the experts, and the people became the machine. I think the 2006 GMC Canyon that SCOTT drove around during the election should actually go to the Smithsonian.

We all remember that night, and, in particular, SCOTT's acceptance speech. Most people focus on what he said about his daughters, but the speech itself was a masterpiece. It perfectly summed up the political moment, and it captured something essential about SCOTT's success; that is, the notion that no politician has a right to his or her seat; that we are all here to serve our constituents.

Every day I hold this office, SCOTT said, ''I will give all that is in me to serve you well and to make you proud . . . [and] most of all, I will remember that while the honor is mine, this Senate seat belongs to no one person and to no political party, and as I have said before, and you said loud and clear today, it is the people's seat.''

SCOTT lived up to his promise. He captured the imagination of the entire country when he corrected David Gergen by telling him the so-called Kennedy seat was, in fact, the people's seat. He carried that message straight to Washington.

I remember SCOTT telling me in our very first meeting that I could not count on his vote, that I would have to earn it. I told him he could do whatever he pleased. While he has not been here long, he has certainly made his mark. I have seen a lot of politicians in my day, but few have been as talented as SCOTT BROWN. He is a unique talent. I have no doubt we will see him back in Washington someday in the not too distant future.

The truth is, SCOTT's victory was not the first time he had done what others thought impossible. As a young man, he knew poverty first hand, and a broken home, and even took to shoplifting to feed himself and his sister. Yet SCOTT overcame these early challenges. As is often the case, he owes a lot of it to an adult who saw his potential early on.

In SCOTT's case, that adult was Judge Samuel Zoll. When SCOTT showed up in his chambers one day, Judge Zoll saw a troubled but decent young man who needed a friendly nudge.

''We had a long talk about [the] talent I thought he had, and I didn't want to see him squander it,'' Judge Zoll later recalled.

SCOTT, of course, remembers it a little differently, saying the judge ''verbally kicked [his] butt.''

The judge ordered SCOTT to write a 1,500-word essay about disappointing his family. After reading it, he told SCOTT he would give him a break this time, but if he ever stole anything again—anything—he would be sent to jail. Judge Zoll's lesson stuck so deeply that the two men remained friends until Judge Zoll's death last year.

SCOTT went on to be a baseball star in high school and in college, earning the nickname ''Downtown Scotty Brown.'' That was for his accuracy with a 3-point shot. Then he went to law school, the Army National Guard, held city and State political office, where he was 1 of just 5 Republicans in a body of 40 in the State senate and then the U.S. Senate.

Senator BROWN also famously found time to do a little modeling in his youth, and it was through this work that he met his wife Gail. I have had the pleasure to get to know SCOTT and Gail well over the last 3 years. They have two daughters and make an absolutely wonderful family. I am sure Gail, Ayla, and Arianna are very proud of SCOTT and just as sad as I am to see his tenure cut short. But they should be proud of the fact that SCOTT has accomplished a lot in 3 short years in the Senate.

He led the charge to repeal a burdensome withholding tax that hurt small businesses. He crafted legislation for crowdfunding, which allowed job creators to raise startup funds for their businesses over the Internet with less redtape, and he introduced legislation to ensure that children's hospitals have access to discounts on orphan drugs that are used to treat rare diseases. All of these bills are now law.

As a 32-year member of the National Guard, Senator BROWN takes a special interest in our men and women in uniform and their families. He introduced legislation to give businesses incentives to hire veterans, who, sadly, have

higher unemployment rates than the national average. He introduced and saw to passage legislation creating the Office of Service Member Affairs to protect troops who are often targeted by financial fraud and scams. He saw to the passage of legislation making it easier to void government contracts with businesses found to be funneling taxpayer resources to terrorist groups. He fought for National Guard members and their families to receive their fair housing allowance when deployed overseas.

Although his work in the Senate has come to an end, I am sure SCOTT BROWN's work in public service, in whatever capacity, will not. He is still a young man with a bright future ahead of him. I, for one, am very much looking forward to seeing how he uses his talents next.

From the statehouse to the Senate, from the modeling shoot to the basketball court, Senator SCOTT BROWN has always made his own success. I do not think he knows any other way.

SCOTT, it has been an honor serving with you. You not only made history, you made a difference. You should be proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

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

THE FISCAL CLIFF

Mr. REED. Madam President, I rise today to speak about the real-world consequences of failing to achieve a fair and balanced solution to avert the automatic tax hikes and spending cuts that would otherwise occur at the end of December—the end of this month.

Failing to continue unemployment insurance, allowing taxes to rise on middle-income Americans, and cutting Federal spending too much and too soon during a struggling economic recovery could, as the nonpartisan Congressional Budget Office has estimated, cause a new recession.

This is a fate we can and should avoid for people in my State and across the country. Indeed, families in Rhode Island are still getting their economic footing and cannot afford another economic setback. An economic downturn will erase the strides we have made so far to strengthen our economy and exacerbate the widening income inequality, which Americans sense and recognize in an economy that all too often seems stacked against them. Instead, we must work toward a compromise that is fair, helps the middle class, creates jobs, and strengthens and accelerates our economic recovery.

As I see it, widening income inequality and the sense that future generations will not see the same kind of economic security as my generation is one of the most pressing challenges facing our Nation. Over the past several decades, top earners have taken a bigger and bigger chunk of income while wages have stagnated for far too many Americans.

From 2000 to 2007, incomes for 90 percent of workers rose by about 4 percent, while the top one-tenth of 1 percent of Americans saw income gains of 94 percent. The vast majority of Americans have seen wage gains that are barely enough to keep their heads above water, while a very small number of top-income earners have seen an extraordinary growth in income.

In 2010 alone, about 20 percent of all income went to the top 1 percent. We are now back to income inequality levels similar to just before the Great Depression. Such wide disparities are unsustainable, create economic instability and threaten our social fabric.

In the past, when income inequality has reached these kinds of levels, Democrats and Republicans have both recognized its destabilizing impact and worked together to reward success while providing meaningful opportunities and a sense of fairness for all Americans.

I believe there are straightforward ways we can begin to reverse this escalating income inequality—ways which are true to the founding principles of our Nation. After all, we have done it before. From the end of World War II and well into the 1970s, incomes grew rapidly across the United States and economic prosperity was broadly shared. As our economy grew, every level of America shared in that growth.

By making education affordable, fostering innovation and job creation, and providing economic security to retirees through Medicare and Social Security, our country went from a paralyzing Great Depression to an economic superpower. We were able to accomplish such a drastic transformation because we were willing to consider revenue as a way to invest in the future and promise economic security to our seniors.

Focusing spending on policies that work and balancing revenue is at the core of this debate. I have made tough choices in the 1990s that balanced the budget, generated a surplus, and supported robust job creation. In January of 1993, the unemployment rate stood at 7.3 percent, and by January of 2001 that rate had been reduced down to 3.9 percent. That period of record growth also saw a substantial decline in the poverty rate. In 1993, 15.1 percent of Americans were in poverty, but thanks to job growth and an expanding economy based upon a balanced approach to deficit reduction—including revenue and reduction in expenditures—poverty fell to 11.3 percent in 2000.

But the unpaid wars of the Bush administration, excess tax cuts for the wealthy, and a financial crisis brought on by lax regulation under the Bush Presidency erased those hard-fought gains of the 1990s. As a result, we have seen education become more expensive, Federal investments that support economic prosperity for all have been reduced, and economic gains have been concentrated at the top. Meanwhile, in spite of repeated claims, lower tax rates for the wealthiest haven't driven job creation and economic growth. We have had record low income tax rates; yet now we are struggling with one of the worst unemployment crises we have seen since the Great Depression.

I believe the election has shown Americans want us to return to the principles that work for the benefit of everyone, not just a select few. With that in mind, the path forward should be clear.

We should continue tax cuts for income up to one-quarter of a million dollars and reduce the deficit by nearly $1 trillion. We should continue extended unemployment insurance for 2 million people who will lose it otherwise. We should prevent further immediate cuts to Federal investments in things that keep us safe, grow our economy, and enhance the lives of Americans, whether it be infrastructure, workforce training or research and development.

What we should absolutely not do is make changes, hasty changes, to Social Security and Medicare that would undermine the promise of economic security to seniors, not just this generation of seniors but succeeding generations of seniors. Fairness, opportunity, respect for the rules, and a sense of security in retirement, those are the priorities that can't be lost as we debate the budget.

So I am disheartened to hear that Republicans are holding the middle class and the entire economy hostage in order to preserve nearly $1 trillion in additional tax cuts for the top 2 percent of Americans, while at the same time proposing detrimental changes to Social Security, Medicare and Medicaid. I believe this is an untenable position and one I hope my colleagues on the other side will soon abandon.

Moreover, the Republican proposal does not provide immediate, short-term aid to 2 million Americans out of work and looking for employment. These were men and women who were working, and as a consequence of the economic difficulties over the last few years have lost their jobs. Their proposal would not, as the President's plan does, put Americans back to work, not just by continuing benefits in terms of unemployment insurance but by putting Americans back to work improving our roads, bridges, and transportation infrastructure.

Unfortunately, in the past, too many on the other side of the aisle have stymied efforts to accelerate the recovery like blocking jobs legislation that was paid for by asking millionaires to pay Clinton-era rates on income over $1 million. They have endorsed proposals that would transform Medicare into a voucher program and Medicaid into a block grant, which would merely shift health care costs to seniors and States rather than address underlying cost drivers and inefficiencies.

So it is not surprising Speaker BOEHNER has put forth a significantly flawed proposal, in my view, that would jeopardize our economic recovery, undermine the middle class by not providing immediate support for our recovery, and do very little to achieve real deficit reduction.

While the President, in contrast, has put forward a clear and specific plan, the Speaker's proposal is light on details related to deficit reduction. It is, I sense, another sign that the Republican Party is out of touch with the majority of Americans who favor the President's approach. We have had an election in which voters made it clear that if we are going to propose major policy changes, then those proposals must be real and credible. Americans want us to be candid and honest with them as we make these difficult decisions.

We can disagree about policy—we do that all the time—but it is hard to disagree about simple arithmetic. The Speaker, for example, has proposed $800 billion in taxes through ''limiting deductions and lowering rates,'' also known as ''lowering rates and broadening the base.'' But as many nonpartisan analysts have shown, the numbers don't add up. ''Lowering the rates and broadening the base'' just means tax cuts for the wealthy and higher taxes for the middle class because deductions for home ownership, charity, State and local taxes would have to be severely limited for most Americans in order to pay for the top rates and avoid further growing the deficit.

It is not only the math that doesn't add up, but it is also their assumption about job creation and the economy. Historical data shows reductions in top tax rates have had little impact when it comes to creating jobs and boosting growth. But tax cuts do, according to the data, increase income inequality.

In contrast, the President and Democrats have been clear with the American people that we can't afford nearly $1 trillion in additional tax breaks for the top 2 percent—which do little for job creation and exacerbate income inequality. We should let the top two marginal tax rates expire. Democrats have already passed legislation in the Senate to do that. And again, to be clear, letting the top marginal tax rates on income over a quarter of a million dollars expire would still mean all Americans get a tax cut for income below that level.

Moreover, Speaker BOEHNER, in his proposal, again raises the specter of increasing the Medicare eligibility age and reducing Social Security benefits. While raising the Medicare eligibility age from 65 to 67 beginning in 2014 would result in $125 billion in Federal savings, it would basically shift all those costs onto State governments and the private sector.

To help illustrate this cost shift, the Kaiser Family Foundation examined what would happen during the first year the policy would take effect, 2014. In that year, individuals would not qualify for Medicare until age 65 and 2 months. This change would trigger $5.7 billion in Federal savings. However, spending on the part of State governments, employers, beneficiaries and individuals and families slated to purchase health insurance through new health insurance exchanges would double—to the tune of $11.4 billion. Indeed, increasing the Medicare eligibility age is a shell game that will just shift costs and do nothing to bend the proverbial cost curve.

If my colleagues on the other side of the aisle wish to reduce the deficit by $125 billion, there are better ways to do it. We can start by closing egregious loopholes that benefit companies that shift jobs overseas or benefit oil and gas companies.

And there are ways to reform Medicare and Medicaid without shifting costs to beneficiaries and making the goal of a secure retirement harder to achieve. Indeed, the Affordable Care Act makes a downpayment on deficit reduction with a sensible and thoughtful approach to addressing the underlying drivers of health care costs. And we can do more in this regard. We can eliminate overpayments to Medicare Advantage plans. We can allow the Secretary of Health and Human Services to negotiate directly with companies on the cost of prescription drugs in Medicare—or, at the very least, increase rebates in programs such as Medicare and Medicaid.

We should not look to Social Security to solve our fiscal deficit either. Social Security will continue to spend less than it takes in until 2033. And even if we don't do anything to address this very long-term issue, beneficiaries would still receive 75 percent of their expected benefits, according to the law. Moreover, Social Security is not a driver of the deficit. If we make any changes to the program, they must be done, I believe, outside the debate on the deficit and directed at extending the life and solvency of the Social Security trust fund in order to keep our commitment, not only to this generation of seniors, but to succeeding generations of seniors.

Shoring up Social Security can be achieved in several ways, for example, by broadening the taxable wage base. The last time Social Security was reformed in 1983, the cap on taxable income covered 90 percent of earnings. Now the cap only covers 85 percent of income and is steadily decreasing. The first thing we can do is begin to restore the original intent of the program and we can do that by lifting the cap on wages over $250,000.

I hope my colleagues on the other side would hear the same message with respect to some of their proposals regarding Medicaid. Medicaid is already a rather efficient program. Medicaid actually costs less per beneficiary than private insurers to cover similar people with similar health issues. Medicaid spending has grown at a slower rate for beneficiaries than private insurance. Changing the financing structure of Medicaid is just another example to score a political victory at the expense of some of the most vulnerable people in our society.

I hope to work with all my colleagues, on both sides, to strengthen Medicare, Medicaid, and Social Security. But now, with only 3 weeks left, it is not the time to make hasty and drastic alterations to the foundation of economic security for seniors and for their families. Because when we talk about seniors, we are also talking about their sons and daughters who would have to step up and fill the gap if we made unwarranted changes to Medicare and to Social Security.

Many of these Republican proposals don't sound particularly serious. The revenue and deficit reduction targets are deceptive and, worst of all, it seems to be more sloganeering, not problem solving. Our goal should be improving the economy and reversing the stark trend of income inequality that has been exacerbated by this great recession and prolonged unemployment.

We should not cut the deficit on the backs of the middle class and seniors. We only have a few weeks before various provisions of the law will begin to cut into our economic growth. The loss of unemployment insurance, for example, will be immediately harrowing for the 2 million on unemployment insurance; middle-income families will be squeezed more and more as their taxes rise and government spending in critical programs is slashed, all because some on the other side are more concerned with protecting tax breaks for the wealthiest.

Economists believe this kind of economic contraction could lead to another recession, where once again low- and middle-income families will feel the brunt of the downturn and have the hardest time making up lost ground during the ensuing recovery.

I hope my Republican colleagues drop their attempts to cut the deficit on the backs of 98 percent of Americans and 97 percent of small businesses in order to provide additional tax cuts to the wealthiest 2 percent of Americans. I hope my Republican colleagues drop their demands to make drastic and hasty changes to Medicare, Medicaid and Social Security. I urge them to pass the Middle Class Tax Cut Act, continue unemployment insurance, and work with us to develop a rational alternative to sequestration. This approach is fair to the middle class, will grow our economy and create jobs, and will help turn around income inequality in our country.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Ms. SNOWE. Madam President, I ask unanimous consent to proceed as in morning business and that I be allowed to consume as much time as needed.

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

FAREWELL TO THE SENATE

Ms. SNOWE. Madam President, I rise today with an infinite appreciation for the institution of the U.S. Senate as well as a profound sense of gratitude as I prepare to conclude my 18 years in the Senate and my nearly 40 years in elective office on behalf of the people of Maine.

It has been difficult to envision this day when I would be saying farewell to the Senate, just as it was impossible to imagine I would one day become a U.S. Senator as I was growing up in Maine. But such is the miracle of America, that a young girl of a Greek immigrant and first-generation American, who was orphaned at the age of 9, could in time be elected to serve in the greatest deliberative body the world has ever known and become the third longest serving woman in the history of the U.S. Congress.

So in contemplating how to begin my remarks today, I was reminded of the words of the renowned American poet and son of New England, Ralph Waldo Emerson, who said:

> Cultivate the habit of being grateful for every good thing that comes to you, and to give thanks continuously. And because all things have contributed to your advancement, you should include all things in your gratitude.

That perfectly encapsulates how I am feeling on this day—thankful and blessed. In that light, I first and foremost want to thank the people of Maine for allowing me to be their voice, their vote, and their champion for 16 years in the U.S. House of Representatives and for three terms in the U.S. Senate. One of the definitions of the word ''trust'' is ''a charge or duty imposed in faith or confidence.'' And to have had the trust of Maine people, who have placed their faith and confidence in me, is an honor of indescribable magnitude. Indeed, serving my magnificent State over the past 34 years in the Halls of Congress has been the greatest privilege of my life.

I also want to thank my amazing husband, Jock McKernan, who is with us today and who, as you know, was a former Congressman and former Governor of Maine. In fact, when Jock was Governor while I was serving in the House of Representatives, we used to joke that our idea of quality time together was listening to each other's speeches. But truly, we have shared a passion for public service and quite a unique journey together, with 56 years between us in elective office, and we have never regretted a single moment.

I am also pleased to say he is joined today by our very wonderful, longtime friends, Dan and Sharon Miller from Maine.

On this occasion, I also think of my family, without whom none of this would have been possible. I have often joked that the secret to my electoral success is coming from such a large extended family—some of whom we started on campaigns at birth, I might add. But they have been a source of boundless love and support over the years, through the struggles as well as the celebrations, and I thank them from the bottom of my heart.

It is also impossible to serve for this long and at this level without dedicated and exceptional staff, and during my tenure in the House and Senate, I have had nearly 400 people on my staff who have helped to make all the difference for me, for Maine, and for Washington. Here we have had tremendous support with the invaluable guidance and efforts on the part of my staff through the extraordinary events of more than three decades, and they have represented the very best and brightest the Nation has to offer. They are here today in the back of the Chamber and up in the gallery, and I applaud them time and time again. In fact, we had a wonderful reunion of all of my staff, and I realize it just simply would not have been possible to have been on this legislative journey without them.

The same is true of my staff in Maine, who have not only been my eyes and ears but also my stalwart surrogates in assisting Mainers with their problems and in navigating the Federal bureaucracies. Like me, they have never been inclined to take no for an answer, and in so doing they have touched literally thousands of lives, helping to soften the hardest days and brighten the darkest.

I thank and commend the stellar staff of the Senate, from all of those ensuring the operation of the Senate here on the floor, to the cloakroom staff, the legislative counsel, to all of our pages who are here from all across America, to all those who actually keep the facilities running, and certainly to the officers who are on the front lines of Capitol security, protecting our visitors and all of us. You have my deepest admiration for your immeasurable contributions to the Senate and to our country.

I want to express my gratitude to the minority leader for his gracious remarks about my service. Senator MCCONNELL has worked tirelessly in leading us through extremely challenging moments for the Senate and for the country. His longevity of legislative experience has made him a true asset to this body, for our Republican caucus, and I have the most heartfelt respect and appreciation for his contributions to his home State of Kentucky and to this country.

To my friend and colleague SUSAN COLLINS, I want to thank her for her very kind and extremely generous words on the floor last week. Public service was imbued in Senator COLLINS from her earliest days in Caribou, ME, where, incredibly, both her parents, Don and Pat, were former mayors of the city. I happened to have served with her father Don when he was also in the State legislature. For the past 16 years, Senator COLLINS has provided exemplary representation not only for Maine but for America with her voice of reason, pragmatism, and thoughtfulness, and Maine will truly be in outstanding hands with SUSAN COLLINS as our senior Senator.

I am also indebted to my great friend Senator MIKULSKI, the dean of the women in the Senate and for all women, for the warm and wonderful comments she made yesterday on the floor. I have known BARBARA for more than 30 years, beginning with our mutual service in the House of Representatives. She is truly a dynamo who has always brought to bear an unyielding tenacity that has consistently been reflected in her vigorous advocacy for those she represents.

As I said, in 2011 she became the longest serving woman in the Senate, and there is no one I would rather have surpassing the length of service of Maine's legendary Senator, Margaret Chase Smith, than Senator BARBARA MIKULSKI. What a reflection on her legislative stature that she has now assumed the mantle of longest serving woman in the history of the U.S. Congress.

To our Presiding Officer, I would say that I have enjoyed serving with her as well in this august Chamber and getting to know her. I know she will do well into the future, and I have enjoyed working with her over the years.

I see two of my colleagues here: Senator ISAKSON, who is my neighbor in the Russell Office Building—a gentleman in every way. He has been magnificent to work with. And, of course, my colleague Senator MURKOWSKI from Alaska, who has made some great contributions to the Senate with her consensus-building, her dedication, and her exceptional abilities. I want to thank them because I have certainly enjoyed working with them and getting to know them.

To all of my Senate colleagues, past and present, this Chamber would simply be another room with fancy walls without the lifeblood of passionate service and dedication you bring to this institution and our Nation.

We all have our stories about where we came from, about what shaped our values and aspirations and why we care so much about public service as a vehicle for securing for others the American dream, for all who seek to embrace it. In my instance, my own legislative journey commenced when I was elected to fill my late husband's seat in the Maine House of Representatives. I felt then, as I have throughout my career, that our role as public servants, above all else, is to solve problems. I

have often reflected on my 6 years in the State house and the State senate in Augusta, ME, because that is where I found politics and public life to be positive and constructive endeavors. Once the elections were over, my colleagues and I would put the campaigns and the party labels behind us to enact laws that genuinely improved the lives of Mainers.

I also inherited a legacy of bipartisanship and independence from Senator Margaret Chase Smith, who is best remembered for her remarks made during only her second year of her first term in the U.S. Senate when, with truly uncommon courage and principled independence, she telegraphed the truth about McCarthyism during the Red Scare of the 1950s with her renowned ''Declaration of Conscience'' speech on the Senate floor. In 15 minutes she had done what 94 of her colleagues—male colleagues, I might add—had not dared to do, and in so doing slayed a giant of demagoguery.

So when people ask me why I may be challenging a particular party position or why I don't simply go with the flow, I tell them: Please don't take it personally. I can't help it, I am from Maine. That is what Maine people truly expect from their elected officials—they expect you to do what you believe is right for the right reasons and in the right way. We have seen that reflected time and again, not only with Margaret Chase Smith but in the distinguished service of great Senators who have preceded me from Maine, from Ed Muskie to Bill Cohen and the former majority leader of the Senate, George Mitchell.

Throughout my tenure, I have borne witness to government's incredible potential as an instrument for that common good. I have also experienced its capacity for serial dysfunction. Indeed, as I stated in announcing I would not seek a fourth term in the Senate, it is regrettable that excessive political polarization in Washington today is preventing us from tackling our problems in this period of monumental consequences for our Nation.

But as I prepare to conclude my service in elective office, let me be abundantly clear: I am not leaving the Senate because I have ceased believing in its potential or I no longer love the institution, but precisely because I do. I am simply taking my commitment to the Senate in a different direction.

I intend to work from the outside, to help build support for those in this institution who will be working to reestablish the Senate's roots as a place of refuge from the passions of politics, as a forum where the political fires are tempered, not stoked—as our Founding Fathers intended. Because the Senate in particular is our essential legislative mechanism for distilling the vast diversity of ideologies and opinions in America, so that we might arrive at solutions to the challenges we face.

The fact is, we are a can-do country, infused with an irrepressible can-do spirit. It is in our blood, and in the very fiber of who we are. It is in our hardworking families, and in the limitless entrepreneurship and innovation of our people. And it is profoundly reflected in our heroic men and women in uniform—whose unflagging bravery and professionalism I have been privileged to witness firsthand throughout my tenure in Congress as they answer the call in places like Iraq and Afghanistan, with many having made the ultimate sacrifice so that we may live and that freedom may always ring.

Here in this chamber, I have spoken with many of you who came here to get things done, to solve problems and achieve great things for our Nation. I have heard you lament the inability to accomplish more in today's polarized atmosphere. And as I have traveled throughout Maine and America—even overseas, people ask me, has it always been this way?

I tell them, I am so passionate about changing the tenor in Congress because I have seen that it can be different. It has not always been this way. And it absolutely does not have to be this way.

I have been in the Congress long enough to have experienced firsthand what can be accomplished when individuals from various political backgrounds are determined to solve a problem. For instance, when I first came to the House of Representative in 1979, I joined the bipartisan Congressional Caucus on Women's Issues, which I ultimately cochaired for 10 years with Democratic Congresswoman Pat Schroeder. We certainly did not agree on everything, but with only 17 women in the House and Senate, we simply could not afford to draw political lines in the sand when it came to matters of importance to women.

So when we spoke on these issues, we spoke as women, not as Republicans or Democrats. That is what drove our agendas at the caucus—and, together, we started to make a real difference for women. That was a time in America when child support enforcement was viewed as strictly a woman's problem, a time when pensions were cancelled without a spouse's approval, a time when family and medical leave wasn't the law of the land, and a time when, incredibly, women were systematically excluded from clinical medical trials at the National Institutes of Health—trials that made the difference between life and death.

As Senator MIKULSKI eloquently described yesterday in this chamber, she was waging a battle for equity in women's health research in the Senate while Pat Schroeder, Connie Morella and I were fighting in the House. At a pivotal juncture, Senator MIKULSKI launched a key panel to explore this shocking discriminatory treatment which further galvanized national attention. And in the end, together, we produced watershed policy changes that, to this day, are resulting in lifesaving medical discoveries for America's women.

In the House, we often worked across party lines to craft our Federal budgets, in sharp contrast to today's broken process where we cannot pass a budget in 3 years, even with unprecedented deficits and debt. When President Reagan was elected in 1980, he knew he had to build coalitions to pass budgets that would address the tumultuous economy. And the result was that the moderate northeast Republican group called the Gypsy Moths and the conservative-to-moderate Democratic group called the ''Boll Weevils'' negotiated budgets together, to help reconcile our political and regional differences and in a model for bipartisanship, all of us spent days and weeks fashioning budgets, literally going through function by function.

Arriving at compromise was not easy by any means. It never is. But the point is, we can undertake the difficult work, if we choose to do so.

I was able to make a difference even as a member of the minority throughout my entire tenure in the House, by reaching across the political aisle. And in 1995, when the voters of Maine entrusted me to be their voice and their vote in the U.S. Senate and I was finally serving in the majority, I believed this kind of cooperative disposition would remain an indispensable commodity in meeting the challenges of the times.

That is why I joined the Senate Centrist Coalition shortly after arriving in the Senate, which had been formed by Senators John Chafee and John Breaux during the 1994 health reform debate to bridge the political divide. After Senator Chafee passed away in 1999, Senator Breaux and I thought it was an imperative that we revive the Coalition to help foster bipartisanship following the divisiveness of the Senate impeachment trial. And following the landmark Supreme Court ruling in Bush v. Gore that adjudicated the presidential election, and an evenly split Senate with 50 Republicans and 50 Democrats, Senate leaders Lott and Daschle joined with nearly one-third of the Senate at a meeting of the coalition to explore how to move forward in a bipartisan fashion.

And it is precisely this kind of approach that is crucial, because it is only when we minimize the political barriers that we can maximize the Senate, allowing it to become an unparalleled incubator for results that truly matter to the American people.

It was a cross-aisle alliance that produced the so-called E-Rate program in 1996. This was a landmark law ensuring every library and classroom in America would be wired to the revolutionary resources of the Internet, which one publication has ranked as fourth in a list of innovations and initiatives that have helped shape education technology over the past generation.

My good friend and colleague Senator ROCKEFELLER, with whom I have been privileged to work on so many issues, was doggedly determined to enact this

benchmark initiative. In typical fashion, Jay was not going to take no for an answer—which made us perfect partners and co-authors, as I was equally determined. And by working with Members of both parties who were willing to hear the facts and judge on the merits, we overcame the hurdles and the E-Rate program was born.

During the 2001 tax debates, Senator Blanche Lincoln and I as members of the Finance Committee joined together to increase the amount of the child tax credit and make it refundable, so that low income families who didn't earn enough to pay Federal taxes could still benefit from the credit. Ultimately, our measure was enacted, becoming only the second refundable tax credit ever, and ensuring the child tax credit would assist an additional 13 million more children and lift 500,000 of those children out of poverty.

I also think of how my friend, Senator LANDRIEU who is sitting here in the chamber as well, and I formed the Senate Common Ground Coalition in 2006, to rekindle cross-party relations. And not only have MARY and I made history as the first women to serve simultaneously as chair and ranking on a standing committee, but we have worked together on numerous measures that are assisting America's greatest jobs generators, our small businesses.

In a shining example of what is possible with civility and bipartisan teamwork, Senator Ted Kennedy and I coauthored the landmark Genetic Nondiscrimination Act—to stop insurance companies and employers from denying or dropping coverage based on genetic tests, so individuals would not forgo those potentially life-saving tests. At that juncture, Democrats were in the majority—and traditionally, the chair of a committee takes the lead name on legislation. But Ted approached me and said essentially that, because my work on GINA had made it possible, it should be ''Snowe-Kennedy'' not ''Kennedy-Snowe''—a magnanimous legislative gesture from the legislative lion of the U.S. Senate. And I am proud to say GINA passed in 2008 and has been referred to as ''the first major civil rights act of the 21st century.''

So there are templates for working together effectively in the U.S. Senate on behalf of the American people. But on occasion, it is the very institution of the Senate itself that is preserved when we stake out common ground.

Even in the highly charged atmosphere of the presidential impeachment trial, we made the process work. During a gathering of the Republican Caucus, I advocated that we hold a bipartisan meeting in the Old Senate Chamber, to generate agreement between the parties on the conduct of the trial. The Senate had been about to decide the guidelines of the trial on a purely partisan basis, but by convening both parties, we were able to chart a logical, reasonable and judicious course.

In 2005, I joined the so-called ''Gang of 14,'' comprised of 7 Republicans and 7 Democrats and spearheaded largely by Senators John Warner, JOHN MCCAIN, Robert Byrd, and BEN NELSON. The group was formed to avert an institutional crisis as a result of repeated, systematic filibuster of President Bush's judicial nominees that had been a corrosive force on the Senate. In response, the Republican majority was seeking to break the logjam by exercising the so-called ''nuclear option,'' that would have jettisoned longstanding rules requiring 60 votes to end a filibuster.

That 60 vote threshold had always been a bulwark protecting the rights of the minority, but would have become just a simple majority vote. Yet, just as we were about to cross this political Rubicon, the Gang of 14 forged a pact based on mutual trust, that we would only support a filibuster of judicial nominees under what we labeled ''extraordinary circumstances,'' and we would oppose the ''nuclear option,'' an agreement that embodied the very manifestation of the power of consensus building.

So as this body contemplates changes to its rules in the next Congress, I would urge all of my colleagues who will return next year to follow the Gang of 14 template and exercise a similar level of caution and balance. Because what makes the Senate unique, what situates this institution better than any other to secure the continued greatness of our Nation, is that balance between accommodation of the minority and primacy of the majority. And regardless of who is in the minority, any suppression of the ability to debate and shape legislation is tantamount to silencing millions of voices and ideas—which are critical to developing the best possible solutions.

I have mentioned all of these examples as illustrations of the boundless potential of the Senate—and that our problems are not insurmountable, if we refuse to be intractable. It is not about what is in the best interests of a single political party, but what is in the best interests of our country.

As far back as the fledgling days of our Nation, our Founding Fathers warned of the dangers of undue allegiance to political parties—a potential that Alexander Hamilton and James Madison specifically cited in the Federalist Papers. Now, one study by three political scientists pegs Congress at its highest level of polarization since the end of Reconstruction in 1877. It is true that, in the intervening years, we have had no duels to settle disagreements and no canings on the Senate floor as occurred in the earlier years of the Senate—although there was a physical brawl on the Senate floor in 1902. Yet, the fact we are still more polarized now than at any moment in 140 years speaks volumes.

So instead of focusing on issues as the Senate was uniquely established to do, we've become more like a parliamentary system where we simply vote in political blocks. And we have departed and diverged from the Senate's traditional rules and norms in a manner that is entirely contradictory to the historical purpose of the Senate and the role of the Founding Fathers intended for the Senate to play.

The very name of our institution, the Senate, derives from the Latin root senatus, or council of elders, where the council of elders represented the qualities of experience and wisdom and not just some experience and some wisdom in a deliberative body, but more experience and more wisdom in the highest deliberative body.

For thousands of years, and for the Greeks and our Framers alike, the Senate has stood as an assembly where the lessons of individual experiences were translated by measured wisdom into stable collective judgments. Therefore, understanding through patience, appreciation through tolerance, and consensus through moderation are all required to reach such judgments and to do the work of the people. Indeed, I would argue it is only by recognizing and striving to meet the institutional ideals of the Senate that we can aspire to fill our obligations to those we represent.

We all take an oath to support and defend the Constitution of the United States and to bear true faith and allegiance to the same. I have always believed this oath necessarily included a duty to support and defend the Senate as an institution and the integrity of its deliberative process. That requires the ability to listen before judging, to judge before advocating, and to advocate without polarizing. It also includes a capacity to differ with one's own party, and even to reach agreement and compromise with another party when one's own party is unable to prevail. Such leadership necessarily requires all Members to recognize their individual duty to serve the people best by serving our Chamber with the highest standards of consideration, deliberation, and explanation.

Former Supreme Court Justice Souter once said, and I am paraphrasing: All of the Court's hard cases are divisive because one set of values is truly at odds with another, and the Constitution gives no simple rule of decision. For, in truth, we value liberty as well as order, we value freedom as well as security, and we value fairness as well as equality.

So in the tough cases judges have a hard job of choosing not between those things that are good and those that are evil, but between the many, and often competing, good things that the Constitution allows. Justice Souter could have been talking about the work of the Senate and the often difficult choices we too are required to make. This observation accepts the intrinsic competition that defines these difficult choices but resolves to rely on reason, meaning, and the reputational integrity of the process to make and explain the ultimate decisions.

Indeed, the Justice concluded his remarks by saying he knew of ''no other

way to make good on the aspirations that tell us who we are—and who we mean to be—as the people of the United States.''

We have witnessed the heights the Senate is capable of reaching when it adheres to its founding precepts. Just think about how we came together in the aftermath of the catastrophic events of September 11 to secure our country and to help heal our Nation. Just think about the major debates of the 20th century on such watershed issues as the establishment of Social Security, Medicare, and the Civil Rights Act. None of these profound advancements would have been woven into the fabric of our society today if they had been passed simply on party-line votes rather than the solidly bipartisan basis on which each of them was enacted.

I am not claiming there was some kind of golden age of bipartisanship where everyone all sang from the same legislative hymn book, and I am not advocating bipartisanship as some kind of an end unto itself. That is not the point. What I am saying is we have seen how cooperation in the past has resulted in great achievements, which likely never would have occurred if bipartisanship had not intervened as a means to attaining those most worthy ends.

Our grandest accomplishments in the Congress were also a reflection of the particular compromises and level of urgency required by the times in which they were forged. Recently, New York Times columnist David Brooks summarized this concept well when he wrote that there are policies that are not permanently right and that ''situations matter most. Tax cuts might be right one decade but wrong the next. Tighter regulations might be right one decade, but if sclerosis sets in then deregulation might be in order.''

As we confront the impending confluence of issues known as the fiscal cliff, we are at a moment of major significance that requires the application of the principle that Brooks describes. For the sake of the country, we must demonstrate to the American people that we are, in fact, capable of making the big decisions by putting in place an agreement and a framework to avoid the fiscal cliff before we adjourn this year.

We are surrounded by history perpetually in the Senate as well as throughout the Capitol. How could we not be inspired by it to rise to this occasion? Indeed, if you know history, you understand the very story of America's most formative days was defined by an understanding that effective governance requires the building of consensus, and such consensus is achievable even after the exercise of passionate advocacy, which, in conclusion, brings us back to the creation of a document we all cherish and revere; that is, our United States Constitution.

Madam President, 225 years ago, 55 leaders from divergent geographic and philosophical backgrounds converged on the city of Philadelphia to draft a new structure of government to strengthen our fledgling country. These were no shrinking violets. They had risked their lives and fortunes to establish a new nation under God, indivisible, with liberty, and justice for all.

They were strong-willed and unabashedly opinionated. They disagreed and argued about a great many matters, both petty and consequential. Thomas Jefferson even considered Virginia, and not the United States, as his country. Yet by September of that year, 39 of the original delegates signed the most enduring and ingenious governing document the world has ever known, the Constitution of the United States.

It didn't happen because 55 people who shared identical viewpoints gathered in a room and rubber-stamped their unanimous thinking. It happened because these visionaries determined that the gravity and the enormity of their common goal necessitated the courage to advance decisionmaking through consensus.

I worry that we are losing the art of legislating. When the history of this chapter in the Senate is written, we don't want it to conclude it was here that it became an antiquated practice. So as I depart the Senate that I love, I urge all of my colleagues to follow the Founding Fathers' blueprint in order to return this institution to its highest calling of governing through consensus. For it is only then that the United States can ascend to fulfill the demands of our time, the promise of our Nation, and the rightful expectations of the American people.

Thank you, Madam President. May God bless you, and may God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, for those of us in the Chamber, and those of us listening, that was one of those beautifully crafted and beautifully deliberated and eloquent statements not only about a Member's service as a Member of the U.S. Senate, but a vision of the world we created and what we can be again. It is so appropriate for the parting words of the Senator, who is truly among the great that has served here.

I have had the great pleasure of working with the Senator from Maine. As she very graciously pointed out, we served together on the Small Business Committee. We were the first of two women to chair a major committee for an entire Congress.

There are Members here—Senator MIKULSKI and others—who served for many years with Senator SNOWE. For the minute that I have before others speak, I just wanted to say that she has served for over 34 years in public office. Her integrity is beyond reproach. She served with intelligence and grace that is widely admired, not just on Capitol Hill and in her home State of Maine, but broadly throughout the United States and the world. Her capacity for hard work and tedious negotiations on important matters is inspiring to us all. She has been a clear and clarion voice for women and girls in Maine, the United States, and around the world, for their legal rights, their economic advancement, and their social advancement.

Above all, as we just heard, she has been a clarion call for common sense and common ground. She was literally involved in every major effort in the last 30 years to find common sense and common ground in a place that is getting harder and harder to find those two qualities every day. So it is with a deep sense of regret that I, for one, am going to have to say goodbye to her as a colleague and a Member of the Senate.

I want her to know that I will continue—and I know many of my colleagues feel this way—to work as closely with her in any capacity of her choice to continue to be a great voice for compassion, compromise, and common sense.

The people of Maine are losing a great Senator. The United States is losing a unique talent that has served this country and this institution so magnificently. We wish her the best, and we say a respectful goodbye.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, yesterday I had the honor of addressing the full Senate to pay a more amplified tribute to the gentlelady from Maine. I will miss her dearly and deeply. We have served both in the House and the Senate together. We have done real good things, including one of our finest bipartisan efforts in the area of women's health in getting women included in the protocols appropriately, the scientific way at NIH when we were excluded. We helped to advance the whole issue of more money for research for breast cancer and other diseases that are generally specific to women.

I will never forget the day when Good Housekeeping called and said that Senator SNOWE and I were going to get an award. I immediately called my family and told my sisters that I had won the Good Housekeeping Award. Well, they thought that was hilarious. I have many awards for speaking, longest serving, but not Good Housekeeping. When I told them I was getting the award with Senator SNOWE, they knew it had integrity, credibility, and was well deserved.

So I just want to, from the bottom of my heart, not only thank the people of Maine, who will express their gratitude for her service. She has a duty-driven approach, an uncommon sense to get the job done in a way that is inclusive and has benefited our entire country whether they be small business or the little people whose voices are never heard.

So we wish her God bless, Godspeed, and we hope to see her speaking out exactly on what she did today, a call toward citizenship and more bipartisanship and less partisanship.

God bless you, Senator SNOWE.

AMERICAN STEEL

Ms. MIKULSKI. Madam President, I wish to take a few minutes to speak about another sad situation in the State of Maryland. Today we got the terrible, sad news that it looks as though Bethlehem Steel, our biggest, largest, most famous steelyard, is going to close, and it is going to close forever.

Throughout the entire 19th and 20th centuries and through to today, Bethlehem Steel hired people, making it one of our largest employers, to build steel for our great iconic projects and to help build America. In its heyday in 1957, 30,000 steelworkers were there. They thought they had lifelong jobs in helping build steel. It was the largest single employer in Baltimore for decades. It made steel for everything from Campbell Soup cans to National beer cans. It built steel for refrigerators, toasters, and thousands of other products. During the war, Bethlehem Steel was part of the arsenal of democracy in which it built Liberty ships.

I am very close to the people at Bethlehem Steel. Members of my own family worked in this steel mill and they worked very hard. People who came into my father's grocery store worked at Bethlehem Steel. They thought they had a job that would last forever because America would need steel. It doesn't look that way, because even though those workers thought America would always want American steel, we looked the other way when foreign imports began to drive down our prices and drive down our steel mills.

We have to begin to rethink what we are doing in this area. America's steel and steelworkers protected the United States and our freedom.

At Sparrows Point they rolled gun barrels, made steel for grenades, shells and landing craft for airplanes and ships. We have to remember whose steel it was that truly built America. But do my colleagues know who the last owner was; not the most recent but the ones before that? The Russians. I am not against Russia, but I am against Russia owning America's tools of production.

What will happen to America if we need more steel to go to war? What about needing steel when we build our infrastructure? When American steelworkers built the great new Golden Gate Bridge with American taxpayers' dollars, the steel came from China. What are we doing to America and what are we doing to our manufacturing?

I think we need a wakeup call. We are busy holding up the entire Congress protecting tax breaks for billionaires. When are we going to start looking out for American jobs? When we are talking about this fiscal cliff, we are not talking about having the jobs component in it. When are we going to start talking about tax breaks so we can have an infrastructure bank, so we can rebuild America using American products? Why is it when we say we want it made in America, some call us protectionists? I welcome the label of ''protectionist.'' I am going to protect American jobs. I don't want them on a slow boat to China or a fast track to Mexico.

I might not ever get my steel mill back and Baltimore might not ever have those jobs back, but we have to get serious in our country. What are our priorities? We have to start rewarding those industries that make products in this country. Right now, our whole code is oriented to protecting people who make money off money. Let me tell my colleagues, we are already getting a big wakeup call in America.

I have fought for more than 25 years to reverse this tide against American manufacturing and for American steel and I am going to keep on fighting. But right now, as we go on debating this fiscal cliff, we have to make sure we protect the safety net. If my colleagues went with me to Dundalk and to Sparrows Point, people would tell us they want their job, and if they can't have their job, could they please have a safety net that protects them in terms of unemployment insurance and health care benefits so they have a bridge to get their family over this very hard time. I worry that during this fiscal cliff debate we are going to lose those benefits, but I will tell my colleagues that I will fight to not go over the fiscal cliff.

In the meantime, I say to the men and women at Bethlehem Steel: Thank you for what you did. You built America. You helped save America. You helped save Western civilization. We are going to try right now to save your safety net benefits. Go to that hall where you can apply for those benefits. They are still there. We still want to make sure you are eligible, but we want not only a safety net to get you over the hard times, we believe the best safety net is jobs in American manufacturing.

I am going to yield the floor, but I will not yield the fight for American jobs.

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. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF LORNA G. SCHOFIELD TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF FRANK PAUL GERACI, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

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 Lorna G. Schofield, of New York, to be United States District Judge for the Southern District of New York, and Frank Paul Geraci, Jr., of New York, to be United States District Judge for the Western District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided in the usual form.

The Senator from Vermont.

ON THE CONFIRMATIONS OF LORNA SCHOFIELD TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK AND JUDGE FRANK GERACI TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Mr. LEAHY. Madam President, today, the Senate will finally be allowed to vote on the nominations of Judge Frank Geraci to fill a judicial emergency vacancy on the U.S. District Court for the Western District of New York and Lorna Schofield to fill a vacancy on the U.S. District Court for the Southern District of New York. Both of these nominees were voted out of the Judiciary Committee virtually unanimously before the August recess and should have been confirmed months ago.

By now, no one should be surprised that it has taken so long to have a simple up-or-down vote on two consensus nominees, even though one would fill a judicial emergency vacancy and the other would fill a vacancy on one of our Nation's busiest courts.

There is an editorial in today's New York Times that explains the slow pace of confirmations, and I ask unanimous consent to have the editorial printed in the RECORD after my statement.

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

(See exhibit 1.)

Mr. LEAHY. The editorial notes:

> A significant reason for the slowdown has been the partisan opposition of Republicans to appeals court and even to trial court nominations, even though almost none of the nominees have backgrounds that raise ideological issues. The Republicans have time and again used the filibuster, the threat of filibuster, holds on nominations and other tactics to confirmations.

This is the new practice that Senate Republicans adopted when President

Obama was elected. They delay and obstruct judicial nominations for no good reason. There are currently 13 circuit and district court nominees still pending on the Senate Executive Calendar who were reported before the August recess and should all have been confirmed before the recess. Most are consensus nominees. All have the support of their home State Senators, including their home State Republican Senators.

The Federal Bar Association wrote a letter earlier this week to Senate leaders that said:

> [W]e write to urge you to promptly schedule floor votes on pending, noncontroversial United States circuit court nominees and district court nominees who have cleared the Judiciary Committee with strong bipartisan support and who await a final up-or-down vote. The high number of existing judicial vacancies—81, of which 35 constitute judicial emergencies—underscores the need for prompt attention by the Senate in fulfilling its Constitutional responsibilities.

They are absolutely right. I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 2.)

Mr. LEAHY. We have a constitutional responsibility to advise and consent, and we must also help our courts uphold their constitutional responsibility to provide speedy justice.

The judges whose confirmations Senate Republicans are delaying are not nominees they will oppose on the merits. They are by and large consensus nominees.

Senate Republicans' obstruction on these important nominations is especially damaging at the end of the year. Starting in 2009, Senate Republicans broke from longstanding tradition and prevented votes on eight judicial nominees as the Senate adjourned at the end of the year. It took until September 2010 for the last of those nominees to have an up-or-down vote. Senate Republicans did the same thing—their new version of a pocket filibuster—to 19 nominees in both 2010 and 2011. This forces the Senate to waste time in the new year working on nominations that should have been confirmed the year before. This year it took until May to confirm the 19 left from last year. That is why we have confirmed only 23 nominees reported by the Judiciary Committee this year, and that is why we face this current backlog of 18 nominees and an additional 4 who had a hearing earlier this week and could also be considered and confirmed before adjournment.

One of the nominations Senate Republicans are holding up is that of Judge Robert Bacharach to the Tenth Circuit, whom they filibustered earlier this year. Senator COBURN, one of his home State Senators, said: ''He has no opposition in the Senate . . .. There's no reason why he shouldn't be confirmed.'' His words apply to almost all the judicial nominees being delayed.

When George W. Bush was President, Democrats cooperated in moving judicial nominees quickly through the committee and to a confirmation vote at the end of the year. I did so whether I was chairman or the ranking member. I have said that I am willing to do the same for the nominees who had their hearing yesterday and expedite committee consideration of their nominations so that they can be voted on this year. By way of example, in 2008 we confirmed five of President Bush's nominees just 3 days after their hearing. We have often been able to do this at the end of a Congress, and this year should be no exception—especially given the high level of judicial vacancies plaguing our Federal courts.

Yesterday, the Judiciary Committee had a hearing for four more of President Obama's outstanding, consensus judicial nominees. Senators from both sides of the aisle appeared to endorse nominees to vacancies in their home States. Representative PAUL RYAN, the Republican candidate for Vice President, appeared to testify in favor of a nominee to fill a vacancy on the District Court for the District of Columbia. So did Representative ELEANOR HOLMES NORTON. After Congressman RYAN's endorsement, the committee's ranking Republican member quipped that after hearing Congressman RYAN ''we could just vote you out right away.'' He is right. The Senate should confirm her and the others without delay. That is how we used to proceed as we approached the end of a Congress. We used to expedite confirmations of consensus nominees. Now Senate Republicans insist on stalling proceedings and slowing things down and carrying large numbers of them over into the next year and needlessly delaying them for months and months.

I remind Senate Republicans that the Senate confirmed an Alabama nominee to the district court within 2 days of his vote by the Judiciary Committee just a couple of years ago. There have literally been hundreds of judicial confirmations within 14 days of our Judiciary Committee hearing, including more than 600 confirmed since World War II within just 1 week of their hearings. In contrast, obstruction by Senate Republicans has caused President Obama's district court nominees to wait an average of 102 days for a Senate vote after being reported by the Judiciary Committee. This destructive practice of delaying for no good reason must end.

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. 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 3 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 of 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 5 circuit court nominees. The reason that I am not listing confirmations for the lameduck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September and long before the lameduck session.

That is our history and recent precedent. Those across the aisle who contend that judicial confirmations votes during lameduck sessions do not take place are wrong. It is past time for votes on the 4 circuit nominees and the other 13 district court nominees still pending on the Executive Calendar. We should expedite confirmations for the four consensus nominees who had their hearing yesterday. Let's do our jobs so that all Americans can have access to justice.

Lorna Schofield is nominated to serve on the U.S. District Court for the Southern District of New York. She has served as a Federal prosecutor and since 1988 has worked at the law firm Debevoise & Plimpton LLP, where she was a partner for two decades and where she currently serves as of counsel. She serves as chair of the litigation section of the ABA, where she has actively promoted pro bono activities, including programs for children's rights and litigation assistance for military personnel. The ABA Standing Committee on the Federal Judiciary unanimously gave her its highest possible rating of ''well qualified.''

Judge Frank Geraci is nominated to fill a judicial emergency vacancy on the U.S. District Court for the Western District of New York. Since 1999 Judge Geraci has served as a Monroe County Court judge, and since 2005 he has also served as an acting supreme court justice on the New York State trial court. Judge Geraci has presided over 555 civil proceedings that have gone to judgment. He has also served as both a State and Federal prosecutor.

Both of these nominations have the support of both their home State Senators. They were voted on by the Judiciary Committee 5 months ago and stalled unnecessarily since then for no good reason.

If we are willing to follow Senate precedent and to protect Americans' access to justice, we should vote on the nominees being delayed. Many are nominees whose nominations have been pending for many months, and many of

them would fill judicial emergency vacancies. I see no reason why the Senate should not confirm them before the end of the year. We should allow these nominees to get to work on behalf of the American people.

EXHIBIT 1

[From the New York Times]

JUDGES NEEDED FOR FEDERAL COURTS

There has been a severe breakdown in the process for appointing federal judges. At the start of the Reagan years, it took, on average, a month for candidates for appellate and trial courts to go from nomination to confirmation. In the first Obama term, it has taken, on average, more than seven months.

Seventy-seven judgeships, 9 percent of the federal bench (not counting the Supreme Court), are vacant; 19 more seats are expected to open up soon. The lack of judges is more acute if one considers the growing caseload. The Judicial Conference, the courts' policy-making body, has recommended expanding the bench by 88 additional judgeships.

President Obama must make fully staffing the federal courts an important part of his second-term agenda—starting with the immediate Senate confirmation of the 18 nominees approved by the Senate Judiciary Committee.

A significant reason for the slowdown has been the partisan opposition of Republicans to appeals court and even to trial court nominations, even though almost none of the nominees have backgrounds that raise ideological issues. The Republicans have time and again used the filibuster, the threat of filibuster, holds on nominations and other tactics to block confirmations.

The Democratic majority, led by Senator Harry Reid, can speed up the process by limiting use of the filibuster. He can do so by pushing for a simple majority vote at the start of the January session to alter Senate rules so that every judicial and executive-branch nominee is assured an up-or-down vote within 90 days. Without that change, many judicial nominations will founder.

Even if that rule change is made, the process of identifying, vetting and approving judicial candidates will need greater attention. Senators, who by custom recommend to the president candidates for federal trial judgeships in their states, should put in place more effective steps for making timely recommendations (like setting up merit selection committees) and making a choice within a reasonable period, like within 60 days of an opening.

The White House and the Justice Department, meanwhile, need to commit more resources to keeping up with those recommendations, to verify and nominate candidates for confirmation within, say, 60 days of receiving names. And the administration must be similarly prompt in identifying and nominating appeals-court candidates.

In a critically important court like the United States Court of Appeals for the District of Columbia Circuit, three unfilled vacancies and a fourth expected this winter, out of 11 judgeships, hobble the court's ability to make expeditious rulings in significant cases about regulation of the environment, financial markets and other social and economic matters. Many statutes channel review of such cases to the federal courts in the District of Columbia for their expertise about administrative law and for geographic convenience.

The circuit court is a stark example of the broken appointment process and the harm caused by the Senate's inability to do its job.

Mr. Obama and the Senate should also look to broaden the diversity of the judges they appoint. In his first term, Mr. Obama commendably named a higher share of women (44 percent) and a higher share of minorities (37 percent) than any president before him.

Most of the appointees were already judges, prosecutors or private lawyers, with few public defenders or public-interest lawyers from outside government. Expanding the breadth of experience would help ensure that federal courts have jurists who have some real-life understanding of the myriad issues that come before them.

The Constitution requires the president, with the Senate's advice and consent, to fill federal judgeships. That duty has been terribly neglected and needs to be an absolute priority in the coming year.

EXHIBIT 2

FEDERAL BAR ASSOCIATION

Arlington, VA, December 11, 2012.

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

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As the lame duck session continues, we write to urge you to promptly schedule floor votes on pending, noncontroversial United States circuit court nominees and district court nominees who have cleared the Judiciary Committee with strong bipartisan support and who await a final up-or-down vote. The high number of existing judicial vacancies—81, of which 35 constitute judicial emergencies—underscores the need for prompt attention by the Senate in fulfilling its Constitutional responsibilities.

We also strongly encourage cooperation among Senators to avoid undue procedural delays that slow the judicial confirmation process and compound the vacancy crisis.

Thank you for your past efforts and for your consideration of our views on this important issue.

Sincerely,

KAREN SILBERMAN,
Executive Director.
WEST ALLEN,
Chair, Government Relations Committee.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of each of these judges, both fine citizens of New York. First, I will speak about Judge Geraci.

I rise in strong support of an outstanding nominee for the Federal bench in the Western District of New York, Judge Frank Paul Geraci, Jr., to the Federal district court in the Western District of our State, which serves two large metropolitan areas, Rochester and Buffalo. These cities are large, vibrant centers of the commercial and legal communities of our State. In fact, each metropolitan area has a population of over 1 million residents.

Judge Geraci has been an important and respected part of this community for his entire life. Born in Rochester, he graduated from McQuaid Jesuit High School. He left New York long enough to earn both his undergraduate and law degrees from the University of Dayton in Ohio, staying within the Jesuit fold, I might add, by attending that institution. He returned to Rochester and immediately leapt into public service, working for 5 years in the Monroe County District Attorney's Office and rising to become chief of the Special Investigations Bureau. Judge Geraci then contributed another 4 years of distinguished service to Rochester as an assistant U.S. attorney in the Western District. In 1988, he left and founded his own law firm.

I was particularly impressed, as I got to know Judge Geraci, by the fact that while he was in private practice, he also served as a mediator and expert in alternative dispute resolution. I have come to believe, as a Senator from a State with among the heaviest caseloads in the country, that an important part of managing a docket is getting parties to talk to each other before they are staring at an imminent trial date.

It is likely that few nominees know this truth better than Judge Geraci. Over and above his dispute resolution experience, he has been a judge in the city of Rochester, in Monroe County, and on the bench of the New York State Supreme Court for 20 years.

I have served on the Senate Judiciary Committee for my entire time in the Senate—since 1998—and I served on the House Judiciary Committee for 18 years before that.

Rarely, if ever, have I encountered a candidate who so perfectly combines judicial experience, judicious temperament, and complete dedication to his community as Judge Geraci.

Taken together, the breadth and depth of his professional experience in both the State and Federal system, civil and criminal, make him a perfect fit for the Federal bench in Rochester. But Judge Geraci's sterling qualifications do not stop there. His dedication to his community, it is no exaggeration to say, is legendary. When you mention his name, people say: Of course, what a great and obvious choice.

Monroe County is small enough that members of the bar all know him but large enough that many lawyers, like Judge Geraci, do have the opportunity to have varied and deep experience. Judge Geraci has worked for the bar and bench on issues such as criminal case management and jury diversification. He has served on boards and governing bodies of diocese Catholic schools. He even has conducted court tours, coached girls' basketball, and served as the president of the local Little League.

Judge Geraci has earned the admiration of the people of western New York and, in turn, they deserve no less than an accomplished lawyer of his intelligence and magnanimity to serve on the Federal bench. I thank the Presiding Officer for the opportunity to discuss such a fine man.

I will conclude with one final observation. The seat for which Judge Geraci is about to be confirmed has been vacant since March of 2009, making it a judicial emergency vacancy. His is one of 13 remaining judicial

nominations on the calendars, 11 of whom have received bipartisan support in the Judiciary Committee. I hope we can continue to move these other nominees.

I thank the Chair.

(Mr. FRANKEN assumed the chair.)

Mr. SCHUMER. Now, Mr. President, I have a second nominee to speak about. We are voting at 2:15, as I understand it, so there is plenty of time to wax on the fine qualifications of both of these new additions to the bench.

I am extremely pleased to rise today in enthusiastic support of the nomination of Lorna Schofield to the Federal bench in the Southern District of New York at the other end of our State.

I have had the privilege to recommend a number of truly outstanding nominees to become judges in New York—in fact, 15 nominees—and Ms. Schofield is among the best. She is the embodiment of three qualities I search for in judicial nominee candidates: excellence—they should be legally excellent, no hacks; moderation—they should not be too far right or too far left because then they want to turn the law to their own purpose rather than interpret it; and diversity—I try to bring diversity in every way to the bench in terms of race, gender, sexual orientation, and religion because that is for the good of America.

First, her excellence. Her professional resume puts her right at top of her field. She went to Indiana University for her undergraduate studies and then came to New York to study law at one of the Nation's best law schools, NYU Law School, where she graduated as one of the top 15 students in her class. She went on to serve the public as an assistant U.S. attorney in the Southern District of New York and then to join a top law firm, Debevoise & Plimpton. She has been there for 25 years.

Ms. Schofield has a wealth of practical experience, having represented and advised all manner of clients in the ''real world'' of New York City—businesses large and small and individuals. As a true generalist, she has tried a wide variety of cases, and her professional accomplishments and accolades are numerous, including serving as the head of the litigation section—the largest section—of the American Bar Association. She was, in fact, a pioneer in this position as the first Asian American to hold this prestigious post.

Second, on the point of moderation, when I met Ms. Schofield, I was struck by the fact that she has one singular agenda: preservation of the rule of law. Indeed, her professional work has been devoted to the general improvement of the practice of law and to zealously representing her clients in the best and most ethical traditions of the profession. Evidence of her moderation can be found in the support she has across the political spectrum. Both Democrats and Republicans have called me to tell me what a great judge she would make. She has done everything from teaching trial advocacy to performing pro bono work for the Women's Prison Association.

Finally, diversity. I like to have diversity on the bench. Ms. Schofield's personal background and life experience will help broaden the perspective of the Federal bench. Most notably, if confirmed, she will become the first Filipino judge, man or woman, to sit on the Federal bench. So the great nation of the Philippines, which contributes so many immigrants and then citizens to our country, can be very proud that Ms. Schofield has risen to this high post once she is confirmed.

In conclusion, I believe she will make a terrific judge, and I look forward to her confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, can you tell me how much time is remaining on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. CORNYN. I thank the Presiding Officer.

THE FISCAL CLIFF

Mr. CORNYN. Mr. President, it has become disturbingly clear that President Obama does not mind whether or not we drive off the fiscal cliff. Just last week his own Treasury Secretary, Secretary Geithner, said the White House was ''absolutely'' prepared to go off the cliff unless Republicans agree to raise marginal tax rates. In other words, during a period of high unemployment—the highest since the Great Depression—the President is willing to risk another recession in order to increase taxes on small businesses and the people we depend upon to create jobs.

How much revenue will the President's tax hike generate? Well, by raising the top two rates, it would produce only about $68 billion in 2013. I say ''only'' because in relationship to the gap between how much money the Federal Government is spending and how much money this would generate, it is relatively small. If we factor in the various stimulus tax expenditures the President wants to extend, the net revenue falls below $55 billion.

Again, President Obama is so desperate to secure this revenue that he is willing to risk another recession. Meanwhile, he is asking for more stimulus spending, along with the authority to raise the debt ceiling whenever he chooses. His idea of compromise appears to me to be pretty simple: Republicans should give him everything he wants in return for a meaningless promise that the White House will somehow, someday get around to reforming and preserving Social Security and Medicare. I ask, is that really a balanced approach? Well, I think the answer is self-evident. Of course it is not.

Until the President supports real reforms to preserve and protect Medicare and Social Security—something he himself has acknowledged is on an unsustainable fiscal path—until he is willing to come up with real ways to rein in Federal spending, where right now we are spending 46 cents out of every $1 in borrowed money, the Federal Government is, until he comes up with a plan on both of those issues—reining in spending and reforming Medicare and Social Security to preserve them for future generations—he is not offering a serious plan for long-term deficit reduction.

After all, we have a $1.1 trillion annual deficit. I know we have become a little bit numb to the numbers we have been using. We used to talk about $1 million being a lot of money. Then there was $1 billion. Now there is $1 trillion. Someone said, tongue in cheek: Don't tell the Federal Government what comes after a trillion because we will end up spending it.

If you have a deficit of $1.1 trillion a year, as we did in 2012, then raising taxes by $68 billion or $55 billion does not get you very far. In fact, it would fund the Federal Government for about a week—1 week. That tax increase would also damage economic growth, upon which we depend in order to create jobs, to bring down the unemployment rate, and to put the 20 million-plus people who are either unemployed or underemployed back to work.

Here are some numbers the President does not talk about:

On top of our $16 trillion national debt, we have more than $100 trillion in unfunded liabilities. Those are promises we have made to future generations that Medicare and Social Security will be there for them, even though there is not money to pay for those liabilities.

The Federal Government is already spending about $220 billion a year on interest payments alone. Under President Obama's latest budget proposal, the annual cost of servicing our debt would reach $804 billion in 2022—an amount greater than total U.S. defense spending in 2012. We all know that interest rates are also at historic lows because of the action of the Federal Reserve. If they were to return to their historic norms—the 4- and 5-percent range—you can easily see how our debt would spin out of control and there would be very little room to spend money either on safety-net programs or on national security.

One more point. The President often says his tax increases would merely restore the top tax rates that prevailed when Bill Clinton was in the White House. But that is demonstrably false. Thanks to new taxes under ObamaCare, including the new 3.8-percent surtax on investment income, the top rates would be significantly higher than they were under the Clinton administration. And, of course, you are not just talking about Federal taxes. People all around the country have to pay State, local, and Federal taxes, many of whom would end up paying the majority of their paycheck in taxes.

Here is the reality: Tax cuts did not create our fiscal problems, so it is axiomatic that tax increases will not solve our fiscal problems alone. We can and we should reform our Tax Code so that it helps promote stronger growth and higher revenues. The President's own bipartisan fiscal commission, Simpson-Bowles, made a proposal to do just that when it comes to corporate taxes. But ultimately the only way to prevent fiscal Armageddon is through major reforms of Medicare and Social Security and reining in Federal spending.

As we debate various strategies for avoiding the fiscal cliff, it is important for us to remember that our actions—or inactions—will have real-world consequences for millions of Americans. Many folks here in Washington seem too casual about the possibility of a massive tax hike and what that would do to our economy. Indeed, some of my Democratic colleagues apparently think they could quickly undo all of the tax increases that would fall on middle-class workers. In reality, it would not be that simple. Just ask any small business owner trying to meet payroll and plan for the future.

Everyone knows, as I said to start with, we are experiencing the weakest economic recovery since World War II and the longest period of high unemployment since the Great Depression. If you ask me, this is the worst possible moment for a huge tax hike—something the President himself acknowledged when he agreed to extend the so-called Bush tax cuts in 2010 when the economy was growing slower than it is today.

Too many of my colleagues across the aisle seem to be comfortable with threatening the possibility of a recession by driving off the fiscal cliff only to extract more revenue for the Federal Government—by the way, not revenue necessarily used to pay down the debt or to sustain and preserve our programs such as Medicare and Medicaid, but to expand spending even further. I hope cooler heads will prevail.

One final thought. When I talk to people all across the country, who tell me they are watching us here in Washington to see what we are going to do, it is the uncertainty that is freezing them into place and preventing them from starting new businesses, growing existing businesses, or making investments that will help grow the economy.

The saddest part about this is how manufactured this crisis really is. All of these decisions were kicked off until after the election into this so-called lameduck session, and this crisis, this fiscal cliff crisis, was manufactured, as I say. We should have tackled these challenges a long time ago to give American families and American businesses the certainty they need in order to plan for the future. Instead, we have created a highly volatile situation in which everyone is preparing for the worst. It is hurting investment. It is hurting job creation. Above all, it is hurting millions of Americans who are still unemployed or working part time. And it is completely and totally unnecessary.

Whatever the outcome of these negotiations, I hope we will all resolve to never let this happen again.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 7 minutes, 20 seconds remaining.

Mr. DURBIN. Mr. President, I would like to respond very briefly to my colleagues from Texas. The fiscal crisis was not manufactured, it was enacted—enacted into law, a law passed with the support of both political parties in the hopes that we would never, ever reach this day. We can still avoid it, and we should. I hope cooler heads will prevail and we will reach some bipartisan agreement because I think all of us agree it would be a negative impact on our economy if we, in fact, go over the cliff. I sincerely hope there will be a good-faith effort on both sides. But this fiscal cliff was created by law passed by Democratic and Republican leaders and sent to the President.

So this is clearly something we envisioned as the last straw. Let's hope it is one that we will avoid.

Mr. CORNYN. I am a little confused. I do not know whether the distinguished majority whip is talking about the expiring tax provisions on December 31 as being manufactured or a bipartisan agreement or—what part of this did we have a chance to vote on and create in a bipartisan fashion?

Mr. DURBIN. It was a bipartisan vote on the Budget Control Act, which spelled out how we would reach this terrible moment if the supercommittee failed. I sincerely hope we never reach this moment, that there is a good-faith effort by both parties to avoid it.

Mr. CORNYN. If the Senator would yield for one last question, my understanding is that the fiscal cliff is going to be caused by the expiring provisions of various tax provisions that have been in place for 12 years, the so-called Bush tax cuts that expired 2 years ago that were extended on a bipartisan basis in a negotiation with our friends across the aisle. That is what I am referring to as the fiscal cliff.

I do understand, and the Senator is correct, we also have the second body blow to the economy that is going to be in combination with these tax increases, $1.2 trillion in cuts that, as I understand it, is the sequester, which is what the Senator is referring to.

Mr. DURBIN. I would call the Senator's attention to our vote on August 2 when he and I both voted for the Budget Control Act. The vote was 74 to 26, with a substantial number of Senators from both sides of the aisle, that brought us to this moment in the negotiations. We all hoped we would never reach this moment. We can still avoid it.

I yield the floor and yield back all remaining time.

Mr. CORNYN. We yield back.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lorna G. Schofield, of New York, to be U.S. District Judge for the Southern District of New York?

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), 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 North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 228 Ex.]

YEAS—91

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

NOT VOTING—9

Boxer	Inouye	McCain
Hoeven	Kirk	Moran
Inhofe	Lautenberg	Vitter

The nomination was confirmed.

VOTE ON NOMINATION OF FRANK PAUL GERACI, JR.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank Paul Geraci, Jr., of New York, to be United States District Judge for the Western District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will

be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 14, H.R. 1.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Motion to proceed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 4:30 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Washington.

WOMEN VETERANS AND OTHER HEALTH CARE IMPROVEMENTS ACT OF 2012

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 564, S. 3313.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3313) to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women Veterans and Other Health Care Improvements Act of 2012''.

SEC. 2. CLARIFICATION THAT FERTILITY COUNSELING AND TREATMENT ARE MEDICAL SERVICES WHICH THE SECRETARY MAY FURNISH TO VETERANS LIKE OTHER MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(H) Fertility counseling and treatment, including treatment using assisted reproductive technology.''.

SEC. 3. REPRODUCTIVE TREATMENT AND CARE FOR SPOUSES AND SURROGATES OF VETERANS.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1788. Reproductive treatment and care for spouses and surrogates of veterans

''(a) IN GENERAL.—The Secretary shall furnish fertility counseling and treatment, including through the use of assisted reproductive technology, to a spouse or surrogate of a severely wounded, ill, or injured veteran who has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service and who is enrolled in the system of annual patient enrollment established under section 1705(a) of this title if the spouse or surrogate and the veteran apply jointly for such counseling and treatment through a process prescribed by the Secretary.

''(b) COORDINATION OF CARE FOR OTHER SPOUSES AND SURROGATES.—In the case of a spouse or surrogate of a veteran not described in subsection (a) who is seeking fertility counseling and treatment, the Secretary may coordinate fertility counseling and treatment for such spouse or surrogate.

''(c) CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to find or certify a surrogate for a veteran or to connect a surrogate with an injured veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1787 the following new item:

''1788. Reproductive treatment and care for spouses and surrogates of veterans.''.

SEC. 4. ADOPTION ASSISTANCE.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, as amended by section 3, is further amended by adding at the end the following new section:

''§ 1789. Adoption assistance

''(a) IN GENERAL.—The Secretary may pay an amount, not to exceed the limitation amount, to assist a covered veteran in the adoption of one or more children.

''(b) COVERED VETERAN.—For purposes of this section, a covered veteran is any severely wounded, ill, or injured veteran who—

''(1) has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service; and

''(2) is enrolled in the system of annual patient enrollment established under section 1705(a) of this title.

''(c) LIMITATION AMOUNT.—For purposes of this section, the limitation amount is the amount equal to the lesser of—

''(1) the cost the Department would incur if the Secretary were to provide a covered veteran with one cycle of in vitro fertilization, as determined by the Secretary; and

''(2) the cost the Department would incur by paying the expenses of three adoptions by covered veterans, as determined by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 3, is further amended by inserting after the item relating to section 1788 the following new item:

''1789. Adoption assistance.''.

SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING AND TREATMENT.

(a) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility counseling and treatment furnished by the Department of Veterans Affairs during the year preceding the submittal of the report.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The number of veterans who received fertility counseling or treatment furnished by the Department of Veterans Affairs, disaggregated by era of military service of such veterans.

(2) The number of spouses and surrogates of veterans who received fertility counseling or treatment furnished by the Department.

(3) The cost to the Department of furnishing fertility counseling and treatment, disaggregated by cost of services and administration.

(4) The average cost to the Department per recipient of such counseling and treatment.

(5) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, the average number of cycles per person furnished.

(6) A description of how fertility counseling and treatment services of the Department are coordinated with similar services of the Department of Defense.

SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT AND ADOPTION ASSISTANCE.

(a) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations—

(1) on the furnishing of fertility treatment to veterans using assisted reproductive technology;

(2) to carry out section 1788 of title 38, United States Code, as added by section 3; and

(3) to carry out section 1789 of such title, as added by section 4.

(b) LIMITATION.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary prescribes regulations under subsection (a), the Secretary may not furnish—

(1) to any veteran, any fertility treatment using assisted reproductive technology;

(2) any fertility counseling or treatment under section 1788 of title 38, United States Code, as added by section 3; or

(3) any assistance under section 1789 of such title, as added by section 4.

SEC. 7. COORDINATION WITH DEPARTMENT OF DEFENSE ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT.

The Secretary of Veterans Affairs shall coordinate the furnishing of fertility counseling and treatment by the Department of Veterans Affairs with the furnishing of fertility counseling and treatment by the Department of Defense.

Mr. COCHRAN. Mr. President, I will not object to the request made by the Senior Senator from Washington, and I do not object to the policy provisions in this bill. However, I must point out that this bill indiscriminately diverts Overseas Contingency Operations funds, which are necessary to ensure resources, equipment, and supplies are available to our servicemembers deployed across the globe. This is not how the provisions of this bill should be paid for. Taking away funds intended for our men and women who are currently serving could, in time, place some of the veterans that this bill intends to help at greater risk. This legislation could also divert funding intended for the security of our Ambassadors, Foreign Service Officers, and other State Department officials, placing them at additional risk.

Quality healthcare for those who have honorably served our country is something that I think all Senators, including me, support. If the provisions of this legislation are a priority for this body, we should be deliberate in determining how we should pay for them. The Senior Senator from Washington has put forward a thoughtful bill that merits consideration, but I think this body would prefer to consider other means to pay for new programs that do not divert funds intended to keep our troops well-equipped and safe.

Mr. MCCAIN. Mr. President, I do not intend to object to the request of the Senator from Washington, and I do not object to the policy provision of this bill at this time. But I strongly object to the Senator seeking to fund these new veterans benefits out of the Department of Defense budget that funds the needs of our military men and women serving in combat overseas.

The cost of Senator MURRAY's bill, provided by the Congressional Budget Office, is $568 million over 5 years. To cover that cost, Senator MURRAY proposes to strip $568 million from wartime funding for troops in Afghanistan over the next 5 years without even considering the impact of that cut on their safety and security. This is preposterous. This bill assumes that Congress will still be passing emergency spending bills for Afghanistan 5 years from now, and somehow our troops will be able to bear the risk of having hundreds of millions siphoned from their critical needs for a program that has nothing to do with the war they are currently engaged in. Every dollar requested in the defense budget for our combat forces will be needed to keep them adequately equipped, armed, and engaged in defeating the enemy and coming home with honor.

The proposed offset for this new program is an irresponsible budget gimmick designed to shift the funding burden for these new benefits from VA to DOD. Funding for the DOD Overseas Contingency Operations fund is within the jurisdiction of the Armed Services Committee, and should be considered by the full Senate, rather than slipped into a reported bill at the last minute without debate or discussion.

I also am surprised that Senator MURRAY, a vocal supporter of improving the welfare of our troops, would actually propose cuts to funding for our combat troops without even assessing the impact of those cuts. The job of making that assessment lies within the Armed Services Committee's jurisdiction, and I will seek to ensure that the Senate has an opportunity to make that assessment before passing any legislation that attempts to shift defense dollars from the direct combat needs of our Armed Forces to any new benefits or policies.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the committee-reported amendment be considered; the Murray amendment, which is at the desk, be agreed to; the committee-reported amendment, as amended, be agreed to; and that the bill, as amended, be read a third time.

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

The amendment (No. 3336) was agreed to, as follows:

Purpose: To provide an offset.

At the end, add the following:

SEC. 8. FUNDING.

Amounts for a fiscal year to carry out this Act, section 7330B of title 38, United States Code, as added by section 2(a), section 1787 of such title, as added by section 4(a), and the amendments made by this Act shall be derived from amounts made available for an overseas contingency operation in that fiscal year, if amounts were made available for an overseas contingency operation in that fiscal year.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3313), as amended, was ordered to be engrossed for a third reading and was read the third time.

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

The bill (S. 3313), as amended, was passed, as follows:

S. 3313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women Veterans and Other Health Care Improvements Act of 2012''.

SEC. 2. CLARIFICATION THAT FERTILITY COUNSELING AND TREATMENT ARE MEDICAL SERVICES WHICH THE SECRETARY MAY FURNISH TO VETERANS LIKE OTHER MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(H) Fertility counseling and treatment, including treatment using assisted reproductive technology.''.

SEC. 3. REPRODUCTIVE TREATMENT AND CARE FOR SPOUSES AND SURROGATES OF VETERANS.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1788. Reproductive treatment and care for spouses and surrogates of veterans

''(a) IN GENERAL.—The Secretary shall furnish fertility counseling and treatment, including through the use of assisted reproductive technology, to a spouse or surrogate of a severely wounded, ill, or injured veteran who has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service and who is enrolled in the system of annual patient enrollment established under section 1705(a) of this title if the spouse or surrogate and the veteran apply jointly for such counseling and treatment through a process prescribed by the Secretary.

''(b) COORDINATION OF CARE FOR OTHER SPOUSES AND SURROGATES.—In the case of a spouse or surrogate of a veteran not described in subsection (a) who is seeking fertility counseling and treatment, the Secretary may coordinate fertility counseling and treatment for such spouse or surrogate.

''(c) CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to find or certify a surrogate for a veteran or to connect a surrogate with an injured veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1787 the following new item:

''1788. Reproductive treatment and care for spouses and surrogates of veterans.''.

SEC. 4. ADOPTION ASSISTANCE.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, as amended by section 3, is further amended by adding at the end the following new section:

''§ 1789. Adoption assistance

''(a) IN GENERAL.—The Secretary may pay an amount, not to exceed the limitation amount, to assist a covered veteran in the adoption of one or more children.

''(b) COVERED VETERAN.—For purposes of this section, a covered veteran is any severely wounded, ill, or injured veteran who—

''(1) has an infertility condition incurred or aggravated in line of duty in the active military, naval, or air service; and

''(2) is enrolled in the system of annual patient enrollment established under section 1705(a) of this title.

''(c) LIMITATION AMOUNT.—For purposes of this section, the limitation amount is the amount equal to the lesser of—

''(1) the cost the Department would incur if the Secretary were to provide a covered veteran with one cycle of in vitro fertilization, as determined by the Secretary; and

''(2) the cost the Department would incur by paying the expenses of three adoptions by covered veterans, as determined by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title, as amended by section 3, is further amended by inserting after the item relating to section 1788 the following new item: ''1789. Adoption assistance.''.

SEC. 5. REPORT ON PROVISION OF FERTILITY COUNSELING AND TREATMENT.

(a) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility counseling and treatment furnished by the Department of Veterans Affairs during the year preceding the submittal of the report.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The number of veterans who received fertility counseling or treatment furnished by the Department of Veterans Affairs, disaggregated by era of military service of such veterans.

(2) The number of spouses and surrogates of veterans who received fertility counseling or treatment furnished by the Department.

(3) The cost to the Department of furnishing fertility counseling and treatment, disaggregated by cost of services and administration.

(4) The average cost to the Department per recipient of such counseling and treatment.

(5) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, the average number of cycles per person furnished.

(6) A description of how fertility counseling and treatment services of the Department are coordinated with similar services of the Department of Defense.

SEC. 6. REGULATIONS ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT AND ADOPTION ASSISTANCE.

(a) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations—

(1) on the furnishing of fertility treatment to veterans using assisted reproductive technology;

(2) to carry out section 1788 of title 38, United States Code, as added by section 3; and

(3) to carry out section 1789 of such title, as added by section 4.

(b) LIMITATION.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary prescribes regulations under subsection (a), the Secretary may not furnish—

(1) to any veteran, any fertility treatment using assisted reproductive technology;

(2) any fertility counseling or treatment under section 1788 of title 38, United States Code, as added by section 3; or

(3) any assistance under section 1789 of such title, as added by section 4.

SEC. 7. COORDINATION WITH DEPARTMENT OF DEFENSE ON FURNISHING OF FERTILITY COUNSELING AND TREATMENT.

The Secretary of Veterans Affairs shall coordinate the furnishing of fertility counseling and treatment by the Department of Veterans Affairs with the furnishing of fertility counseling and treatment by the Department of Defense.

SEC. 8. FUNDING.

Amounts for a fiscal year to carry out this Act, section 7330B of title 38, United States Code, as added by section 2(a), section 1787 of such title, as added by section 4(a), and the amendments made by this Act shall be derived from amounts made available for an overseas contingency operation in that fiscal year, if amounts were made available for an overseas contingency operation in that fiscal year.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The title amendment was agreed to, as follows:

Amend the title so as to read: ''A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate has just passed legislation that will bring into focus a real need for the VA to help women veterans and the spouses of male veterans access assistance for one of the most impactful and serious wounds of these wars—reproductive and urinary tract trauma.

As many of my colleagues know, the nature of the current conflict we are involved in and the use of improvised explosive devices leave our servicemembers far more susceptible to very serious injuries, such as reproductive and urinary tract trauma. Army data shows that between 2003 and 2011, we had 2,000 servicemembers suffering from these kinds of injuries. Like so many of our veterans, these men and women come home and want to return to their lives, to find employment and to start a family. But today, when they go to the VA, the fertility services that are available don't meet the very complex needs of these serious injuries. In fact, veterans who have suffered from these injuries find that the VA is specifically barred from providing more advanced assisted reproductive techniques, such as in vitro fertilization. They are, in fact, told—despite the fact that they have made such an extreme sacrifice for our country—that they can't be provided with the medical services they need to start a family.

One of those veterans I have come to know is SSG Matt Keil and his wife Tracy, who are here with us today. Staff Sergeant Keil, whom I talked about this morning, was shot in the neck while he was on patrol in Ramadi, Iraq, on February 24, 2007, just 6 weeks after he married Tracy. Staff Sergeant Keil instantly became a quadriplegic. Later, when he came home and they wanted to start a family, Tracy and Matt were faced with the fact that they could not access IVF services through the VA, which meant they had to pay $32,000 out of their own pocket.

Mr. President, the bill we passed today means those families who are coming behind Tracy and Matt won't have to go through the same fight to take care of something that is so vital to so many American families; that is, having a family of their own. This is an important step we have taken today in passing this out of the Senate. I am hopeful that the House will take it up and pass it. And I assure Tracy and Matt that one day, when this bill is signed into law, they will have made a true difference for those families who come behind them, and for that I am eternally grateful.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I wish to commend Senator MURRAY before she leaves the floor for her tireless dedication to America's Armed Forces, for her commitment to our veterans and her passion for addressing their very real and very human needs, and for bringing examples from her home community as well as from our country at large of just how much we owe our veterans and in just how many different ways they face challenges as they try to move forward with their lives after their service for us. I wanted to thank her and recognize the Senator from Washington.

MORNING BUSINESS

376TH ANNIVERSARY OF THE NATIONAL GUARD

Mr. COONS. Mr. President, one of the best things about a good day in the Senate is when we get a chance to visit with friends from home. Earlier today, I had a chance to visit with the Hopkins family. They run a small business in Delaware. And I have had the great joy of spending time with our U.S. Congressman, JOHN CARNEY, our incoming speaker of the house, Pete Schwarzkopf, and friend Quin Johnson today. All of this has brought to mind something I wanted to speak to for a moment, if I might.

I rise today to mark the 376th anniversary of a great American institution that is critical to our safety here and abroad—the National Guard.

The National Guard goes back to the citizen soldier tradition of our colonial-era militia of citizens who took up arms or who came together for collective action in times of natural disaster or of threat. The National Guard today, 376 years later, still has that dual mission—to serve our communities by responding to domestic emergencies and to deploy, when needed, to serve and protect our Nation overseas. While they do all this, they also often hold down full-time civilian jobs. In their daily lives, National Guard troops are teachers and police officers, firefighters and office workers. When called upon by their Governor or Commander in Chief, they change their uniforms and report for duty as civilian soldiers.

In my home State, our Delaware National Guard is on the front lines every day, whether keeping our streets safe after a storm, deploying to Iraq or Afghanistan, or traveling to other parts of the country to help our citizens recover and cities rebuild in the wake of a natural disaster. Organized and managed so capably by Major General Frank Vavala, the Delaware National Guard has the capability to keep us safe. They transport people and supplies on land and through the air. They defend our Nation in cyber space. They support law enforcement's fight against illegal drugs. They are on the scene of any suspicious chemical or biological event, and they enable friendly forces to communicate with each other in war zones.

When duty calls, the Delaware National Guard is there. The 153rd Military Police Company, for example, was deployed to Iraq, where they logged hundreds of combat patrols on some of the most dangerous streets in the world and trained Iraqi police officers in all aspects of their profession. In January, this unit will deploy again, this time to Afghanistan.

The 126th Medical Aviation Battalion was deployed to Afghanistan, where they flew 400 priority medevac missions for over 500 critically injured patients, about half to unsecured landing zones outside of secure walls or fortified structures.

These are just two examples of the many ways the Delaware Guard protects our Nation overseas. But they are also vital to our security here at home. When there is a blizzard, the National Guard uses their humvees and heavy trucks to transport Delawareans with medical emergencies. When Superstorm Sandy struck last month, 120 soldiers traveled with heavy equipment to assist with recovery efforts in New York and New Jersey. When Hurricane Katrina devastated New Orleans in 2005, two C–130 aircraft left from New Castle airports the next day carrying the first of what would be 400 troops from Delaware who assisted with gulf coast recovery efforts.

The National Guard is resourceful, ready to serve, and they go everywhere they are called. These are truly citizen-soldiers.

When I was the county executive of New Castle County, Delaware, we had as many as seven different county employees at different times deployed overseas, many of them police officers called up for their National Guard service—folks who are the epitome of serving at home and serving abroad. So it is with a very personal sense of the needs and the challenges when I thank those employers who recognize that even when they are not at their desks, even when they are not contributing to their employer, our National Guard members are making a vital contribution to our community and to our country.

Tomorrow morning I am going to the Pentagon, where I will talk with leaders there about critical needs in an age of ongoing budget austerity. One of the priorities I am fighting for is a responsible investment in our National Guard. These heroes deserve more than our gratitude, they deserve our rock-solid commitment to ensuring they have the resources they need to do their jobs.

The National Guard plays a unique dual role in our security—as first responders and as a reserve force for foreign conflicts. We have to make sure they have the equipment and support for both their military missions and their domestic missions.

I am proud this year the President signed into law legislation that would give the Chief of the National Guard Bureau a seat at the table, a seat on the Joint Chiefs of Staff. I was glad to work to help build bipartisan support for this bill because I believe the Joint Chiefs need someone at the table who has seen the full capabilities and range of operations and the unique challenges and resources of the National Guard firsthand.

So 376 years after its founding, the National Guard continues to grow and evolve to meet the security challenges of the United States in the 21st century. I believe the Guard of the future must continue to fulfill both sides of their vital dual mission. Additionally, it must be a place where highly skilled soldiers and airmen can continue to serve their country while also working in and serving civilian communities. The Guard can and should be a bridge between the military and civilian response to threats facing the United States, not the least of which are cyber attacks and terrorism.

On this anniversary, the National Guard remains essential to the safety and security of Americans at home and abroad, and today I would like to thank the soldiers and airmen of the Delaware National Guard as well as the entire National Guard family at home and abroad for their service and dedication to our country. Thank you, and happy birthday.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

THE FISCAL CLIFF

Ms. STABENOW. Mr. President, today I rise because middle-class families are counting on the House of Representatives to do the right thing between now and the end of the year, which is just 19 days away. The House needs to pass the middle-class tax cuts we sent them back in July.

Families need help. When we talk about the fiscal cliff, the most important one is what families are struggling with every day, and we have just 19 days until the taxes on middle-class families will go up by an average of $2,200 if the House of Representatives doesn't act. We need to make sure that 98 percent of the American public is protected from tax increases. As we know, we passed the Middle Class Tax Cut Act on July 25. So far, the House has not acted. Nineteen days. They have 19 days until the end of this year in order to act. Time is running out.

Now, we know there is a larger discussion going on that is incredibly important—how we put together a deficit reduction plan for our country, a long-term plan for fiscal solvency and for our economy. By the way, we will never get out of debt with close to 12 million people out of work, so we better be focused on jobs and the economy, as I am each and every day.

We know we need a larger plan, but when we look at the three legs of the deficit reduction stool that everybody talks about, there has been action on two of them. There needs to be action on the third as we go forward to put together the final plan. The first step was an agreement we made last year to cut spending by about $1 trillion. So that was the first piece, the spending cut reduction. Secondly, we needed to find savings in Medicare, which has lengthened the Medicare trust fund by 8 years. We know there is more that can be done as we look at savings going forward. We passed over $700 billion in savings by protecting and strengthening benefits for seniors by cutting overpayments to insurance companies and making other reforms to strengthen the system and create more efficiencies.

We have seen step 1 on spending reductions of $1 trillion. We have seen step 1 on ''entitlements,'' as we speak of it, which is Medicare savings coming the right way, not by cutting benefits or raising the Medicare age, which I strongly oppose but, instead, by creating savings by cutting overpayments to insurance companies and other efficiencies. But what happens on the third leg of the stool, which is the requirement that the wealthiest among us come to the table and be part of the solution on revenue? That is the third leg of the stool. We continue to see no willingness to take action there.

We find ourselves in a situation where in 19 days the average American will see their taxes go up by, on average, $2,200 because the House of Representatives has been holding middle-class families hostage to their own politics. What are we talking about when we talk about $2,200? I asked folks around Michigan: What does that mean to you? One constituent said that is 4 months' groceries. Four months of feeding her family is what we are talking about if the House of Representatives does not act.

Mr. President, $2,200 would buy 650 gallons of gas. For the average commuter going back and forth to work every day, that gets them back and forth to work for 3 years on the tax increase that middle-class families are facing if the House does not act.

Mr. President, $2,200 will buy families in Michigan 550 gallons of milk for their families. We are talking about a lot of money that is at stake for families.

In many cases that number is higher than $2,200, and House Republicans are holding families across this country hostage at Christmastime over a fight about whether millionaires and billionaires in this country should pay a little bit more to solve our long-term deficit problem.

It is unbelievable to me that we continue to see this kind of inaction coming from the House of Representatives. We all know this can be done in just a few moments. We can send a very strong message to 98 percent of American families, 97 percent of small businesses, that they can go into the Christmas season knowing they are going to continue to get tax cuts in the new year.

I can assure you, in times when families are struggling now, when they want to provide a good Christmas for their families, we are seeing things like layaway—layaway is back because families are having to use a longer time to pay for toys and clothes and other things for their children for Christmas. Mr. President, $2,200 is a lot of money. There is a lot of uncertainty right now because the House of Representatives has not acted. It is time to get this done.

Everybody says they support the bill we passed. We have a growing chorus of colleagues on the Republican side of the aisle in the Senate and in the House—we have business leaders and people across the country—who all agree we are never going to be able to address our deficit reduction problems without those who are wealthiest among us helping to solve the problem. That is all this is about.

The House needs to get this done. Then we know there is a larger piece. All three legs of the deficit reduction chair need to be addressed, but now the only one where nothing has been done is asking people who are most blessed economically to chip in a little bit more.

RIGHT-TO-WORK LAWS

If I might add one more thing that relates to something else happening in Michigan that goes to the heart of the issue about whether we are going to have a middle class in this country, and that is what the Governor and the

Republican State legislature have done in passing the most divisive piece of legislation I can remember in my lifetime in Michigan. It is called right to work. It is really a right to have a race to the bottom. It is not about economics, it is about politics, plain and simple.

Instead of coming together and doing the right thing, we see the State legislature pursuing a political attack. Over and over, families in my State and across America, middle-class families, are being asked to sacrifice, to bear the burden for whatever is happening. They are fed up, and they have every right to be.

There are huge crowds at the Michigan State Capitol Building in Lansing showing how frustrated, how angry people are that one more time, in an age where we have Citizens United and the Supreme Court saying corporations can give not only unlimited dollars to campaigns but secret money; in an age when the House of Representatives in Washington is willing to protect millionaires from chipping in to solve our deficit problem at all costs, even holding middle-class families hostage—over and over again, working people are saying: What is going on here? We will not have an economy if we do not have a middle class, if people do not have money in their pockets to be able to buy things, to be able to drive the economy, to be able to take care of their families.

In Michigan it is one more blow to the whole process of whether we are going to have voices of working people at the table in the workplace able to effectively negotiate good wages, good benefits, safe working conditions, and know that everybody in the workplace who benefits from that is going to chip in to be able to make sure that continues.

We know all across the country we can either have a race to the bottom or a race to the top. When we see wages going down in places where this kind of legislation has been on the books across the country, we know what has been done in Michigan is going to be one more step in creating that race to the bottom. We see wages for union and nonunion workers go down when we have that kind of a race to the bottom. We see health benefits and pensions decrease. We see lower consumer spending because middle-class families have less money in their pocket.

These kinds of laws hurt families. It is not about economics or freedom, it is about raw politics. Workers need to have confidence they will have a voice in the workplace and they will have a decent wage and benefits they can count on to be able to have a good life for themselves and their families.

That is really what this is all about in so many ways, where families are under attack right now. Middle-class people, trying to hold it together, people trying to figure out how to get into the middle class, who have been knocked down over and over. It is time to stop saying the words ''middle class'' and actually believe and act as if it is important to our country—because it is. It is essential if we are going to have a quality of life and an economy and have families who know that the American dream is not just a couple of words, but they have the ability to create the American dream for their families.

We have 19 days for the House of Representatives to pass the middle-class tax cuts that we sent to them in July, July 25; 19 days before families see their taxes go up and they believe one more time, at least in the House, that they do not get what is happening to families.

I strongly urge the Speaker and Republican leadership to bring up this bill right away, get it done, and let families know they will have economic certainty—at least related to their taxes going into the new year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THANKING SISTER SHEILA LYNE

Mr. DURBIN. Mr. President, if the rough and tumble of Chicago politics is not where you would expect to find a slightly built Catholic nun, you have never met Sister Sheila Lyne. Sister Sheila has been an icon in Chicago health care for almost half a century. For nearly 10 years in the 1990s she made history as Chicago's public health commissioner.

For 15 years before her work as Chicago's top public health officer and for another dozen years afterwards, this smart, visionary courageous woman also served as president and CEO of Mercy Hospital & Medical Center, a legendary institution that has helped care for poor families on the South Side of Chicago since before the Civil War. As public health commissioner, Sister Sheila was never afraid to tackle the powerful. Her decisions were based on conscience, and an iron will. She was once arrested for ignoring a judge's order to test every child in a Chicago public school for lead poisoning because she believed the edict was unnecessarily broad and could hurt children and deplete her department's limited resources. She was out of jail 2 hours later.

The first time she took over as president of Mercy Hospital, in 1976, Mercy was bleeding money and on the verge of closing. Sister Sheila's business savvy and innovative management ideas helped put the hospital back in the black. In 2000, following a series of management blunders, Mercy was losing $40 million a year and once again about to go down for the count. Sister Sheila stepped down as Chicago's public health commissioner and returned as Mercy's president and CEO to lead the hospital's turnaround effort. Once again, she succeeded with a series of shrewd business decisions, innovative reforms, and determination. A year ago, Sister Sheila helped engineer the sale of Mercy Hospital to Trinity Health, the tenth-largest health system in the Nation and the fourth-largest Catholic health system.

Last week, at the age of, as she says, ''76½''—she insists including the half—Sister Sheila announced that she will step down as president and CEO of Mercy Hospital as soon as her successor can be named. While she will remain with Mercy as senior adviser to Mercy Foundation, the hospital's philanthropic arm, her departure as Mercy's president and CEO will bring to a close one of the most remarkable careers in Chicago health care in our lifetimes.

Sheila Lyne was born and raised on the South Side of Chicago, one of three children of Irish immigrants who met in America. She attended Little Flower Elementary School and Mercy High School. She joined the Sisters of Mercy, a Catholic religious order, in 1953. She earned a master's degree in psychiatric nursing from St. Xavier College and an MBA from the University of Chicago and served three years as an assistant professor at the University of Iowa before joining Mercy Hospital in 1970. In 1976 she became Mercy's president and CEO.

In 1991, Mayor Richard M. Daley appointed her city health commissioner—the first woman and the first non-physician ever to hold that job. The department's responsibilities ran the gamut from inspecting restaurants, to monitoring and controlling epidemics, and protecting the public against the spread of infectious diseases. Its clinics receive a million patient visits a year and are the ''family doctor'' to more Chicagoans than any other single entity.

HIV and AIDS were taking a devastating and rising toll on the city and the nation, and gay and lesbian groups protested Sister Sheila's appointment strongly, fearing she would allow Church policies to dictate public health decisions. Sister Sheila surprised her critics by taking on the cause of fighting AIDS, increasing care and prevention funding from $4 million to $40 million and promoting aggressive, even controversial prevention efforts. She gained national acclaim for her innovative programs to improve the health of poor women and children.

When she learned that the department had no way to know which areas of the city faced particular problems, she set up an epidemiology department. Data from that department helped her department to focus and improve its efforts. She visited elementary schools, pregnancy crisis centers, welfare clinics, homeless shelters and senior centers throughout the city, listening to people's stories in order to better understand their lives—and always looking for better ways to combat the city's health challenges.

When she started, the infant mortality rate in some poor Chicago neighborhoods was lower than in many developing nations. Sister Sheila recruited two women in the Robert Taylor Homes, a large public housing complex, asked them to find pregnant residents and escort them to one of the department's eight free-standing clinics for prenatal care. During her tenure, she reduced the city's infant mortality rate by 39 percent.

She sent a van to circulate through Chicago's poorer neighborhoods, providing immunizations for children and dramatically increasing the percentage of kids who are up to date on their shots. She created a citywide plan—hailed by the Centers for Disease Control—as a model to combat what she called the insidious public health epidemic of domestic violence. She created special programs to reach minority and immigrant families and established an Office of Lesbian and Gay Health, only the second such office in the Nation.

Sister Lyne received many honors, including the Excellence in Public Award from the blue-ribbon panel of Chicago's business and industry leaders.

Dr. Joanne Smith, president and CEO of the Rehabilitation Institute of Chicago, recently praised Sister Sheila and said she was one of those leaders who, when she gets behind something, is a train that is difficult to stop.

Three years ago Sister Lyne helped prod the Illinois General Assembly to pass a groundbreaking new law capping how much hospitals could charge uninsured patients, so that instead of being the only people who are billed the full sticker price, their bills are closer to what other patients pay.

She comes to the office 7 days a week—usually by 7 a.m.—half walks and half jogs 3 miles a day. Some days she trades the walk for the elliptical and Stairmaster. She is 76½ years old. She speaks of Mercy Hospital as a mission and believes that health care is a public good. She is, in her own words, ''so grateful and so privileged that I have been able to be a part of making things better.''

However, she is troubled and frustrated by all the unmet needs. When asked what changes she has seen in health care in the last half century, she replies very simply: Not enough. She asks pointedly: Who doesn't deserve health care?

In closing, I want to read a short excerpt from the Chicago Sun-Times editorial. Here is what they said:

> Some people fight for the poor and dispossessed by marching on the castle, torches high. Others, fighting the same fight, cross the drawbridge and work from the inside, maneuvering the levers of power, mastering the arts of management and poll politics.
>
> Sister Sheila Lyne . . . is the second kind of activist, remarkably so, having done much to make Chicago a more caring city for half a century.

The editorial went on to say:

> Sister Sheila . . . says it's time she calls it quits, but we suspect we'll see her again. She is of a generation of Catholic sisters, and of a particularly steely order—the Sisters of Mercy—who tend to work until they can't work anymore. They are smart, educated women who run things. They are tough and ramrod straight. And we would rather they never retire. Certainly not this one.

Well, anyone anywhere who questions the catholicity or the Christianity of American Catholic nuns needs to meet Sister Sheila, a woman who has given her life to the least of our brethren.

Loretta and I and countless Chicagoans of three generations feel exactly the same way. Sister Sheila Lyne's passionate devotion to health care and justice has made Chicago a healthier and better city, and we are all in her debt.

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

STUDENT DEBT

Mr. DURBIN. Mr. President, every week I hear from students across my State and around the Nation who are struggling with student loans. Congress has acted on important legislation to help students with these loans by keeping the interest rate of Federal subsidized student loans at a low 3.4 percent, but we need to do more for borrowers and their families because the private student loans have become burdensome and unmanageable.

While other types of consumer loan debt are decreasing, there is one category that is increasing, student loan debt. Student loan debt is more burdensome than other debts. Lenders often will not work with borrowers; take it or leave it. As we all know, student loans—because of the action of Congress—are not dischargeable in bankruptcy. Only in extremely rare circumstances when the debtor can establish undue hardship is a student loan dischargeable from a bankruptcy.

Undue hardship is a court-defined term, and most courts use a three-part analysis called the Brunner test that was created by the Second Circuit in 1987 to determine whether a student loan can be discharged in bankruptcy. The Brunner test requires that to establish ''undue hardship'' and receive a discharge of a student debt, a debtor must show ''that the debtor cannot maintain a minimal standard of living if forced to repay the loan.'' Second, that this state of affairs is likely to persist for a significant portion of the loan repayment period; and, third, that the debtor made good-faith efforts to repay the loan.

This test—and especially the second part—is almost impossible to satisfy.

Back in March I chaired a hearing in the Judiciary Committee on student loans and bankruptcy. One of the witnesses was Deanne Loonin of the National Consumer Law Center. Ms. Loonin testified that the ''undue hardship system is random, unfair and costly'' and that ''effectively it has become no choice at all for those who most need it.''

Ms. Loonin noted that the second prong of the Brunner test ''forces borrowers to prove a negative—they must somehow prove that their future is as hopeless as their present.''

In 2004 the Tenth Circuit Court of Appeals noted that courts have applied the Brunner test to deny discharge under even the most dire circumstances. That is because in many jurisdictions courts have construed that second prong of the Brunner test to require borrowers to show ''certainty of hopelessness.''

On August 31, the New York Times ran an article about the Brunner test and this ''certainty of hopelessness'' standard. It was entitled ''Last Plea on Student Loans: Proving a Hopeless Future.'' The article said:

> Lawyers sometimes joke about the impossibility of getting over this high bar, even as they stand in front of judges. ''What I say to the judge is that as long as we've got a lottery, there is no certainty of hopelessness,'' said William Brewer Jr., a bankruptcy attorney in Raleigh, N.C. ''They smile, and then they rule against you.''

The New York Times discussed a 2008 undue hardship case in my State of Illinois—in deep southern Illinois. The debtor, David Whitener, was visually disabled, unemployed, and living on about $900 a month of Social Security disability payments. The bankruptcy court rejected the undue hardship request finding that he had not proved ''certainty of hopelessness.'' Whitener's lawyer, Steve Stanton of Granite City, said of the case:

> I didn't even have the client pay me. In all of the cases in 30 years of bankruptcy work, I came away with about the worst taste in my mouth that I've ever had.

Not only is it almost impossible to prove the hardship required by the Brunner test, most student borrowers are not even able to afford to try. That is because debtors have to bring a separate court case in addition to the bankruptcy case in order to seek this exception. That means paying a lawyer for another case and likely for an appeal.

How can it be that the deck is so stacked against students who borrowed to go through school? How can ''certainty of hopelessness'' be the standard for borrowers to obtain any relief in bankruptcy court. This harkens back to the debtors prisons of Europe and England. Charles Dickens would have a ball with this standard.

Congress needs to address this issue. Right now there is $150 billion in outstanding private student loan debt that is crushing many borrowers—$150 billion. I have a bill, the Fairness for

Struggling Students Act, that would once again permit private student loans to be discharged in bankruptcy as they were before 2005. Mark my words, there is no good reason why private student loans should be treated differently in bankruptcy from any other type of private unsecured debt.

This 2005 change in the law was a special interest favor. It was never justified, never debated, and cannot even be explained today. Filing for bankruptcy is never a walk in the park, and it should be the last resort for anyone, including student borrowers. But many private student loans have outrageous terms forced on kids—or just barely beyond being kids—and their families. Students are saddled with those loans. Many of them would not even understand the standard of ''certainty of hopelessness'' that is required before there is any relief in bankruptcy court. The problem is not going away; it is getting worse. The student debt, when they start to default, just grows in size.

One of my recent e-mails came from a victim of one of these for-profit schools. The initial debt this student had after the student dropped out of the for-profit school was about $80,000 in private loans. Because the student could not get a job, the debt just grew. It is now $103,000. The student lives in the basement of the family home and has no hope. She cannot borrow any money for a car to go back to school or for any purpose. She is stuck, and it is not dischargeable in bankruptcy.

Bankruptcy reform would help borrowers like Malissa Peloquin. She left Westwood College—one of the most notorious for-profit schools—in 2007 with $75,000 in student loan debt. It is a debt that Westwood College advisers and counselors had lured her into. Her Federal loans have an interest rate below 4 percent, but her private student loans are at more that 11 percent.

Malissa has never defaulted on her loans, but with three kids, she struggles to make the payments every month. She fears that she will lose her home because the home payments are difficult to keep up because of the student loan debt.

Her mother, who is 65 years old, cosigned two of her daughter's student loans just to help her.

Malissa worries what will happen when she cannot pay. Will they go after her mother? We know they do. In the past there have been reports about garnishing Social Security checks on the parents and grandparents who cosigned student loans when the student defaulted.

Malissa has considered filing for bankruptcy, but she knows that private student loans are not dischargeable as set by this outrageous standard. She said if she could go back in time, there is no way she would have ever taken out those loans.

How many young people 18, 19, 20 years old sit across the desk from an admissions officer who pushes the papers in front of them and says: If you sign these papers, you will be in class next week. How many think: I have been told, as long as I can remember, go to school, get a degree? They anxiously sign them never thinking that they are building up a debt in many cases that will dog them for life.

We need to help borrowers such as Malissa who are struggling. I hope my colleagues will take a serious look at this. This is totally unfair. The for-profit college industry is disgraceful. Remember three numbers: 12 percent of all the students after high school go to for-profit schools; 25 percent of all Federal aid to education goes to for-profit schools; and 47 percent of all student loan defaults are of the students at for-profit schools. It tells us the story.

They drag these kids deep in debt, hand them worthless diplomas, watch them default, and then lives ruined by what students thought was the right decision early in life. Who is responsible for it? The Congress? The President? The government? Check all of the above. We have created this circumstance that costs $32 billion a year, money that we send to these for-profit colleges. If they were a separate Federal agency, for-profit colleges would be the ninth largest Federal agency in Washington, DC. They receive subsidies from 85 to 95 percent of all of their expenses directly from the Federal Government. Calling their employees Federal employees is not a stretch. They are all paid for by the Federal Government as are their advertising and marketing expenses.

When we put this all together, it is rotten. The students who are contacting my office, and many other Senators, are crying out for help and relief. If we cannot help these young people after the exploitation of the for-profit schools and others, shame on us.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

FAREWELL TO THE SENATE

Mr. BINGAMAN. Mr. President, in 1981, in his first inaugural address, President Reagan said:

> Government is not the solution to our problem; government is the problem.

I came to the Senate 2 years later in 1983 with the firm belief that in most cases his statement was wrong. I believed then and I believe now that the Federal Government can be a constructive force for good, in protecting and maintaining the civil liberties of all Americans, in maintaining and strengthening our economy, protecting our environment, and in helping Americans live productive and fulfilling lives.

As I look back over the last 30 years, many of the arguments that have consumed our time at the Senate, whether on questions of spending or taxes or regulation or fiscal policy, those questions have divided between those who saw government as the problem and those who believed it could and should be a constructive force for helping the American people deal with problems. I consider myself firmly in the second camp. In each of the major areas of national concern, I would like to be able to report progress for the country since I arrived in the Senate. Unfortunately, the record of progress is not so clear. In many areas, we have made progress, but there are also instances where we have lost more ground than we have gained. As issues continue to be reconsidered, I am reminded of the well-known statement that ''success is never permanent in Washington.''

With regard to our Nation's security from foreign aggression, the end of the Cold War and the collapse of the Soviet Union were clearly the most positive developments we have seen in the last 30 years. If the end of the Cold War was the most positive national security development I witnessed since coming to the Senate, the invasion of Iraq to bring about regime change in that country was the biggest national security blunder. That blunder cost our Nation dearly in service men and women killed and injured and in resources that should have been used to strengthen our economy here at home. Last month, I was stopped by a woman from northern New Mexico who thanked me for my service in the Senate and particularly for my vote against granting President Bush the authority to take our country into that war.

The Nation's fiscal policy is very much the focus of the Senate's attention during these final weeks of the 112th Congress. On this issue, again, we have made one step forward during the time I have been in the Senate, but, unfortunately, we have taken two steps back. I arrived in the Senate in January of 1983, a period of large deficits compared to anything the country had experienced for several decades. Those large deficits grew and persisted through the Reagan Presidency.

In 1990, a democratically controlled Congress and President George H.W. Bush made a significant step forward, reining in those deficits with the enactment of the Omnibus Budget Reconciliation Act of that year, 1990. That law created the statutory pay-go requirement. It also increased marginal rates for the wealthiest Americans, and I was proud to support the measure. In 1993, another major step was taken when, at the urging of President Clinton, Congress enacted the Omnibus Budget Reconciliation Act of that year, 1993. Again, that measure both raised taxes and constrained spending. It was denounced by many in the Senate as sure to throw the economy into recession. In fact, the opposite occurred, and the economy prospered. As

a result of these policy changes and the strong economy of the 1990s, we enjoyed a period of balanced budgets and even surpluses in 1998, 1999, 2000, and 2001.

Unfortunately, those surpluses were not to continue. President George W. Bush urged Congress to cut taxes and Congress was all too willing to oblige, and although I didn't support the 2001 or 2003 tax cuts, they were passed. At about the same time we were cutting taxes more than we could afford, we were also going to war in Afghanistan and in Iraq and adding a new drug benefit to Medicare. No provision was made to raise revenue or cut spending elsewhere to pay for any of these mammoth undertakings. Of course, the cost of health care, both the cost to government and to families and businesses who purchased private insurance, continued to grow at too rapid a pace. So the result was a return to large deficits and, of course, those large deficits grew substantially larger because of the recession that began in December of 2007.

Today, we are trying to strengthen our economy while at the same time trying to reduce projected deficits. That long-term deficit reduction will, once again, require higher taxes as well as new constraints on spending, and I hope that even in these final days of this 112th Congress, we can reach agreement to proceed.

As regards health care, in the longstanding fight to provide Americans with access to affordable health care, we have seen significant progress. In 1997, we enacted the Children's Health Insurance Program which resulted in nearly 8 million American children obtaining access to health care. Of course, in 2010, we adopted the Patient Protection and Affordable Care Act. This unfairly maligned legislation has the promise of moving us much closer to the goal of universal health care, and I am proud to have worked with my colleagues in the writing of that legislation and in seeing it enacted. Now that the recent election is behind us, I hope the efforts to repeal that legislation are at an end. I also hope the two parties can find ways to improve the legislation with a particular focus on better controlling the growth and the cost of health care.

In addressing the various energy challenges facing the country, again, there is progress to report. In 2005 and 2007, Congress enacted major Energy bills. Those bills moved us toward a better and more comprehensive national energy policy. Those bills promoted an adequate and more diverse supply of energy. They increased the efficiency and effectiveness of how we use energy in our economy. They promoted strong market reforms and consumer protections for electricity, and they struck a balance between meeting our energy goals and lessening environmental impacts of energy, including overall greenhouse gas emissions. As a result of that balanced approach, we have arrested what had been an increasing dependence on foreign oil. Coupled with technological advances that have opened new sources of supply, we are headed to greater levels of energy independence than we had thought possible even as recently as 7 years ago.

The bipartisan consensus that allowed us to enact those bills has, unfortunately, eluded us in the current Congress. I hope in future Congresses there will reemerge a recognition that climate change is a reality and that our policies to meet our energy needs must also deal responsibly with environmental issues, including the damage caused by greenhouse gas emissions.

As regards our Nation's policy on education, the good news is we seem to have moved past the period where the Republican nominee for President announced a commitment to eliminating the Federal Department of Education. President Clinton deserves great credit for making the support, particularly of higher education, a priority of his Presidency. President George W. Bush deserves credit for making a serious effort to reform and improve elementary and secondary education. Although that effort to improve elementary and secondary education has not succeeded as many of us who supported it had hoped, I remain persuaded the Federal Government needs to persist in trying to play a constructive role in improving education in this country.

The States and local school districts deserve great credit for developing and adopting the Common Core Standards, and I hope future Congresses will strongly support the steps and the funding needed to upgrade student performance by implementing those standards. President Obama and his administration have demonstrated their strong commitment to this goal.

In addition to these areas of concern I have mentioned, we have seen some progress in maintaining and advancing the science and engineering enterprise in this country. As the Cold War came to an end, we successfully found ways to better integrate the strengths of our defense laboratories into the civilian economy, through technology transfer and partnering. We have also seen some important increases in funding for research, particularly in support of the life sciences, and that growth has stagnated in recent years. It needs to continue and be replenished, but as we continue that support, we must also recognize the need to do more to support research and development in the physical sciences and in engineering.

One significant advance I was proud to support was the establishment of ARPA-E, the Advanced Research Projects Agency-Energy within the Department of Energy. That effort to identify breakthrough science and engineering initiatives to meet our energy challenges holds great promise for our Nation and for the entire world.

We have also seen progress in providing increased protection for public lands. One particular bill in that area was the omnibus public lands bill that was passed in 2009. It added wilderness protection to over 2 million acres, designated 1,100 miles of wild and scenic rivers, and added more than 2,800 miles for the national trail system. I was proud to be part of the effort to enact that legislation.

Finally, I will make a few comments on the way we in the Congress conduct our own business. Any fair assessment has to conclude that in this area, we have lost ground in the last two decades. Public opinion of the performance of Congress is at an alltime low and it is not hard to see why. I will mention three obvious ways in which the functioning of Congress has worsened.

First is the willingness of some in Congress to shut down the government. In 1995, we saw the leadership of the House of Representatives demonstrate that they consider refusing to fund the government as an acceptable bargaining ploy in their efforts to prevail in disputes with President Clinton and Democrats on spending issues. Since 1995, that threat to withhold appropriations has been made several more times. As we saw then, shutting down the government is costly, it is wasteful, and it is harmful to Americans. I hope this irresponsible threat will soon be viewed as unacceptable.

A second way the malfunctioning of Congress became clear was when in August of 2011—just less than 18 months ago—the Republican leadership in Congress determined that another tool at their disposal was the ability to refuse to increase the debt ceiling. By doing so, they could deny the Secretary of the Treasury the authority to borrow money to meet the obligations the government had already undertaken. To my knowledge, this was the first time the congressional leadership of one of our major parties had stated their willingness to see our Nation default on its debt.

This threat to force a default on the obligations of the Federal Government resulted in the sequester of government spending, which is scheduled to begin January 1. It also resulted in a downgrading of U.S. debt by one of the leading credit rating agencies.

We now hear renewed threats to use this so-called leverage as a way to demand cuts in Medicare and in Social Security. Once again, I believe this is an irresponsible action I hope Congress will get beyond.

Of course, a third way in which the functioning of the Senate—not the full Congress but the Senate—has worsened is the abuse of Senate rules allowing unlimited debate or filibuster. As the Senate currently operates, a threat of filibuster is used routinely to obstruct the Senate from doing its business, even when the issue before the Senate is relatively uncontroversial. Many times following a delay caused by obstruction, an overwhelming number of Senators will vote for the legislation or

the nomination which the Senate has been delayed in considering. In the next Congress, I strongly encourage my colleagues to make the necessary changes in Senate rules to limit the ability of one or a few Senators to obstruct the Senate from doing its regular business. My colleague Senator UDALL of New Mexico is on the floor with me. He has been a leader in this effort to get these rules changed, and I commend him for that.

So the record of our progress both as a country and as a Congress over the last 30 years has been mixed. There is progress to report. I have mentioned some of that. There are also many missteps and failures we need to acknowledge.

My conclusion remains that many of our challenges as a nation can only be met with the help of a strong and effective national government. There are times when the actions of the government are more a problem than a solution, but there are many more occasions where enlightened action by the government is important and even essential.

I consider it an honor and a privilege to have represented the people of New Mexico in the Senate for the last 30 years. I thank the people of my State for their confidence in electing me and supporting me during the time I have served here. I thank the very capable and committed men and women who have worked on my staff, both in Washington and in New Mexico, during these 30 years. I thank all my colleagues here in the Senate for their friendship and help to me during this period. Of course, I thank my wife Anne and our son John and his wife Marlene for their support that has allowed me to serve in the Senate.

To all my friends and colleagues who will be here in the next Congress and in future Congresses, I hope you can find the common ground necessary for our country to effectively move forward and meet its challenges. The endeavor is a worthy one, and I wish you every success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

TRIBUTES TO DEPARTING SENATORS

JEFF BINGAMAN

Mr. UDALL of New Mexico. Mr. President, I rise today with a difficult task: to honor a great Senator and a great friend, Senator JEFF BINGAMAN.

This is difficult for two reasons. First, Senator BINGAMAN is not one to call attention to himself, and, second, he does so as briefly as possible. On both counts—let me just say now—I am going to fall short.

JEFF is that rare combination of character—brilliant and humble. For JEFF, it is about the work, not about his own ego, not about a monument to himself. For three decades in the U.S. Senate, he has been making a difference, for the American people and for our home State of New Mexico.

Public service is a noble profession—when it isn't swamped by money, when it isn't held hostage to hyperpartisanship. JEFF is the best example I know of the nobility of politics. The origin of the word ''noble'' is ''nobilis''—well-known—from the latin ''noscere'' to come to know. JEFF, who is a scholar, probably knows that. I had to look it up. But, knowing, making sense of the world, using that knowledge to make the world a better place, that is what public service is supposed to do, and that is what JEFF BINGAMAN does.

By Washington standards, JEFF is a man of few words. And when he comes to this floor to speak, we listen. If I am at my desk in my office, I will turn up the television, I will stop what I am doing, because I know that he will say something insightful, something worth knowing, something worth thinking about.

When JEFF came to the Senate 30 years ago, this was a different place. There was a new President. There was a fierce battle of ideas, of ideology, of where the country needed to go. Principles did not matter any less then than they do now. But folks worked together. They clashed, but they also compromised.

We all know what has happened since then. Washington has become more and more polarized. But, time and again, JEFF BINGAMAN has been a voice of reason, of doing what is best for our country—no grandstanding, just hard work, paying attention to details, getting problems solved, getting the job done. He is an inspiring role model.

In his own quiet way, JEFF does something essential: He challenges us to think a little harder, look further down the road, see how we can move our country forward, not just today, but far into the future. He doesn't look for the limelight. He looks for solutions. And his accomplishments make for a very long list.

He has been a truly great chairman of the Energy and Natural Resources Committee. He has done so much to protect our natural resources, to build a clean energy economy, for jobs, for the environment. I was proud to work with JEFF on the first renewable electricity standard in Congress. He led the Senate bill, and I led the House bill. And, as always, I learned from his example: steady, focused, and reasonable.

We will continue to carry the torch on renewable and clean energy standards in Congress, following in his footsteps. But today, we can be proud that 30 States—including New Mexico—have enforceable renewable standards. Together, these cover the large majority of the U.S. population.

JEFF also shepherded the Energy Policy Act of 2005, the first comprehensive energy bill in 13 years. a ''do it all'' energy bill that covered renewables, nuclear, clean coal, and oil and gas.

And 2 years later, he took the lead in the Energy Independence and Security Act of 2007. That bill was an even more ambitious effort than 2005. As the National Journal reported, it was ''the most sweeping energy efficiency legislation ever put into law.''

On both of these bills, JEFF worked in a commendable, bipartisan fashion with Senator Domenici, a Republican from New Mexico. He also achieved these compromise bills with a Republican House in 2005, a Democratic House in 2007, and both were signed into law by Republican President George W. Bush.

The public lands package of 2009 was another great achievement. JEFF reached across the aisle for compromise and protected 2 million acres in nine States as new wilderness areas, and more than 1,000 miles of rivers and streams—one of the greatest land protection laws ever. It will benefit generations to come, and it is part of the legacy of JEFF BINGAMAN.

We are spending time these days debating the failings of the Senate, the gridlock, the partisanship. In contrast, JEFF's committee has been a leading light of cooperation and compromise. When other committees lost their bipartisan way, the Energy Committee kept steady. I believe the standard he set will shape future energy and natural resources policy in years to come. I hope it guides us next year.

When this body has looked for answers, so often it has turned to JEFF. No surprise that he was one of the Gang of 6 to negotiate health care reform. When real solutions are on the agenda, JEFF will have a seat at the table.

JEFF was also one of the key negotiators in the No Child Left Behind Act, and he pushed for the Technology for Education Act and the America COMPETES Act—raising standards for all students, increasing opportunity for all Americans. Because he knows that investments in education and technology and training are crucial, crucial for the jobs of the future, crucial for our country.

Education, health care, jobs, energy, and the environment—JEFF has been a leader in all these areas. And what comes through over and over: he never forgets the people who brought him here. He never forgets that what we do here is about families, is about communities, is about making a better future for our children and grandchildren. That is what drives him, and that is what has made him such a great Senator.

One of the things I admire most about JEFF BINGAMAN is his courage. You know where he stands, and he is not afraid to go against the current. He was one of 23 Senators who voted against war with Iraq. As he said later: ''I think that was the right vote, but it was not a popular vote.''

I have valued his counsel on many occasions. It has been an honor to serve with him. He is going to be missed—not just for his good humor, not just for his friendship, but, more

importantly, for his character and wisdom. On both sides of the aisle, his absence will be felt.

With typical humility, JEFF would be the first to say he has a great staff, and he does. When I first came to Congress, on the House side, JEFF and his staff reached out to me, and to my staff, always available to help, always ready to work together, to try and do what is best for our State and our Nation.

And, finally, I know JEFF would also say, he could not have accomplished so much without the support of his amazing wife Anne. They met at Stanford Law School, and have walked side by side, equal partners, ever since. Anne Bingaman is as remarkable as her husband, and he would very likely insist more so.

My dad once said that the measure of someone isn't about winning elections or awards or honors. It is what the people who know you best think about you. For those of us who know JEFF BINGAMAN, he is the real deal.

JEFF BINGAMAN has lived a life of service—substantial, enduring, noble service. I have no doubt that—though he is leaving the Senate—he will find other ways to serve, and New Mexico and our Nation will be the better for it.

JEFF, thank you. Thank you for your leadership, for your friendship, and for your always wise counsel. As you and Anne begin a new chapter in your lives, Jill and I wish you the very best.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me thank my colleague, Senator UDALL, for his overly generous comments and indicate that 30 or 40 years from now when he retires from the Senate, I will be glad to make similar comments about his service. I could make similar comments about his service already based on the time he has served our State as attorney general and in the Congress and now in the Senate, but he does a tremendous job for New Mexico and for the entire country here, and it is an honor for me to get to serve with him. This will be 4 years that we will have completed as the two Senators from New Mexico, and it has been a great pleasure for me to have a good friend and a very capable Senator to work with. So I again appreciate the overly generous comments.

I yield the floor.

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. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I spoke about Senator BINGAMAN. I know the Presiding Officer is on his committee and she feels the same way about him and all the work he has done. It is going to be a sad day for all of us when he exits at the end of this year, but he is a pretty remarkable leader.

ORDER OF PROCEDURE—S. 3637

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that with respect to the vote on the motion to waive earlier today, the motion to reconsider be considered made and laid upon the table.

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

Mr. UDALL of New Mexico. 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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CAPITAL GAINS TAXES

Mr. HATCH. Madam President, in less than 1 month, American taxpayers face the greatest tax increase in our Nation's history. It did not have to come to this.

The President claimed he wanted a balanced approach to deficit reduction. He told the American people throughout his campaign we needed to balance tax increases with spending cuts in order to tame our deficits, stop taking on water and, of course, reduce our debt.

Many Republicans objected to this approach on empirical grounds. There is no denying the principal source of our debt crisis is on the spending side. But elections have consequences and many Republicans have now stated a willingness to meet the President halfway. They are willing to concede some revenue increases in exchange for entitlement reforms—revenue increases, not rate increases.

But the President now says never mind all those campaign promises about a balanced approach. He has taken nearly all meaningful entitlement reforms, including many he previously endorsed, off the table. He has abandoned revenue increases and spending cuts for deficit reduction and replaced that balanced approach with a plan to raise taxes and increase spending.

This is not what he told the American people he stood for, but I would go so far as to say that if he did campaign on this, he would now be looking for new employment. This bait and switch is beyond cynical, particularly when he knows the Republicans have a strong and empirically grounded opposition to revenue increases.

So far, we have focused primarily on the economic impact of the increased marginal tax rates the President is demanding. But it would be wrong to discount the coming tax increase on individual capital gains, should we go over the cliff or if the President gets his way. The evidence seems clear. Any capital gains tax increase is counterproductive to real economic growth and job creation. Allowing these rates to go up puts ideology, partisanship, and class warfare ahead of sound economic and tax policy. For almost the entire history of our income tax system, we have had preferential tax treatment for capital gains.

From 1921 through 1987—and then again after 1990—long-term capital gains have been taxed at a lower rate than ordinary income. The short time, approximately 3 years, the preferential treatment for capital tax gains was not in effect was due to the Tax Reform Act of 1986. The 1986 act is considered by many to be the gold standard for tax reform, and elimination of the preferential tax treatment for capital gains is considered by many to be one of the major accomplishments of the 1986 act.

It is important to recall, however, that elimination of preferential tax treatment for capital gains in 1986 was coupled with a significant reduction in tax rates for individuals, and the lack of preferential treatment did not last long. Today, the top tax rate on capital gains is 15 percent. If Congress fails to act and we go over the fiscal cliff, the tax rate on capital gains will increase to 20 percent on January 1, 2013. In today's fragile economy, with unemployment still hovering around 8 percent, we should not be raising taxes on capital gains.

Two years ago, a study by the American Council for Capital Formation showed that increasing the capital gains tax would cause measurable damage to the economy. The study estimated that if the capital gains tax was increased to 20 percent from 15 percent, real economic growth would fall by 0.05 percentage points per year and jobs would decline by about 231,000 per year. If the rate is increased to 28 percent, real economic growth declines by 0.1 percentage points per year and 602,000 fewer jobs are created each year.

The fiscal cliff is only part of the story. In less than 1 month, a new 3.8-percent tax on net investment income of single taxpayers earning more than $200,000 and married couples earning more than $250,000 will go into effect as part of the so-called Affordable Care Act. As a result, the capital gains for upper income taxpayers is already scheduled to increase by almost 4 percent. We should not add another 5-percentage-point tax increase on top of that.

Upper income taxpayers will face a 23.8-percent tax on capital gains in 2013 if Congress fails to act to prevent a rise in the capital gains tax. Sometimes the magnitude of these numbers is lost on folks. They might think that is only a jump from 15 percent to about 24 percent, not that big a deal.

I would like to state just a few points. That represents a 59-percent increase from current law. During the fiscal cliff negotiations, some have posited that all that is at stake is a return to the tax rates of the Clinton era. That is not what is happening with the tax rate on capital gains. During the latter part of the Clinton era, a Republican majority in Congress was able to get an agreement on cutting the top rate on capital gains to 20 percent at that time. If the tax rate on capital gains remains at the 2012 rate of 15 percent—coupled with the new 3.8-percent tax on net investment income—capital gains will be taxed at 18.8 percent, very close to the Clinton-era rate.

A 5-percent increase in the tax on capital gains to 20 percent, coupled with the increases imposed by ObamaCare, will result in a rate of 23.8 percent, well above the tax rate on capital gains at the end of the 1990s. We should not go down this road. This is said specifically by the Senator who, along with Senator LIEBERMAN, pushed very hard for these lower capital gains rates. There was a Hatch-Lieberman bill that was instrumental in bringing rates down to the current level.

There are a number of arguments on behalf of preferential tax treatment for capital gains. For example, there is the lock-in effect. Since capital gains are only taken into account when realized by a sale or exchange, investors can avoid paying the capital gains tax by simply holding on to their capital assets. As a result, the capital gains tax has a lock-in effect, which reduces the liquidity of assets and discourages taxpayers from switching from one investment to another. This impedes capital flows to the most highly valued uses and is, therefore, a source of economic inefficiency. The higher the rate, the greater the disincentive to make new investments.

The preferential tax treatment for capital gains also counters the two levels of taxation of corporate income. A large amount of capital gains arises from the sale of corporate stock. When a corporation earns income, it pays taxes on that income. When a shareholder sells stock, part of the gain on the stock might be due to the earnings of the corporation, resulting in a double tax of corporate earnings. A low capital gains tax leads to increases in savings and investment, corrects the income tax law's bias against savings, corrects the lack of indexing capital gains for inflation, and increases the incentives for risk-taking.

The tax rate on capital gains can also be viewed as a compromise between an income tax system and a consumption tax system. In a pure income tax system, capital gains would be taxed the same as any other type of income. In a consumption tax system, capital gains would not be taxed at all. Taxing capital gains at 15 percent can be seen as a reasonable compromise of income tax and consumption tax principles.

An increase in the capital gains tax rate will increase the difference between what an investment yields and what an individual investor actually receives. This is known as the tax wedge. The higher the tax wedge, the fewer the number of investments that will meet the minimum rate of return required by an investor, known as the hurdle rate. In short, higher rates equal fewer investments.

So far I have only spoken about the coming increases in capital gains taxes. I know people who are hurriedly selling their stock portfolios now to pay the lesser capital gains rate and after the 1st of the year will buy back the same stock, though it will have a higher basis at that point.

The impact of the fiscal cliff on the taxation of dividends is even more severe. Unless Congress acts, dividends will be taxed at a rate as high as 43.4 percent come January 1. This is because, starting in 2013, dividends will be taxed at 39.6 percent under current law, and then the ObamaCare surcharge of 3.8 percent will be tacked onto that.

Many seniors depend on dividend income. To increase their dividend income taxes to around 40 percent, especially at a time when any bonds they hold essentially yield nothing, hollows out the nest eggs of retirees. Unless we address the fiscal cliff, the taxation of dividends will go from 15 percent to 43.4 percent literally overnight. This is a tax increase of 189 percent—excuse me—yes, it is 189 percent. I thought for a minute it was 18.9 but, no, it is 189 percent.

It is hard to believe but nevertheless true that many Democrats, including the President's Treasury Secretary, have expressed a willingness to go over the fiscal cliff, when Americans are facing tax increases of this magnitude.

We are in the midst of a sluggish economic recovery. The President and his allies in Congress seem bent on raising taxes, regardless of the impact tax hikes will have on future economic growth or income security of seniors and pension holders. They would have us believe there is no relationship between tax rates and economic growth. If that were true, we wouldn't be seeing major companies scurrying to grant big dividends now, before the year ends and taxes potentially skyrocket—among which is the Washington Post. I read the other day they are going to do their dividends now before the end of the year, before all this taxation occurs after the end of the year.

The coming capital gains tax hike is just one of many tax hikes facing the American people if Congress refuses to act before the end of the year. I think the numbers make a pretty compelling case that raising the capital gains tax rate, particularly when ObamaCare will already raise that rate by nearly 4 percent, will do serious damage to our economy.

I might add, I don't blame anybody for paying their dividends this year—in advance of next year. I don't blame them at all. I certainly don't blame the Washington Post for doing it. But if you think tax policy doesn't affect how things are done in this country, then you don't know what from what.

Let's just say I urge my colleagues to join me in supporting an extension of the current capital gains and dividends tax rate.

The other day I talked about the estate taxes, or what we call death taxes, and how stupid it is to do what the Democrats want to do with regard to death taxes—make them so high so there is a double taxation on families, and especially ranchers, which will go up 24 times the number of last year's ranches and farms that will be hammered by these higher death taxes.

There is a reason it is good to keep tax rates lower, and I hope none of my colleagues on either side, really, but certainly on the Republican side, will agree to raising tax rates because we know once they are raised, our friends on the other side are just going to spend that money. They will not use it to pay down this $16.4 trillion national debt we have. We are a few bucks short of $400 billion in that figure, but we are getting there. It will be $17 trillion before the end of this year, and then it will go up even faster after that with what the President plans to do to this country.

We have to wake up. We have to quit listening to the political talk, and we have to start looking at the economics. We have to start looking at what works in taxation and what doesn't. Frankly, we have a long history of what works, and we also have a long history of what doesn't. We are about to embark on all kinds of programs that don't. I don't want to see that happen. I hope we will fight against these things. I hope those who really do represent the people will start representing them instead of just asking for more and more money so they can spend more and more and get this country even more and more in debt.

Madam 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. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

WIND ENERGY TAX CREDIT

Mr. ALEXANDER. Madam President, I have two items I would like to briefly mention. The Nation is consumed by the fiscal cliff. From all I can tell, the Presidential limousine is moving very rapidly toward the fiscal cliff with the President's foot on the accelerator. I am still hopeful we will get a budget agreement that will help us get the economy moving again, but at a time like this, of course, what we all need to be doing is thinking about saving every possible penny to fix the debt.

This government in Washington, DC, is borrowing 42 cents out of every dollar we spend. That is why I come to the floor to point out a proposal that has been made to fleece the taxpayers out of an additional $50 billion over the next 6 years. This is a proposal that is as brazen as a mid-day bank robbery on Main Street. It is a proposal by the wind developers of America to say to the taxpayers: Please give us $50 billion or so more dollars over the next 6 years to phase out the Federal taxpayer subsidy for wind power.

Why is this a brazen fleecing of the taxpayers? First, this taxpayer subsidy began in 1992, 20 years ago, as a temporary subsidy for a new form of energy. Of course, windmills are not really new. We have had them for hundreds of years. But the idea was to give them a little boost so they could get bigger and perhaps help us supply electricity.

It was intended in 1992 that this would only be a temporary tax credit. But as President Reagan used to say: There is nothing that comes as close to eternal life as a government program. So this temporary taxpayer credit has been renewed time after time after time. It is 20 years old. Now, after billions of dollars and 20 years, wind power is, according to President Obama's Energy Secretary, a mature technology.

The Congress has decided that Federal taxpayer subsidies for wind power should end at the end of this year. Everyone knows that. This is no surprise. It has been out there for a while, so businesses can plan on this. In other words, it is time for wind power, the Congress has said, to take its place in our free market system and compete with natural gas, compete with nuclear power, compete with hydropower, compete with solar power—-compete with other forms of power producing electricity. After all, we produce and use about 20 to 25 percent of all the electricity in the world, and we want to make sure we have plenty of it and that it is a reliable supply at a low price.

Yet along came the wind developers who have benefited from this giveaway for 20 years—I say giveaway because, according to the Joint Tax Committee and the United States Treasury, from 2009 through 2013 it has cost the taxpayers $16 billion to subsidize windmills in America. Put that in a little perspective. The federal government spends only $6 billion a year on all energy research. We could be spending it there. We could be reducing the debt. Instead, we are continuing to subsidize this mature technology.

But the brazenness of those who have been receiving this giveaway money—it is hard to imagine how it could be exceeded by a so-called phase-out proposal. They announced: Phase us out over the next 6 years, through 2018. In 2013 the credit would be 100 percent. We would have the credit for next year at the same level it is this year. That's estimated to cost about $12 billion. That is twice the amount of money we spend each year on energy research in America. Then, in 2014, they want 90 percent of the previous full tax credit, and then 80 and 70 and 60 and nothing after 2018.

I have not had a chance for the Congressional Budget Office to evaluate how much this phase-out would cost, but it is tens of billions of dollars. One estimate is $50 billion new taxpayer dollars at a time when we are borrowing 42 cents out of every dollar to keep doing something that is already phasing out on its own terms. We cannot afford that. We simply can't afford that. We cannot afford 1 year more of the wind tax credit—that is $12 billion—on top of the $16 billion for grants and the production tax credit from 2009 through 2013.

Second, it is interfering with the marketplace. The subsidy to wind developers is so great they are actually paying distributors of electricity, in some cases, to take their wind power, which undercuts other forms of electricity on which we rely. Why is that so important? We cannot rely on wind power, because it only works when the wind blows. It often blows at night when we really do not need it. We have a wind farm in Tennessee. It is the only one in the Southeastern United States. Why? Because the wind doesn't blow much in the Southeastern United States.

In Tennessee, somebody has a big contract with extra subsidies by the government to put these gigantic towers on top of our scenic mountains. And how much electricity does it produce? Not very much. Of course, these turbines only generate electricity about 19 percent of the time, and it produces even less electricity when we actually need it. You can fly over it or drive by these giant windmills at 4 p.m. in the afternoon in the summer when everybody has their air conditioning on and they need electricity, and not a single windmill is turning. You might go at night and it is turning, but they don't need the extra electricity at 7 or 8 or 9 o'clock at night. That is the problem around the country. It is a puny amount of unreliable, expensive electricity.

The idea that the United States of America, using 20 to 25 percent of all the electricity in the world, would produce the largest amount of clean and reliable electricity by windmills is the energy equivalent of going to war in sail boats when nuclear submarines are available.

Let's let wind power, after 20 years, find its place in our market. There are clearly places where it should be fine. But there is no need to subsidize it from the Federal Government; to cause the ratepayers of Tennessee, for example, to pay more to import electricity produced by wind from South Dakota when we should be using those dollars either to lower our rates, to pay for air pollution control equipment, and to build nuclear power plants—of which we have several in the Tennessee Valley. They are clean—they emit no sulfur, no nitrogen, no mercury, and no carbon. That is the cleanest form of reliable energy we have in the United States.

There may be some places where windmills work, but not along the tops of the Tennessee mountains or even in the valleys of Tennessee. The idea of continuing to waste $50 billion of taxpayer money over the next several years to subsidize a mature technology at a time when the government is going broke is as brazen as a bank robbery in the middle of the day on Main Street. I hope we put a spotlight on this $50 billion giveaway. I hope it becomes the poster child for what is wrong with spending in Washington, DC. I hope the Congress will come to its senses this month and next month and say no to those who come forward with their hand out for this $50 billion giveaway.

THE FILIBUSTER

Madam President, on Tuesday I spoke about the filibuster. I inadvertently made a mistake I would like to correct. When I was looking at the history of filling the tree, which is the gag rule that the majority leader uses to stop Republicans from offering amendments—we just saw it again today. We had a banking bill. There was a budget point of order that killed the bill. We had a couple of amendments on the Republican side that would fix the budget point of order, and then we could have passed the bill. But the majority leader imposed the gag rule, he filled the tree, and here we are.

I was talking about that, and I said that Senator Robert Dole was the first leader to fill the tree, and I was wrong about that. I was reading some information that the Congressional Research Service had given me, and I did not read it right. When the CRS went back and looked at its information, it would appear that in 1980, Senator Robert Byrd used this filling of the tree on the Tonnage Measurement Simplification Act, H.R. 1197.

That reminds me of a story Senator Baker used to tell me when he was suddenly elected majority leader in 1981, and Senator Byrd became the minority leader unexpectedly. Senator Baker went to Senator Byrd and said: Senator Byrd, I will never know the rules as well as you do. I'll make a deal with you. I won't surprise you if you won't surprise me.

Senator Byrd said to Senator Baker: Let me think about it.

He thought about it overnight and said: It's a deal. And they worked that way for 4 years. Senator Byrd knew the rules.

In 1980, apparently, at least so far as the research shows, he was the first one to use this arcane procedure of filling the tree. Filling the tree sounds very strange, but it is very simple. It means the majority leader can use it to cut off debate over here.

If you bring up a banking bill, and it has a budget problem, and one of us

says we can fix that problem, that we have an amendment, if he has filled the tree, we cannot offer amendments. If some Senator—let's not pick on the majority leader—brings up a bill, and, let's say, it is an appropriations bill and it does not include money to rebuild the Center Hill Dam or the Wolf Creek Dam—which is not safe at the moment—and I want to stand up and say, Madam President, my constituents would like to see some money to make this dam safe because if it fails it will flood Nashville—if the tree is filled, I cannot do my job.

On our side of the aisle we do not like filling the tree. We are in the minority, and we believe the majority has the right to set the agenda and that we in the minority have the right to offer amendments. The good news is a number of us on both sides of the aisle are working, with the knowledge of the majority leader and the Republican leader, to see if we can make some suggestions privately to Senator REID and Senator MCCONNELL that they can consider and, hopefully, agree that they are good suggestions, and as we begin the new year we will be able to move bills to the floor.

I know the majority leader would like to be able to do that more easily, and maybe some of the fault for that is on our side. We on our side, then, would have a right to do what the minority especially wants to be able to do, which is to offer amendments, because this body is established for the purpose of protecting the rights of the minority.

The Congressional Research Service is looking further into the record, but we do have a record of how majority leaders have used this procedure from 1985 to the present. This data supports my larger point which is—what was used rarely is now used too frequently.

According to CRS, these are the numbers. Since 1985, Senator Bob Dole filled the tree, used the gag rule, seven times; Senator Byrd used it three times; Senator Mitchell used it three times; Senator Lott, when he was majority leader, used the gag rule 11 times—that is, cut off amendments—Senator Daschle only one time; Senator Frist 15 times. Those are the majority leaders. So since 1985 all of those majority leaders used it a combined 40 times.

Our current majority leader, Senator REID, has used it, as of yesterday, 69 times since he became leader in 2007. This trend, this gagging the minority, is the primary cause of the Senate's dysfunction.

I wanted to correct the record. I made a mistake, and I am glad to come and correct it. I don't want Senator Dole to get the credit for that when it appears Senator Byrd actually figured it out. I want to conclude with an optimistic point. I think most of us—and I would include the distinguished Senator from New Hampshire in the chair because we have been together in discussions, bipartisan discussions where we have talked about this—most of us believe we are fortunate to be here. We know we are basically political accidents. Since we are here we want to do our jobs. We would like to advocate the things that people sent us here to do.

So if we have a bill, and we are in the majority, we would like to get the bill on the floor. If we have something to say, an amendment, if we are in the minority, we would like to have a chance to offer that amendment. So what a number of us are doing, we have been talking about how we can do two simple things: How can we make it easier for the majority leader to get bills to the floor? And how can we make it easier for the minority especially to be able to offer amendments?

If we can do those two things at the beginning of the year, I think the Senate will begin to function much more effectively. It will be a better place to work. We will get our job done in a better way. There will be less finger-pointing, and there will be more results. There will be a change in behavior, which is what we need instead of a change in rules, and it will inspire the confidence of the people of the United States about the kind of job we are doing.

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

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

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

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

COAST GUARD REAUTHORIZATION

Ms. CANTWELL. Mr. President, I rise to say what an important day it is for the U.S. Coast Guard. Our communities benefit from the services provided by the men and women who have answered the call to serve. The reason I say that is because we have passed a bill that gives 43,000 Active-Duty Coast Guard members the support they need.

It is a worthy tribute to a force of men and women who in 2011 alone saved 3,800 lives across the United States, confiscated 166,000 pounds of cocaine, and secured over 472,000 vessels before they arrived at our ports. This will give the Coast Guard the funds it needs to upgrade equipment and purchase the right vessels for carrying out every mission.

This kind of work exemplifies the heroes such as CPO Terrell Horne of California. Officer Horne died in the line of duty last week while chasing down drug smugglers off the coast of California. Our thoughts are with his family, friends and the Coast Guard.

His actions and service remind us of the dangerous tasks the men and women of the Coast Guard do on a daily basis, and that is why it was so important that we passed this reauthorization bill.

We could not have done this reauthorization without the many hours Senator BEGICH put in to help get it across the finish line. He knows how important the Coast Guard is to the men and women in the Pacific Northwest and to my State, Washington.

The Coast Guard is part of our maritime culture in the Pacific Northwest, and this bill helps the Coast Guard watch over our people, our businesses, and protect our coastline.

I would like to expound on three provisions that were particularly helpful for us in the Northwest. One, this legislation helps to protect the Polar Sea, an icebreaker based in Seattle; two, it helps us clean up tsunami debris that is already hitting the west coast; and three, it analyzes the potential risk of tar sands supertankers, tankers and barges in our waters off Washington State.

In October of this year, I visited Vigor Shipyards in Seattle where our heavy-duty icebreaker fleet is currently serviced. These ships are a testament to American shipbuilding prowess and ingenuity, and, inspecting them up close, we can see they are the most critical tool for the United States in our economic security and national security in the Arctic. We see that building icebreakers means jobs to Washington State, and that is why in this final package, the importance of these ships—the Polar Sea in particular was prioritized. The Polar Sea was in danger of being scrapped before we passed this bill.

There is no denying that we need to build a new icebreaker fleet for our Arctic economic future, and for the Coast Guard and Navy Arctic missions. But, these specialized vessels will take up to 10 years to build. In the meantime, we want to make sure U.S. companies can continue to develop business in the Arctic and keep U.S. Arctic operations running. It is very fitting that the icebreakers that work fine now are not dismantled.

This legislation prevents the Polar Sea from being scrapped and helps us protect the resources we need to serve interests in the Arctic. This bill stipulates that we won't scrap our current icebreakers if it is more cost-effective to keep them, and it will make sure our icebreakers are seaworthy so the crews don't go out on faulty equipment. These ships won't go away unless it can be proven that it makes financial sense to replace them.

Last January, the world watched as the Healy icebreaker successfully cut through a path in the Arctic Sea to deliver fuel to Nome, AK. The Healy is primarily a research vessel but was forced to do the job because our two heavy-duty icebreakers were not currently in active status; they were being repaired.

This bill also ensures that the Polar icebreaking fleet will continue to be based in Seattle. Refurbishing a large icebreaker, such as the Polar Sea, can take roughly 5 years and employ 300

workers. For us, this means shipbuilding jobs, it means an impact in keeping smaller shipyards in Washington State busy, and it means keeping icebreakers that help save places such as Nome, AK, by cutting paths through the ice.

However, that is not the only thing in this legislation that I am proud we got a decision on. Our economy in Alaska, Washington, Oregon, California, and Hawaii has been threatened by hundreds of thousands of tons of debris washing ashore as a result of the tragic tsunami in Japan nearly 2 years ago.

That is why this legislation asks NOAA to take a closer look at tsunami debris and makes sure we are putting an accurate assessment in place to protect the west coast. If NOAA decides tsunami debris is a severe marine debris event, then they will need to present a specific coordination plan developed to meet that threat. And they will need to work with local governments, counties, and tribes to ensure there is a coordinated effort to protect our economy and environment from tsunami debris. In the Northwest we have already seen ships, docks, and various other forms of debris float ashore. Oftentimes, our local communities have had to pay more than their share of the burden and expense of cleaning up the tsunami debris.

With over 165,000 jobs and nearly $11 billion in our coastal economy from fishing, to tourism, to various activities, we want to make sure that tsunami debris does not hurt our coastal economies. All we need to do is ask the mayor of Long Beach, who said, ''An uncoordinated or unmanaged response to this debris event is a blow that Long Beach and the Columbia-Pacific region cannot endure.'' This is about getting a plan in place for local communities to coordinate, to have opportunities to work together, and to remove debris as cost-effectively as possible.

Third, this legislation has important language protecting Washington waterways in very precious parts of the Pacific Northwest. Recently, Canada announced that over the next decade they would double the production of the Alberta tar sands oilfields. Today, fifteen billion gallons of oil is already shipped through Washington waters. A spill in a heavily populated area, around the San Juan Islands or in the waters of the Strait of Juan de Fuca could cause billions of dollars of damage and harm businesses throughout the region. The response cannot be, especially if the spill occurs in Canadian waters, don't worry, just call the Americans.

I am proud this legislation looks at the potential threat caused by supertankers and whether they are equipped to respond to a spill that could occur from corrosive tar sand oil. Thanks to this legislation, the Coast Guard will have to prepare a study that will analyze how much vessel traffic will increase in the region due to the proposed increase in tar sands oil production and transportation, whether the movement of tar sands oil would require navigating through our fragile waters, it would look at the oil spill response plans and response capability in the U.S. and Canada's shared waters, identify the tools needed to clean up this kind of an oil spill and estimate the cost and benefits to the American public of moving this oil through our waterways. And, this assessment has to be completed in 180 days.

I want to make sure our fishing fleets, our restaurants, our resort economy, and everything that is so important to us in the Northwest, is protected.

This legislation is good news for coastal communities, for jobs in Washington State and across our country, and I wish to thank both the chair and the ranking member of the subcommittee and full committee for making sure we have given the Coast Guard the resources it needs to protect our economy, keep our public safe, and protect our environment. We have much more work to do, but in a Congress that is down to its waning days, it is important that this legislation has seen action and is on its way to the President's desk.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

LIMITING SPENDING

Mr. SESSIONS. Mr. President, something special happened earlier today. An important principle is being established in the Senate, and that principle is that we will adhere to the budget agreement we made with the American people 16 months ago. In other words, we agreed, in at least certain accounts, to have a limit on spending. Spending will still increase every year over 10 years, but not as much as it would have increased. We agreed that we would abide by the limit and we would not spend more than that.

We have had four consecutive bills brought to the floor of this Senate—cavalierly, I would suggest—directly in violation of the spending limits we agreed to just a little over a year ago. As a result, I or some other Member of the Senate made a budget point of order. That budget point of order said that the legislation before us violates the budget limits, it spends too much, and we object.

Each time, our Democratic leadership moved to waive the budget point of order. To forget the budget. To spend above the budget. To not worry about the budget. Just spend the money because this is a good bill, they said. It has good proposals, and anybody who opposes it is against these good proposals.

So we now have had four votes and for all four of those votes, the Senate has said: No, we are not going to waive the budget. We are going to live within the agreement of spending we reached just last year.

There is no reason these bills couldn't have been brought in within the budget. There has been no reason they shouldn't be within the budget. Some were not over the budget spending by much, but we have to adhere to that principle. I have been very proud that Members of this Senate in sufficient numbers have said: No, we are going to honor the promise we made to the American people, and we are going to do that, and we are not going to bust the budget.

So I think it is sending a message, and the message needs to be received.

Initially, the spin in this body has been, Oh, Senator SESSIONS and his objectors don't want any good legislation to pass. They are just using the Budget Act to block it.

But I think we are changing that now, and I think the American people are going to see what has happened. We have had seven votes on the budget. The last four have been successful in enforcing the budget. I think the American people are going to start asking, why are you, Senator, voting to waive the budget every single time? Didn't you agree to certain spending limits? Every time a bill came up, why did you vote to spend more than you agreed to spend, spend more than you told us you were going to spend?

I think that is the message that ought to be coming out of here. I will go a little further. If somebody has to have legislation passed, don't blame the people who raised the budget point of order; blame yourself if you don't bring it to the floor in a way that does not violate the budget. That is important. I think that is being established now, and that is what I think we should expect of anyone who wants to move legislation in the U.S. Senate. If a Senator wants to get the vote and get the legislation passed, be sure they comply with the agreement we made.

What agreement was that? Sixteen months ago, in August, the debt limit had been reached, and it was put off and delayed, and we got to the very last minute, and they reached this secret agreement—not publicly as it should have been, but we reached an agreement, and the agreement included at least some limits on spending. I didn't like the way it was done, but it did propose certain limits. It exempted 98 percent of Medicare spending from being cut. It exempted the food stamp program. Medicaid was totally exempted from any cuts. But many parts of the budget were controlled, had their spending levels controlled by the budget. As a result, the agreement was passed and the debt ceiling—the limit on the amount of money that can be borrowed by the U.S. Government—was raised by $2.1 trillion.

We are now borrowing about 40 cents of every dollar we spend, and the Congress can limit, as the Constitution provides, how much the U.S. Government can borrow. We had just about reached that limit. Spending was going to have to drop 40 percent—right across

the board, perhaps, unless the debt limit was raised. So we raised it so we could continue to borrow. But the promise was that over 10 years, the level of spending would be reduced by the same amount that we raised the debt limit.

So we raised the debt limit by $2.1 trillion, and spending was promised to be reduced over the next 10 years by $2.1 trillion. Now we have already spent that $2.1 trillion. I hate to tell my colleagues but by January and February, this body is going to be right back here dealing with the question of hitting the debt limit again. This year, it looks as though we will have another deficit well over $1 trillion. In fact, the first 2 months of this calendar year were extraordinarily bad—almost $300 billion in debt in the first 2 months. If we continued at this rate, the deficit would be the largest ever in the history of the Republic. So something needs to be done about that.

We made an agreement the last time we increased the debt limit. For us to go back on that, to not follow the budget agreement before the ink is dry on it—before barely a year is gone—to continue bringing up bills that violate that agreement, then the American people would have a right to have no confidence in us and to wonder what is going on: You promised us you were going to reduce the growth of spending, and as soon as the shoe starts getting a little tight or the belt starts squeezing, you cut and run, Senators.

So far, at least in recent weeks, we have been doing rather well on this path of saying we will adhere to the budget agreement. I think on each one of the votes, we have had some Democratic support, but it is mostly Republicans that have held to the budget.

Where are we today? We are talking about the fiscal cliff. The President campaigned around this country, and he said: I have a balanced plan, and that balanced plan is going to have so much in spending cuts and so much in tax increases, and it needs to be balanced. You Republicans have to have more tax increases. Our country needs to get itself on a sound financial path. And I have a deficit reduction plan.

He ran a television advertisement in the last months of his campaign that said: I have a plan to pay down the debt. Earlier this year, his budget director came before the committee and would not disavow the claim that the President has a plan to pay down the debt. I would just say that is one of the greatest financial misrepresentations ever, that the President of the United States would tell the American people: Don't worry, elect me, I have a plan to pay down the debt. He has no such plan—nothing close to it.

Under the score of the Congressional Budget Office, over the next 10 years, we will add $9 trillion in debt to the deficit of the United States.

That is almost $1 trillion a year for 10 years in additional debt. It goes down some in the midyears, but in years 6, 7, 8, 9, and 10, the deficits go up every year. That is not what I thought the President was talking about or, I think, the American people thought he was talking about when he said: I want a plan that will pay down the debt. I am going to raise taxes and we are going to pay down the debt and we will have spending cuts also.

What is it we now know about his plan? This is the essence of it, as shown on this chart I have in the Chamber. This chart is an outline of the President's deficit reduction plan. This is what the President is proposing to do. He started off a few weeks ago at $1.6 trillion in new taxes. Now he is talking about $1.4 trillion, I understand. That is the latest iteration of the tax increases: $1,400 billion in tax increases.

Where will that money go? Will it change the debt course of America? Will it put us on a sound path? Can we go home at night and say: Wow. I am glad they finally got their act together.

Let's examine what they are proposing. They are proposing to spend above the BCA, Budget Control Act, limits I just talked about that we agreed to only 16 months ago. Those limits include the sequestration of $1.2 trillion in spending. Those limits are in law. The law would have to be changed to avoid these cuts. The President proposes to change the law and to eliminate $1,200 billion of those cuts—$1.2 trillion off the table—that is 60 percent of the cuts that were agreed to when we raised the debt ceiling by $2.1 trillion. It would wipe out 60 percent of it just like that. That is new spending above the law in effect today, busting the limits I just mentioned. Busting the limits that we have been successfully enforcing.

In addition to that, he has no funds to pay for the doc fix, also known as the sustainable growth rate for doctor payments. If we do not fix the sustainable growth rate, physicians will have a 25 percent or so cut in their reimbursement rates for doing Medicare work. For many of them, it is half the work they do. Such a reduction could not be tolerated, so it has to be fixed and the President knows that. It costs about $400 billion to fix it but the President provides no money for that. That cost must be added to the spending in his plan.

The Social Security contribution holiday, or payroll holiday, is another is more spending he doesn't include, that has to be accounted for. If we do not pay as much into Social Security as we would otherwise, then the U.S. Treasury has to borrow that money and put it into the Social Security trust fund. People get more money in their paycheck but less money goes into Social Security. That is another $110 billion in spending in the President's plan.

The Administration wants to spend $50 billion more on transportation and $30 billion more on an unemployment insurance extension.

Overall that totals $1,790 billion in new spending in the President's plan. Do they have any reductions in spending? Yes. They are talking about $400 billion in mandatory spending reductions. Most of that, apparently, will be reducing—maybe $300 billion of it—payments to providers in Medicare and Medicaid—providers: that is your doctor and your hospital—cut them some more. They were already cut deeply when the President's health care law passed. Whether that will ever stick, I have my doubts.

But let's assume it does stick. That would mean the President's plan results in $1,390 billion in higher spending—$1.39 trillion. Remember he wants new higher taxes of $1,400 billion. Recall, under the current path, under the current spending limits in the Budget Control Act, we are increasing the debt by $9 trillion over the next ten years. Under the President's plan, whereby he raises taxes $1.4 trillion and raises spending $1.39 trillion, we would add to the debt $8.99 trillion. What does it mean? It means we are going to have a major tax increase and virtually the same amount of new spending—no net cut in spending but a major new increase in spending of $1.39 trillion. That is a fact, and it is a very troubling fact.

I would add one more thing. I see my colleague is here. I believe the President of the United States should not lull the American people into believing that he has a plan that is going to pay down our debt or get us on a sound financial course. He has two goals, it seems to me: raise taxes and raise spending. That is exactly what this plan does. It has no reform of Medicare, Social Security, Medicaid or food stamps—the largest and fastest growing entitlement programs we have—no plans to fix any of that. He refuses to talk about that, saying anybody who talks about that just does not like old people and does not care about America.

We need some leadership. We need some honesty. We need a President of the United States who will look the American people in the eye and explain to them we are living beyond our means. We do not have the money to continue to borrow 40 cents of every $1 we spend. We cannot continue on this path, as expert after expert has warned us.

I will just say, I am proud that, again, today this Senate—at least a good, solid minority—stood firm—and said: No, we are not going to waive the budget. We are going to stand by the limits on spending that were part of the Budget Control Act.

But I am not pleased how this whole process is going right now with Speaker BOEHNER and the President. It looks like it is not likely to lead to any changes in our debt course. Even after raising taxes $1.4 trillion, if the President had his way, we will still be on basically the same debt course. How can we allow this opportunity to get away from us? We are going to raise taxes big time yet not use any of it, in effect,

to pay down debt. The question is, will we reduce the annual deficits that will average almost $1 trillion a year for the next 10 years and get worse in the outer years?

We have to deal with that. There is no escape from that. There is no way we can get around it. Any mature person who loves this country knows we have to confront it. It cannot just be done by raising taxes. We are going to have to reduce spending in this country. Cutting spending is not going to hammer the economy. We do not have to throw people in the streets, but we need a sustained effort to reduce the growth in spending in this country. If we just do that, we would surprise ourselves that we could get on a sound course before too many years.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

MEDICARE

Mr. FRANKEN. Mr. President, I have come to the floor to talk about Medicare. My esteemed colleague from Alabama just talked about Medicare reform. The Presiding Officer and I—all of us—pay into Medicare every month, so we are entitled to Medicare benefits when we reach age 65. The fact that we are entitled to these benefits is not bad. In fact, it is very good for so many millions of American seniors. The fact that many call it an entitlement only means we have a right to expect to get the benefits we paid in for. Entitlements, in this case, should not be a pejorative.

We have heard a lot about entitlement programs recently and about the place of Medicare in the conversation about our Federal deficit. We just heard the Senator from Alabama talk about that. He said there is no discussion of reform of Medicare. But in these discussions sometimes I think a critical component is missing, which is we already reformed Medicare, and these reforms extended the life of Medicare by 8 years while expanding benefits for seniors.

During the recent campaign, as the Presiding Officer has pointed out, we saw a lot of ads about the so-called $716 billion in cuts to Medicare and how terrible that was, is, and will be. I would like to take just a few minutes to explain what these savings were, what they are, and what they will be.

The two biggest sources of the $716 billion are, one, insurance companies overcharging the government for Medicare Advantage and savings in payments to hospitals.

First, Medicare Advantage. As the Presiding Officer knows, as people watching no doubt know, seniors can choose to get their Medicare benefits directly from the Medicare Program or get them through a private insurance program that gets paid by Medicare, which is called Medicare Advantage.

Before we passed the Affordable Care Act, we were overpaying those private insurers by 14 percent. These insurers were getting much more than they should have based on the benefits they were providing to seniors. So we cut what Medicare gives to these private insurance companies. Over the next 10 years, we are going to cut these insurance payments by 14 percent, which CBO scored in 2010 as saving Medicare $136 billion over 10 years.

We were told by some of our colleagues that insurance companies were going to leave the market, that we were not going to have Medicare Advantage anymore. So far, enrollment in Medicare Advantage has gone up by 11 percent. That is many billions of dollars we were able to take—instead of overpaying insurance companies—to extend the life of Medicare.

Second is the lower reimbursements to hospitals. Why does this work out for hospitals? When we insure 31 million more people, and those 31 million people go to the emergency room, go to the hospital, the hospital is no longer on the line to pay for that.

They are not left holding the bag. Those 31 million people now have insurance that pays for it. So the hospitals are now able to take lower reimbursements for Medicare patients. That is why it works out. So when people talk about the $716 billion, this is a huge part of what they are talking about. It is not cuts to benefits. It is not shifting costs to seniors. It is streamlining the program and making it more efficient.

We took these savings and we reinvested the savings in the program. We overall extended the life of Medicare by 8 years. That is entitlement reform, extending the life of the program. That is what we are talking about when we talk about reforming Medicare. That is what we did. But not only that, we actually expanded benefits for seniors.

I go to a lot of senior centers around Minnesota, nursing homes. I have to tell you seniors are very happy we expanded their benefits. They are happy about the new free preventive care they get, wellness checkups, colonoscopies, mammograms. They know an ounce of prevention is worth a pound of cure. This saves us all money and keeps people healthier.

What else are we doing with this money in addition to expanding the solvency by 8 years? We are closing the doughnut hole, the prescription drug doughnut hole. I have to tell you, seniors are very happy about that too. For more than one-third of seniors, for them, Social Security provides more than 90 percent of their income. For one-quarter of elderly beneficiaries, Social Security is the sole source of retirement income. So when they hit their doughnut hole, that is serious.

Sometimes they have to make choices between food and heat and medicine. Because we are closing the doughnut hole, in many cases, people do not have to make that choice anymore. This is important stuff. When I was running for the Senate, a nurse who worked in Cambridge, MN, a town north of the Twin Cities, came to me and told me that in the hospital she worked in very often they would admit a senior who was very sick and the doctors would treat this senior and get them back on their feet and send them home with their prescriptions.

As this started happening, they would call the drug store, the pharmacy a few days later, 1 week later, and say: Has Mrs. Johnson filled these prescriptions? The pharmacist would say: No; because she was in her doughnut hole. A couple weeks later, Mrs. Johnson would be back in the hospital. How wasteful is that? How wise? That costs a tremendous amount of money to our system. This is saving money. This is health care reform. This is Medicare reform. It is improving people's health and saving money at the same time. So we have increased benefits. We have extended the life of Medicare. That was done as part of health care reform. That is Medicare reform.

In the election we had a discussion about this. There were a lot of ads about it. We know what Governor Romney would have done to Medicare. He said very explicitly that—and again the Presiding Officer has quoted this. He said very explicitly he would restore those billions and billions of dollars in overpayments to private insurance companies for no reason, for no good effect, just so, I guess, these insurance companies could have more profit. Instead, we reinvested this money into Medicare. But he would have given it to the insurance companies. He would have replaced this health care law. He would have made the 8 years we extended Medicare vanish. Governor Romney supported raising the Medicare eligibility age. If we raise the age from 65 to 67 as he suggested, that means hundreds of thousands, if not millions, of seniors would no longer have access to Medicare.

They would end up receiving Federal subsidies in the exchanges and some of them would go to Medicaid. They would be—these 65- to 67-year-olds—by definition, older and as a population sicker than the other people in the exchanges and in Medicaid. So they would make both these programs more expensive.

They would also make Medicare more expensive because they would be the youngest and least sick and be taken out. Although this sounds like a reasonable compromise, trust me, it is a bad idea. It would cost the health care system twice as much as it would save Medicare. This is exactly the kind of bad idea which explains why we pay twice as much as other developed countries around the world for our health care and in many, if not most, cases with worse outcomes.

Medicare reform was an issue in the campaign because we already did it. We extended the program by 8 years. It is not like it was a secret. It was part of the conversation during the election. In the election, the American people

voted to keep those reforms. As we continue this conversation about our fiscal future, I would love to hear from my colleagues across the aisle about how they would reform Medicare, how they would expand its life by 8 years while expanding or at least, at the very least, not cutting benefits. How would they do it? Because we extended its life for 8 years and increased benefits—very meaningful benefits.

I would ask my colleagues why, before the election—and this is the very point the Presiding Officer made a few days ago on this floor—why they were attacking us—incorrectly I might add, inaccurately—for making cuts in Medicare, but since the election they have been insisting we make cuts to Medicare.

Going forward, I think we need to move from talking points to taking a thoughtful look at policies and working together to tackle our Nation's fiscal challenges and do it based on a little bit deeper look at what we have done and what the health care reform was that we passed in the Senate and the House, now the law of the land, what that does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTES TO DEPARTING SENATORS

KENT CONRAD

Mr. HARKIN. Mr. President, with the close of the 112th Congress, the Senate will lose its most determined champion of fiscal prudence and balance, Senator KENT CONRAD of North Dakota. Senator CONRAD is best known nationally for his leadership as chairman of the Committee on the Budget.

Again, that committee has limited legislative power, but that did not stop Senator CONRAD from using that committee relentlessly for fiscal restraint, for honest budgeting. As we all know, he has spent countless hours on the floor educating, exhorting Senators on budget issues, driving home his points by displaying a seemingly endless array of charts and graphs.

Indeed, I would note in 2001, the Committee on Rules and Administration assigned Senator CONRAD his own printing equipment because he was producing more charts than all his colleagues combined. The other day, we had this so-called Secret Santa that Senator FRANKEN had established, where we draw names out of a hat and we exchange these little gifts. You never know who is going to give you a gift. You know to whom you are giving, but you do not know who is giving you a gift. It turned out my gift giver was Senator CONRAD.

So I got a nice little book. But most importantly, I got three charts. They were charts from the 2008 farm bill we both worked on, and of which I was chairman at that time. I thought that was a great gift, both to get some of his charts but the charts pertaining to a major piece of legislation on which both he and I had worked very closely. We have been long-time colleagues on the Committee on Agriculture, Nutrition and Forestry. He joined that committee as a freshman Senator in 1987, just 2 years after I got here in 1985. We were in the midst of the worst economic crisis in the farm sector since the Great Depression.

Senator CONRAD left a major imprint on the Agricultural Credit Act of 1987, advocating strongly for measures to help farm families and rural committees persevere through circumstances beyond their control, to preserve a family farm system of agriculture as well as to preserve small towns, the fabric of rural America. Over the years Senator CONRAD has been a key advocate in enacting major drought relief bills and other disaster assistance.

He has consistently fought for effective programs to protect and enhance farm income through the farm commodity programs and crop insurance. For many years we have been allies in advancing farm bill initiatives to promote renewable energy production on farms and in rural communities.

Let no one doubt that Senator CONRAD has always been a relentless, fierce advocate for the interests of his constituents in North Dakota. I know KENT is very proud of a framed resolution presented to him by his State's Standing Rock Sioux tribe. It bears his honorary Sioux name, Namni Sni, which translates as ''never turns back.'' I think that describes KENT CONRAD. He never turns back.

KENT CONRAD and I are proud of our shared roots in the upper Midwest. He has been an outstanding Senator, a good friend for more than two and one-half decades in this body.

I join with the entire Senate family in wishing KENT and Lucy all the best in the years ahead.

DICK LUGAR

In these closing weeks of the 112th Congress, the Senate is saying farewell to a number of retiring colleagues. One of our most poignant farewells is to a Member respected and esteemed on both sides of the aisle. I speak of Senator DICK LUGAR of Indiana.

He is a friend, a fellow Midwesterner. But to all of us, he is much more. DICK LUGAR is truly a Senator's Senator. He epitomizes the very best in this institution, and it is a sad commentary on the state of our Nation's politics that the main reason why Senator LUGAR is leaving the Senate is because his primary opponent attacked him for the very qualities we admire and need here: his readiness to forge fair and honorable compromises, his insistence on putting country ahead of party or ideology, his enormous decency and civility.

As we all know, Senator LUGAR has been the Senate's most passionate and effective advocate of arms control and nuclear nonproliferation. The program he created with former Senator Sam Nunn has assisted Russia and other countries of the former Soviet Union to secure and dispose of their weapons of mass destruction. What an amazing accomplishment by Senator LUGAR. I also want to salute Senator LUGAR's record of principled, conscientious leadership on the Committee on Agriculture, Nutrition, and Forestry, including as chairman from 1995 to 2001.

He is a key author of landmark measures strengthening Federal agricultural conservation policies and programs, particularly in the 1985 farm bill and succeeding farm bills.

He has been instrumental in strengthening—and in fighting for at critical junctures—Federal nutrition assistance, including school lunch, breakfast, and other child nutrition programs through the Supplemental Nutrition Assistance Program and through support for food banks and other emergency food assistance. DICK LUGAR has also been an outstanding leader in enacting Federal initiatives to research, develop, and market farm and forest commodities by converting them to energy and bio-based products.

For me, it has been a great honor to be Senator LUGAR's friend and colleague for 36 years and to serve all of that time with him on the Agriculture Committee. Our friendship, of course, will continue, but I will miss, as we all will, Senator LUGAR's calm, positive, always constructive influence on this body. Across 36 years of distinguished service, this Senator and statesman has faithfully served the people of Indiana and the United States. There is no doubt that he will pursue new avenues of public service in retirement.

So I will miss his day-to-day friendship and his counsel in the Senate. I wish DICK and his wonderful wife Char all the best in the years ahead.

DANIEL AKAKA

Mr. President, we are bidding farewell to one of our most respected and beloved Members, Senator DANIEL AKAKA of Hawaii or, as we all know him, ''DANNY.''

With his retirement, our friend is bringing to a close a remarkable and distinguished career in public service spanning nearly seven decades. Having witnessed, as a 17-year-old boy, the Japanese attack on Pearl Harbor, he took a civilian job with the Army Corps of Engineers before joining the U.S. Army in 1945. We honor him, along with his senior colleague from Hawaii, Senator INOUYE, and Senator LAUTENBERG, as the only veterans of World War II still serving in the Senate.

Not surprisingly, Senator AKAKA has been a leader on veterans issues. He served as chairman of the Committee on Veterans' Affairs in the 110th and 111th Congresses, and he remained active on that committee despite relinquishing his chairmanship in the current Congress in order to chair the Committee on Indian Affairs.

We will not soon forget Senator AKAKA's retort when another Senator was holding up a package of veterans benefits, demanding that the costs of the veterans benefits be offset.

Senator AKAKA calmly, very deliberately argued that the costs did not need to be offset, stating:

The price has already been paid, many times over, by the service of the brave men and women who wore our Nation's uniform.

Needless to say, Senator AKAKA carried the day.

Senator AKAKA has played a leading role in demanding improvements in the handling of post-traumatic stress disorder and traumatic brain injuries sustained by service men and women. In 2009, he joined with Senator INOUYE in securing compensation for Filipino veterans of World War II who fought for the United States.

Senator AKAKA is the only ethnic, Native Hawaiian to serve in this body. Throughout his congressional career, including 4 years in the House and 22 years in the Senate, he has been a determined and impassioned advocate for the people of his State of Hawaii. He has fought for legislation that would grant Federal recognition to ethnic Native Hawaiians, the same recognition we have granted to American Indians and Native Alaskans.

In 1993, President Clinton signed a resolution sponsored by Senator AKAKA officially apologizing on behalf of the U.S. Government for overthrowing Hawaii's last monarch a century earlier.

In so many ways, Senator AKAKA represents the Senate at its very best—the Senate the way it used to be in less partisan times. He works tirelessly behind the scenes, and he shuns the media limelight. He prides himself on reaching across the aisle and forging honorable compromises. He is the ultimate gentleman, and his word is his bond.

Across these many years DANNY AKAKA has been a wonderful friend and colleague. Of course, that friendship will continue, and I will miss him in the Senate.

I join with the entire Senate family in wishing DANNY and Millie all the best in the years ahead.

JEFF BINGAMAN

Mr. CONRAD. Mr. President, I rise today to honor my colleague from New Mexico, Senator JEFF BINGAMAN, who is retiring from the Senate at the end of this year. Senator BINGAMAN has been a strong voice for the people of New Mexico, first as their attorney general and then during 30 years of service in the Senate. He has brought a keen intellect and a commonsense perspective to the Senate that should make the people of New Mexico proud. He has worked to build consensus across party lines to help strengthen our Nation.

Senator BINGAMAN and I serve together on the Finance Committee, and we also worked together on the Energy and Natural Resources Committee during my first term in the Senate. I greatly admire the thoughtfulness he applies to every issue. Throughout his career, he has focused intently on finding solutions to the challenges facing our country.

For example, in 2009, I worked closely with him and other colleagues on the Finance Committee in crafting the health care reform bill that was signed into law as the Patient Protection and Affordable Care Act. He was a key author of that legislation, which has already improved millions of people's lives.

Senator BINGAMAN has brought a tremendous breadth of knowledge to his chairmanship of the Energy and Natural Resources Committee. He has long understood the need to reduce our Nation's dependence on foreign energy and has worked diligently to push Congress to create a national energy policy suited to the 21st century. That includes the Energy Independence and Security Act, which helped put us on the right path by improving gas mileage in the vehicles Americans drive, increasing production of domestic biofuels, and boosting energy efficiency in homes and businesses across our country.

Senator BINGAMAN also understands the importance of education as a source of opportunity to our people and a key investment in the ongoing prosperity of our country. As a member of the Senate Health Education, Labor, and Pensions Committee, Senator BINGAMAN has worked to advance teacher training, student technological literacy, and boosting graduation rates at underperforming schools. He also helped pass legislation that increases student aid and caps Federal student loan payments to assist students struggling with excessive debt.

Senator BINGAMAN has been an outstanding public servant for the people of New Mexico and our Nation. I will miss having him as a colleague in the Senate, but I also know that his wife Anne will be excited to have him back home. I wish him happiness and success in whatever he chooses to do in the next chapter of his life.

OLYMPIA SNOWE

Mr. CONRAD. Mr. President, I also pay tribute to my friend and colleague, Senator OLYMPIA SNOWE, who is retiring from the Senate after 18 years of exemplary service representing the people of Maine.

Though thousands of miles apart, Maine and North Dakota face similar challenges. In particular, we share very similar climates. Our States' residents must endure long winters, and, for the most vulnerable, keeping their homes warm is sometimes a challenge. Senator SNOWE has always understood how difficult it can be for some families to pay their utility bills and keep their heat on through harsh winters and has been a tireless supporter of the Low Income Home Energy Assistance Program, which provides struggling families in our States with the certainty of a warm home.

Senator SNOWE's constant attention to constituent concerns have made her one of the most popular Senators in the Nation, and her dedication to her State and country has not gone unrecognized. Throughout her 37 years of public service, Senator SNOWE has earned many honors and distinctions. In 2005, Forbes rated her as the 54th most powerful woman in the world. Later, in 2006, Time magazine recognized her as one of America's Best Senators. She was also recognized as one of eight female politicians that could run and be elected President of the United States.

Senator SNOWE is a true statesman and public servant, never hesitating to put people over politics and fiercely representing the values and needs of her constituents. Throughout all her years of service, her steady resolve, moderate voice, and willingness to work across the aisle have been a force in Washington. It has truly been an honor working with her to find practical solutions to our Nation's most pressing issues. In a time of partisan excess, Senator SNOWE's ability to reach compromises with Members on both sides of the aisle was extremely valuable to this venerable institution. She will be sorely missed.

I thank Senator SNOWE for her service to her country in the U.S. Senate and wish her the very best in the future.

HERB KOHL

Mr. President, today I honor my colleague, Senator HERB KOHL, who will be leaving the Senate at the end of this term. Senator KOHL has served the people of Wisconsin for 24 years since first being elected to the Senate in 1988. Throughout his time in Congress, Senator KOHL has stayed above political partisanship, while remaining true to his Midwest roots. He has represented the people of Wisconsin well and answered to no one but the citizens of his State. When he announced his retirement from the Senate, he said ''The office doesn't belong to me. It belongs to the people of Wisconsin, and there is something to be said for not staying in office too long.'' These words describe a humble man who truly believes that it is his duty to represent the ideals of his constituents, even in an era of political polarization.

Born and raised in Wisconsin, Senator KOHL is known throughout the Senate as a philanthropist. He had a successful career in business, eventually purchasing the Milwaukee Bucks. Throughout his time in Congress, Senator KOHL has proven that he is as openminded as he is honest, while continually holding on to his core principles. From expanding the coverage of health care to promoting education advancements, Senator KOHL's legislative history is truly impressive.

Wisconsin and North Dakota have a lot in common. We share a similar culture and geography as well as an agriculture industry that is a crucial component of both our States' economies. In 2011, the National Farmers Union recognized Senator KOHL as a champion of dairy and competition issues. But that is only part of the story concerning Senator KOHL's support for

family farmers. Senator KOHL has served as chairman of the Appropriations Subcommittee on Agriculture. In that capacity, he has been instrumental in ensuring that the partnership between the Federal Government and rural communities contributes to economic development throughout rural America. He has enhanced the conservation of our natural resources and ensured the United States remains at the forefront in agricultural research and innovation. In addition, Senator KOHL has been a stalwart supporter of food assistance programs for those who are the least fortunate among us.

On a personal note, Senator KOHL recommended my wife Lucy for a position with Major League Baseball. It has been my wife's dream job, so I am personally indebted to him for that.

Senator KOHL's commitment to the people of Wisconsin has been unwavering. The Senate will miss his honesty and hard work. I thank Senator KOHL for his service in the Senate and wish him the best in his future endeavors. Wisconsin should be proud of Senator KOHL, he remained true to his 1988 Senate campaign slogan, serving as ''Nobody's Senator But Yours.''

JIM WEBB

Mr. CONRAD. Finally, Mr. President, I am proud today to honor my colleague from Virginia, JIM WEBB. In just 6 years in the Senate, he has proven himself to be an agile and independent thinker on both military matters and issues of economic fairness, as well as a tireless advocate for veterans. His candid and moderate voice in the Senate will be sorely missed.

JIM WEBB has spent an impressive career working in public service and on behalf of our veterans and active troops overseas. The importance of discipline and service to country was instilled in him as a young boy, as he moved with his father, a career Air Force officer, to various Air Force Bases across the country. A graduate of the U.S. Naval Academy, Senator WEBB served as the Assistant Secretary of Defense for Reserve Affairs under President Reagan, as well as the U.S. Secretary of the Navy, before coming to the Senate in 2007.

Senator WEBB demonstrated his unwavering commitment to our troops and veterans on his very first day in the Senate when he introduced the Post-9/11 G.I. Bill of Rights. He won passage for this important piece of legislation, the most comprehensive G.I. bill since World War II, in only his second year as a Senator—a remarkable feat. Since its passage, more than 1 million post-9/11 veterans have applied to use their G.I. bill benefits. The G.I. bill has been instrumental in providing a great opportunity and a demonstration of gratitude for our troops as they separate from service.

I personally had the privilege of working closely with Senator WEBB on a bill that aims to preserve the valor of our decorated military heroes. I was proud to join him in introducing the Military Service Integrity Act, which creates criminal penalties for individuals who lie about receiving military medals for personal gain. On behalf of the nearly 60,000 veterans in North Dakota and all of our active troops, it was an honor to work with him on this legislation in ensuring that the integrity of our Nation's military awards are not belittled by those attempting to seek a profit.

But apart from his dedication to our military heroes, I also respect Senator WEBB for his commitment to fiscal responsibility. Together with Senator MCCASKILL, he formed the US Commission on Wartime Contracting in Iraq and Afghanistan to analyze the efficacy and expenditures of Federal contractors abroad. When the findings of the Commission were published, he subsequently introduced comprehensive reform legislation to address the failures and mismanagement of overseas contractors. As chairman of the Senate Budget Committee, I deeply respect his initiative and commitment to eliminating any waste, fraud, or abuse in our national security operations.

It is a deep loss for the Senate to be losing such a candid and independent voice. Senator WEBB has set an extraordinary example of discipline, initiative, and candor in his work on behalf of working-class Americans and military families. I thank Senator WEBB for his career of service in the Senate and the armed services and wish him all the best.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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 10 minutes each.

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

RECOGNIZING DR. JAMES ''JIM'' JONES

Mr. REID. Mr. President, I rise to recognize and honor one of Nevada's great sons and my friend, Jim Jones, on the important milestone of his 80th birthday. I appreciate the longtime friendship Jim and his son, Jimmy, have afforded me. Jimmy worked for me and has remained a good friend ever since.

Jim Jones hails from one of Las Vegas' railroad families. In 1921, after Jim's father proudly served our Nation in World War I, he pioneered West in a boxcar and not much else. Jim's father arrived in Las Vegas, walked into a railroad shop and stayed for 21 years. It was on South Third Street that Jim remembers his early childhood, as he watched the trains go by in his small railroad town of Las Vegas.

Jim has spent a lifetime working hard and giving back to his patients and community. His commitment to service began at the age of 12 as a Boy Scout in Troop 63. Jim grew interested in dentistry while a student at Las Vegas High School. But he knew he was unable to afford college, so he joined his father to work the railroad at 15. Jim tirelessly worked nights, weekends and summers; after graduating from Las Vegas High School, he attended East Los Angeles Junior College. During his second semester of college, he served in a Naval Reserve Unit when he was called into active duty during the Korean War. Although he could have applied to be exempted, he chose to serve as a dental technician and proudly worked on a Marine base in San Diego fixing recruits' teeth before they would head overseas. He later attended BYU's pre-dental/medicine program and graduated with honors from dental school in Seattle.

He returned to Las Vegas to work for the Nevada State Department of Health's Dental Division, which led him all across Indian country in Nevada. He traveled with a fold up chair in a station wagon across the most rural parts of Nevada providing dental care and services to Native American children in Schurz, Gabbs, Tonopah, Overton and Mesquite. The time he spent in Native American communities across Nevada taught him much about our State, and its first people, and because of this formed longtime friendships.

In 1961, Jim opened his private dental practice, thus beginning a long career of providing dental care to many in Southern Nevada. He retired from his full-time practice in 2002, though he still works weekly caring for patients including Landra and me. He's lived a life of service as a longtime member of service organizations like Kiwanis Club and Rotary. He served in the leadership of Rotary as director, vice president, and president. He is passionate about Las Vegas, and he has remained involved in these service organizations, as well as in local commissions.

Mr. President, I share only but a glance at Jim's life as we reflect upon his many contributions on the momentous occasion of his 80th birthday. My friend, Jim, embodies the story of Nevada, that the son of a working class man can build a good life for his family and still have legacy of that small railroad town, Las Vegas.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, a week ago, I came to the Senate floor and said it was time for the Senate and the

House to come together to pass the Leahy-Crapo Violence Against Women Reauthorization Act. I expressed hope because I thought there was a basis for compromise on a provision that had been a sticking point for House Republicans. I am dismayed that we have not seen progress toward that compromise despite my outreach and the urgency of the situations for thousands of victims of domestic and sexual violence.

Senator CRAPO and I included in our bill a key provision to allow tribal courts limited jurisdiction to consider domestic violence offenses committed against Indian women on tribal lands by non-Indians. The epidemic of violence against Native women is appalling, with a recent study finding that almost three in five Native women have been assaulted by their spouses or intimate partners. This provision would help end an untenable situation where non-Indians assaulting their spouses or intimate partners on tribal land are essentially immune from prosecution.

This is a commonsense proposal with important limitations and guarantees of rights, but I know that House Republicans have continued to object to it. That is why I was heartened when two conservative House Republicans with leadership positions introduced a bill providing a compromise on the tribal jurisdiction provision.

Representative ISSA of California and Representative COLE of Oklahoma introduced the Violence Against Indian Women Act, H.R. 6625. Their cosponsors include Republicans from North Carolina, Minnesota, and Idaho. They all have tribes within their States and are concerned about the violence our Senate bill is trying to combat. Their bill includes a provision that allows defendants to remove a case to Federal court if any defendant's rights are violated. This modification should ensure that only those tribes that are following the requirements of the law and providing full rights can exercise jurisdiction and that defendants can raise challenges at the beginning of a case.

Last week, I called on House Republican leadership to abandon their ''just say no'' approach to any grant of tribal jurisdiction and give serious consideration to the Republican compromise proposal introduced last week. I have heard that Republican leaders are meeting today to finally discuss the issue. It is my hope that they will show real leadership by supporting crucial protections for tribal women, rather than offering empty proposals that do not change existing law and will not move us forward or help us to address this crisis.

I have reached out to House leaders throughout the year and very recently to find a path forward on VAWA, and I know others have conducted similar outreach. While I am very disappointed that I have yet to see meaningful movement despite the opportunity for reasonable, bipartisan compromise to enact this needed legislation, I do believe House leaders still have an opportunity to do the right thing and pass VAWA, but that window is closing.

Passing the Leahy-Crapo VAWA bill will make a difference. It will lead to a greater focus on the too often neglected problem of sexual assault and rape. It will lead to important new programs to identify high risk cases and prevent domestic violence homicides. It will lead to better protections for students on campuses across the country and better housing protections for victims of domestic and sexual violence. These improvements are most meaningful if they apply to all victims. I am willing to explore compromise language to make progress, but we should not leave out the most vulnerable victims.

As partisan objections continue to hold up this bill, we continue to read each week about new and horrific cases of domestic violence and rape. It is heartbreaking that women continue to suffer as our efforts to compromise and pass this crucial legislation hit roadblock after roadblock. I hope that our last ditch effort will finally break this frustrating impasse.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, as the end of this Congress quickly approaches, I urge the Senate—Republicans, Democrats, and Independents—to come together and pass our bipartisan Trafficking Victims Protection Reauthorization Act.

More than a century after the Emancipation Proclamation and despite the fact that slavery is now illegal everywhere in the world, modern-day slavery, or human trafficking, still occurs throughout the world—including in the United States of America. The Polaris Project estimates that there are more than 27 million victims of human trafficking worldwide today. To put that in perspective, that is more people than the population of Texas.

The Trafficking Victims Protection Reauthorization Act is a bipartisan bill that was carefully crafted with the input of victims and service providers to reflect critical improvements to existing law. I have worked hard to try to address concerns expressed by Republican Senators and to ensure bipartisan support for this legislation, which Congress has reauthorized three times before. The result is that our current bill, which was voted out of the Senate Judiciary Committee more than a year ago, now has 54 cosponsors—including 14 Republicans.

This bipartisan legislation seeks to stop human trafficking at its roots by supporting international and domestic efforts to fight against the causes and punish the perpetrators of trafficking. It also provides critical resources to help support victims as they rebuild their lives. We have included new accountability measures to ensure that Federal funds are used for their intended purposes, and we have streamlined programs to focus scarce resources on the approaches that have been the most successful.

Earlier this week, several Senators spoke on the floor of the Senate in commemoration of Human Rights Day. I was pleased to see that Senator RUBIO, with whom I have worked on this issue, mentioned the need to pass our anti-trafficking bill by the end of the year. We agree that it is imperative for the Senate to act now so that we can take steps toward ending human trafficking and providing the survivors with the support they desperately need in order to get back on their feet.

I have checked with my caucus to see if we can move this bill today. I can report that every Democratic Senator has agreed to pass this legislation now by unanimous consent. I hope my friends on the other side of the aisle will join us to pass the Trafficking Victims Protection Reauthorization Act without further delay.

This is the type of bipartisan bill about an urgent human rights issue that should pass by unanimous consent. I hope we can work together TODAY to make that happen.

The United States remains a beacon of hope for so many who face human rights abuses. We know that young women and girls—often just 11, 12, or 13 years old—are being bought and sold. We know that workers are being held and forced into labor against their will. No one should further delay action while these injustices continue. I am calling on Congress to do the right thing and enact the Trafficking Victims Protection Reauthorization Act before the end of this year. Millions of people around the world are counting on us and they cannot wait.

NEWEST UNITED STATES COURTHOUSE

Mr. GRASSLEY. Mr. President, last Friday, December 7, 2012, the new United States Courthouse in Cedar Rapids, IA was dedicated. This facility was built to replace the previous courthouse, built in 1932, that was closed due to the extensive flood damage that occurred in June 2008.

The new courthouse has five courtrooms and associated facilities for the United States Courts operations and also houses a number of Federal Government agencies. Groundbreaking took place in April 2009. The new courthouse opened to the public on November 5. It is my understanding the courthouse was completed within budget and on time.

At the dedication ceremony last week, the keynote address was delivered by the Honorable David R. Hansen, Senior United States Circuit Judge of the United States Court of Appeals for the Eighth Circuit. I ask unanimous consent that his remarks be printed in the RECORD.

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

Chief Judge Reade, Senator Grassley, Senator Harkin, Distinguished Members of the Federal and State Judiciaries, Mayor Corbett, Honored Guests, Ladies and Gentlemen:

May It Please The Court:

We gather today to dedicate this, the newest United States Courthouse in these United States of America. It stands as a fitting testament to the Federal Government's Design Excellence program which employs the Nation's leading architects and designers to design the country's newest federal public buildings. In our case those professionals were William Rawn and Associates of Boston and OPN Architects of Cedar Rapids, and they have produced, with the excellent efforts of the Ryan Companies this beautiful, eye-catching, and awe-inspiring structure to house the components of the United States District Court for the Northern District of Iowa. The Northern District is composed of the northernmost fifty-two counties in this state, with the dividing line between the Northern and Southern districts basically along Highway Thirty. The best news is that it was done on time and within the budget.

Fifty years ago there were six Congressionally authorized federal court points across this district. They were in Dubuque, Cedar Rapids, Waterloo, Mason City, Fort Dodge, and Sioux City. Not one of them was a standalone United States Courthouse. All of them were buildings which principally housed the United States Post Office for that city and provided space for a courtroom and a judge's chambers, usually on the second floor, along with some jury space. Other non-court federal agencies were housed there too, and they were really federal buildings. The players in the federal court system had been and were scattered across the district as well, with the Clerk of Court in Dubuque, the Bankruptcy Referee in Fort Dodge, the United States Marshal in Dubuque; and the Probation Office in Waterloo. The United States Attorney was at times in Dubuque, Cedar Rapids, Waterloo, Mason City, Fort Dodge, and Sioux City. Over the years, and principally because of Judge Edward J. McManus's initiatives, the various court functions were centralized here in Cedar Rapids (for the eastern two-thirds of the district) and in Sioux City for the Western Division.

The centralization meant that the United States Post Office and Federal Building at 101 First Street SE, now City Hall, here in Cedar Rapids, soon became way too small for the Court and its offices, and we began our efforts to build a new courthouse to bring the Federal Court family under a single roof. It has taken more than twenty years' time, and a monumental flood to make this United States Courthouse a reality. It is also a reality because of the untiring efforts of the entire Iowa Congressional delegation to make it so, and of the unwavering support of this city's leaders, both public and private, for which the Courts are very grateful.

But what is a courthouse? Or more specifically, what attributes should a United States Courthouse have? Surely, as you can easily discern, a courthouse is stone and steel, glass and polished wood, art and architecture, pleasing lines and soaring columns. But it is all those things combined to inspire those who view it, those who work within it, and those who are called to it, to the pursuit of the most lofty goal of our democratic society—the attainment of justice for all. As the ancient writer in the Old Testament enjoined his readers—''Justice, Justice Thou Shalt Pursue.''

But it is not justice, in some raw or abstract sense, that is to be pursued in this United States Courthouse: It is as the inscription supporting the pediment of the United States Supreme Court Building in Washington proclaims—It is Equal Justice Under Law—that is, justice based on an equality of treatment for those who seek it here, arrived at by applying the Rule of Law. It is a justice based upon our First Principles as outlined in the Declaration of Independence and our Constitution. It is a justice arrived at by employing the statutory laws, both Federal and State, that our democratically elected representatives pass and our presidents and governors approve, all of them acting in the good faith pursuit of justice. It is a justice obtained by the systematic weighing of the merits of each seeker's claim to justice, pursuant to regularly established rules of procedure by experienced and highly trained judges and well-intentioned juries of the seeker's peers, together with the assistance of able lawyers, all of whom have sworn an oath to administer justice equally and to serve the rich and poor alike. Oftentimes the line between justice and injustice is not a bright one. Statues of Lady Justice are abundant—they always show her holding a balance scale. Sometimes the scales are shown to be evenly balanced and sometimes they are out of balance.

Those who come here seeking justice for themselves will sometimes leave disappointed, and they will go away mumbling that ''Justice was not done'' when they really mean ''I didn't win'': But because one didn't win doesn't mean that justice under the Rule of Law wasn't administered in the process of deciding their claim to it. The justice to be obtained in this building is one informed by the law, based on human reason, and guided by ancient precepts and common sense. It is not an arbitrary judgment, nor is it dispensed at the whim of the one who has the power to dispense it, be it judge or jury.

Administering justice under law admits of no caprice and permits no whimsy. In order to be true to its purpose, it is to the tireless pursuit of justice that this building must be dedicated.

In his 1951 Requiem For A Nun, the American novelist William Faulker described the courthouse in his fictional Yoknapatawpha County this way:

''But above all, the courthouse: The center, the focus, the hub, sitting looming in the center of the the county's circumference like a single cloud in its ring of horizon; laying its vast shadow to the uttermost rim of horizon; musing, brooding, symbolic and ponderable, tall as cloud, solid as rock, dominating all; protector of the weak, judicate and curb of the passions and lusts, repository and guardian of the aspirations and hopes''

Much of that description can be used to describe this real courthouse. It is the center, the hub, the focus of the Third Branch of government, the Judiciary, and of those who have business with it. It is symbolic of the majesty and grace of the law. It is nearly tall as cloud, solid as the tons of rock used to build it, and it may be seen by some as rather dominating in its appearance. It is emblematic of the trust and confidence the people of the United States place in the enduring National Government Lincoln described—''a government of the people, by the people and for the people.''

But it is more than it appears to be—it is more than the transcendent qualities it evokes when first seen. It is the place where the rights of all citizens are protected, where the passions of the majority are tempered by overarching fundamental principles, and as Faulkner wrote, it is a place where citizens with hopes and aspirations can repair for redress.

This courthouse is all those things and more. The ''more'' is a goal that those of us who helped design it made clear at the outset—it had to be as transparent as possible. It was to be neither a castle on a hill nor a fortress of thick, impenetrable walls. Rather than Faulkner's brooding and formidable structure, we wanted one that, while imposing, was also open and inviting. We wanted the citizens to be able to see into the building, to see through it. As you approach the entry, coming down First Street, you can easily see, behind the glass wall, the entrances to each of the courtrooms. Once inside, you can appreciate the abundance of natural light everywhere. Every courtroom, every public space is filled with it. This is not a dark place, where the forces of evil can find repose. It has been purposely designed so that natural sunshine will light the way of all who enter its doors, of all who seek the truths to be found here, and of all who engage in the never ending pursuit of justice to which it is dedicated.

Thank you.

FHA EMERGENCY FISCAL SOLVENCY ACT

Mr. JOHNSON of South Dakota. Mr. President, today I wish to encourage my colleagues to pass the FHA, Emergency Fiscal Solvency Act, H.R. 4264.

Since 1934, the FHA has been helping stabilize the mortgage market by ensuring that qualified low-to-moderate income and first-time home buyers have access to mortgage credit. Since the beginning of the financial crisis, the FHA increased its market share from below 5 percent in 2006 to approximately 30 percent at its peak volume in 2009 in pursuit of that mission. This counter-cyclical expansion was essential to the mortgage market—especially for first-time homebuyers who comprised 78 percent of the single-family purchase loans insured by the FHA in 2011. According to Mark Zandi, Chief Economist at Moody's Analytics, without the FHA's counter-cyclical support, and I quote, ''the housing market would have cratered, taking the economy with it.''

However, the FHA is now facing a potential crisis of its own—but this time we have the opportunity to act. On December 6, I held a hearing in the Banking Committee entitled Oversight of FHA: Examining HUD's Response to Fiscal Challenges. Through the course of the hearing, HUD Secretary Shaun Donovan described how loans made from 2000 to 2009—and especially those loans made at the height of the mortgage crisis from 2007–2009 before the ban on seller-funded downpayments took effect—were weighing heavily on the FHA's finances. As I stated in the hearing, I am very concerned about the FHA's condition and will not hesitate to take action to prevent the FHA from needing taxpayer support.

This is only an immediate first step. I fully intend to engage my colleagues on and off the Banking Committee to find bipartisan consensus to provide the FHA with the additional authorities Secretary Donovan described during our hearing and address any technical fixes to this language. While this bill is not perfect and the path forward will not be easy, it is essential that we come together to protect taxpayers and this essential program.

I yield the floor.

GREAT APE PROTECTION AND COST SAVING ACT

Mr. WYDEN. Mr. President, consistent with Senate standing orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to and pass S. 810, the Great Ape Protection and Cost Saving Act.

Oregon is home to one of the eight National Institutes of Health, NIH-supported National Primate Research Centers, and it is already subject to strong local and national oversight to ensure the highest quality and ethical care for animals. These Centers provide outstanding research and powerful research tools that are vital to our understanding of human health and disease and hold enormous potential for finding treatments for life-threatening disorders.

While ensuring the highest quality and ethical care for animals is of utmost importance, there is already significant oversight and regulation of these facilities.

In addition to meeting the high standards required by NIH to obtain and retain Federal health research dollars, centers are also already responsible for meeting the lengthy, detailed and often-updated Federal requirements within the Animal Welfare Act. Facilities are subject to thorough, regular, and unannounced inspections by U.S. Department of Agriculture, USDA, Animal and Plant Health Inspection Services and are subject to regulations from the Public Health Service, PHS, and Food and Drug Administration, FDA. Experiments must also be approved by the Institutional Animal Care and Use Committee, IACUC, at the Institution where the scientist works before research can begin.

While I support protecting animals from unethical and inhumane treatment, the NIH is in the process of reviewing and implementing related recommendations from the Institute of Medicine. At this stage, passing legislation would circumvent this ongoing process. For this reason, I object to the Senate taking up and passing S. 810.

TRIBUTE TO 405TH CIVIL AFFAIRS BATTALION

Mr. HELLER. Mr. President, today I wish to welcome home some of our Nation's greatest servicemembers. This weekend, 29 soldiers from the great State of Nevada will be reunited with their families and loved ones after a grueling 9-month tour in Afghanistan. They have served our country with honor, and I am proud to welcome them home to the Silver State.

Nevada is grateful to these soldiers for their unwavering commitment to America. I want to thank them for fighting bravely for this Nation. I am humbled for their service to our country, and it is a privilege to help welcome them home.

Earlier this year, the North Las Vegas-based Army Reserve Delta Company, 405th Civil Affairs Battalion was deployed to fight the war in Afghanistan. Each and every day of their tour, this company faced dangerous situations in order to our protect freedom and democracy. Participating in missions to some of the most volatile provinces of eastern Afghanistan, they encountered deadly firefights and roadside bombs. This company's courageous acts have been awarded with 5 Purple Heart medals, 18 Army Commendation medals, and 7 Bronze Star medals for meritorious service. These decorated soldiers have made significant sacrifices for our country, and I am so grateful they have the opportunity to return home to their families.

The brave men and women in our Armed Forces have made grave sacrifices on behalf of our Nation and we owe them a debt of gratitude. The families of our troops also deserve our heartfelt appreciation for their unwavering strength and support.

I wish these soldiers a joyful homecoming this weekend and happy holiday season with their loved ones. I ask my colleagues to join me today in honoring this company for their service to our country.

CONGRATULATING TEA IMPORTERS

Mr. BLUMENTHAL. Mr. President, today I wish to congratulate a father and son team and their family from Westport, CT, whose company, Tea Importers, Inc., was recently recognized by Secretary of State Hillary Rodham Clinton with the 2012 Award for Corporate Excellence.

Every year, the Secretary of State honors two American owned, global companies, that are both successful and humanitarian. They are companies doing well and doing good. This year, Joseph and Andrew Wertheim of Tea Importers, Inc. were celebrated as international leaders of fair trade standards, democratic principles, and diplomacy in the small-medium sized category. Intel Corporation received this year's award in the large business category.

After escaping from Nazi Germany, Joseph Wertheim settled in Connecticut and began importing tea in 1953. Since then, he has grown his company and forged strong ties with customer tea companies in the United States, Canada, Europe, Asia, and the Middle East. In 1960, he began working to market and import tea from Rwanda, and developed a particularly strong relationship with the Government of Rwanda, who requested that Mr. Wertheim partner with them in building a tea processing factory. What started as the first facility in a remote area in Kigali, Rwanda, has grown into the largest single producer of tea in the entire African nation.

This tea factory named Sorwathe has helped the people of Rwanda make remarkable progress. Sorwathe ensures equal working conditions for its 5,242 employees, guided by the principle that every small farmer is a stake holder. In addition, Sorwathe has assisted the Government of Rwanda in building roads, bringing in water, and working with the USAID to start schools and medical clinics. The Wertheims and Tea Importers have worked with Rotary International to teach literacy to at least 15,000 adults, fund the town's public library, and provide high school scholarships. Their efforts have helped to ban child labor and facilitate collective bargaining agreements. Sorwathe has implemented environmentally sustainable agricultural practices, and organic farming, and formed alliances with important organizations in support of these efforts, to include the Rainforest Alliance and Ethical Tea Partnership. These accomplishments give you a sense of the spirit that guides this company that is financially successful, environmental conscious, and socially aware.

This small business of only six domestic employee in Westport has furthered American diplomacy around the world. As Secretary of State Clinton said in her address at last month's awards ceremonies, our businesses operating abroad are ''how millions and millions of people find out about our values, what we really stand for, what kind of people we are.'' I saw firsthand this spirit of inclusivity when I attended this awards ceremony. Video conferencing was set up to include both employees of Sorwathe and members of Intel's office in Vietnam inviting all members of those innovative ventures to be congratulated and acknowledged.

I congratulate Joseph and Andrew Wertheim and all employees of Tea Importers, Inc. and Sorwathe in this well-deserved award, which highlights how a family-owned business can make an enormous impact on a global scale.

ADDITIONAL STATEMENTS

TRIBUTE TO C.W. FLOYD

• Mr. BEGICH. Mr. President, today I would like to honor C.W. Floyd, Vietnam veteran, skeet-shooting champion, advocate for servicemembers everywhere, friend, and one of my longtime staff. On December 22, 2012, C.W. will retire after more than 30 years of service in and to the military. Although his retirement is much deserved, his absence will leave a void that will be hard to fill. In our extensive search to find a replacement for him, it has become clear that finding an ever-smiling, gun-collecting war veteran who provides the office with doughnuts is no easy task.

Mr. Floyd gave the U.S. Army 22 years of service, including a tour of

duty in the Vietnam war. From 1979 through 1985, he served as a member of the Alaska Army National Guard. Those years with the U.S. Army would have been commendable and worthy of thanks in and of themselves, but it is actually the work that C.W. has done since retiring from the Army that sets him apart and needs to be honored. Since his Army retirement, Mr. Floyd has lived and worked to help Alaska's military members at every level. He was appointed the municipality of Anchorage's first military and veterans liaison and was then hired on as special assistant to the Senator in Veteran and Military Affairs. During his time in the U.S. Senate office, Mr. Floyd helped to pass legislation to gain Federal pension and benefits for members of the Alaska Territorial Guard who served during WWII but were overlooked because Alaska was not yet a state when they were active.

C.W. Floyd not only works professionally for veterans and military members, he also volunteers his own time to support the cause. He spent 15 years on the Alaska Employer Support of the Guard and Reserve Committee and works as an organizer and volunteer for Alaska Operation STANDOWN, a program advocating for and supporting homeless veterans. C.W. was named Civilian Volunteer of the Year by the Armed Services YMCA of Alaska and was also honored with the Patrick Henry Award, which provides recognition to local officials and civic leaders who distinguish themselves with outstanding and exceptional service to the Armed Forces of the United States, the National Guard, or the National Guard Association of the United States. The Patrick Henry Award states, ''Mr. Floyd is an inspirational role model for selfless service in support of our total Homeland Security Team and the National Guard of the United States.''

Besides providing doughnuts for the Senate office and championing for the rights of veterans, C.W. has a full and happy personal life. He has been in love with his wife Elaine for 28 years and plans to turn her into a California snowbird when they are both officially retired. They have raised three wonderful men, Chuck, Travis, and Curtis, and are happily watching as their sons repopulate the Earth with girl babies. I am guessing that the sales of powder pink guns will skyrocket as C.W. welcomes each granddaughter into the world. He is a lifetime NRA, National Skeet Shooting Association, Alaska Gun Collectors Association, and Alaska Veterans Museum member.

C.W. is a shining example of all that our country has to offer and all that we can be. He has a smile and wise words of advice for anyone who walks into our office looking for assistance with veterans or military issues. No problem is too small or too big for C.W. to give attention to. My staff and I have witnessed him helping thousands of servicemembers, and I know that there are thousands more we did not witness. It should also be mentioned that his personal experiences and his articulate nature provide a voice that can explain veterans issues to those of us who do not know what it is like. In this way, he has educated all those who have ever had the chance to speak to him. His impact on the lives of U.S. veterans is far-reaching and immeasurable.

Let history remember C.W. Floyd as one of our Nation's true heroes.●

TRIBUTE TO DON JACKSON

● Mr. CHAMBLISS. Today I wish to commend the career of a man who has devoted his entire life to agriculture. After more than 35 years serving in various leadership capacities in the U.S. poultry and agricultural industries, Dr. Don Jackson, president and chief executive officer of JBS USA, is retiring.

Don's agricultural career arguably began in the early 1950s on his father's ranch in Phoenix, AZ. Don, the fifth out of seven children, was one heck of a high school football athlete—securing a game-clinching interception in the State semifinal game and helping to lead his team to the State championship in his senior year.

Don studied as an undergraduate at Arizona State University and then moved to Colorado State University, where he graduated in 1978 with a master's degree and Ph.D. in animal science.

Don officially began his career in agriculture as a nutritionist in the feed and poultry division of Central Soya. When the company's poultry division was sold to Seaboard, Don remained with the organization, serving in several operational and executive roles. From 1996 to 2000, Don served as Seaboard's chief executive officer.

In 2000, ConAgra acquired Seaboard's poultry division and Don moved to Foster Farms, where he served as president for 8 years. In late 2008, Pilgrim's Pride Corporation called on Don to serve as chief executive officer and lead the company out of bankruptcy.

In December 2009, Don helped successfully negotiate the sale of a controlling interest in Pilgrim's Pride to JBS USA, and a short year later, Don was selected as president and chief executive officer of JBS USA, a leading processor of U.S. beef, pork, poultry, and lamb and Australian beef and lamb.

Don has been married to his high school sweetheart, Teresa, for 41 years, and they are the proud parents of six children who have given them seven beautiful grandchildren. For the past 28 years, Don has called Athens and Atlanta, GA, home, and he passionately roots for the Atlanta Braves and the University of Georgia Bulldogs.

I commend Don for his years of service and congratulate him on an incredibly successful career. American agriculture has benefitted from his passion, energy, wisdom, and humor, and I am proud to call him a Georgian. We wish Don well as he embarks on his well-deserved retirement.●

COMPUTER SCIENCE EDUCATION WEEK

● Mr. CASEY. Mr. President, today I rise in recognition of Computer Science Education Week, which started on Sunday, December 9, 2012, and continues through Saturday, December 15, 2012. This week long celebration is an opportunity for educators and students to participate in activities that will elevate computer science education at all levels. The date for Computer Science Week honors Grace Murray Hopper, who was born on December 9, 1906, and who pioneered new programming languages and standards for computer systems that laid the foundation for many subsequent advances in computer science. In my home State of Pennsylvania and across the Nation, this annual celebration helps to spark interest in a subject of critical importance to our economy now and in the future.

Computers touch nearly every corner of our economy and mastery of computer science is a valuable skill set for jobseekers. According to the Bureau of Labor Statistics, there will be 9.2 million jobs in the science, technology, engineering, and mathematics, STEM, fields by the year 2020. Half of these jobs, or 4.6 million, will be in computing. That is one in every two STEM jobs.

Unfortunately, not enough high school students are mastering these STEM subjects. According to the College Board, in 2011, 3.4 million advanced placement exams were administered to high school students. Fewer than 1 million of these exams tested a STEM subject. Only about 20,000 of these exams were in the subject of computer science, accounting for 2 percent of the total science exams and 1 percent of all AP exams administered last year. Of even greater concern, only 4,000 females took this AP exam. Our policies, schools, and education systems must respond to the demand for a larger, more diverse computing talent pipeline. Computer Science Education Week brings attention to these issues and builds enthusiasm for potential solutions.

In Pennsylvania, computer science educators and supporters have planned a number of events to observe Computer Science Week. At a high school outside of Philadelphia, ninth graders are converting room numbers to binary representation and relabeling the classrooms in their school. Springfield will further host an event for students, families, and community members to present information about that district's upcoming computer science curriculum, as well as hold an exposition of student projects. For the third consecutive year, students from Haverford and Bryn Mawr Colleges will present

their summer and senior work in computing. At Villanova University, computer science projects and computer scientists are being showcased at the library all month. Drexel University will host a series of events that honor computer science's contribution to society and raise awareness of its importance in education, economic growth, and technological innovations.

The inclusion of computer science in K–12 education is of vital importance to prepare students for work in this field and to access emerging available jobs. Earlier this Congress, I was pleased to introduce S. 1614, the Computer Science Education Act, which would strengthen computer science education in elementary schools and high schools. The Computer Science Education Act would help to ensure that American students not only use technology in school but also learn the technical computing skills needed to grow our economy and invent the technology that will drive our economic future. Technology firms and backers of computer science education in Pennsylvania and elsewhere strongly support this legislation as a necessary investment in our future economic competitiveness.

I look forward to working with my colleagues on these issues. America simply cannot afford to continue wasting talent and opportunities in the computing field. This Computer Science Education Week, I applaud the efforts of educators, students, and activities organizers who are showcasing the importance of this subject.●

TRIBUTE TO JAMES E. HOGGE

● Mr. CRAPO. Mr. President, today I wish to congratulate James E. Hogge on his upcoming retirement from serving as State director of the Idaho Small Business Development Center, SBDC, and recognize his remarkable career.

As State director of the Idaho SBDC for nearly 18 years, Jim has led the center with distinction and helped shape it into a highly regarded resource for small business consulting and training. He has provided strategic planning and financial and programmatic oversight and guided the center through challenges, including limited budgets. During his time leading the center, the Idaho SBDC was one of the first SBDCs in the country to be accredited and has received the highest accreditation possible in the past two reviews. The Idaho SBDC has also been in the top 10 percent of SBDCs in the country based on productivity and impact, which includes the growth of sales and jobs, capital raised, and return on investment.

Jim recognizes the immense value of partnerships in assisting businesses and has worked to utilize the expertise of individuals and organizations for the benefit of the entrepreneurs and businesses seeking assistance and all those involved in the partnerships. Some of his collaborative achievements during his time as State director include the development of a partnership with Boise State University, the University of Idaho, and Idaho State University to help Idaho's manufacturers increase their sales and reduce costs. Jim also planned and developed funding for the Technology and Entrepreneurial Center at Boise State University. Additionally, he developed collaborative projects with the University of Idaho Law School, the Idaho National Laboratory, the city of Boise, the Idaho Hispanic Chamber of Commerce, Zions Bank, and the U.S. Forest Service.

Prior to his work at the Idaho SBDC, Jim spent 20 years serving our Nation in the U.S. Air Force as a weapons systems operator in F–111 and EF–111 aircraft. He has also provided significant service to the community and Nation through volunteering and serving on various local and national boards. This includes his service on the board of the Association of Small Business Development Centers, ASBDC, and his service as ASBDC Accreditation chair. He also served on the board of directors for Drug Free Idaho and the Idaho GemStars and was a founding board member for the Idaho Non-Profit Center. In addition, he was appointed to the Governor's Rural Task Force to help develop long-term strategies to help Idaho's rural communities, and he served on the Criminal Justice Council and as president of the Boise Sunrise Rotary Club.

Outstanding service has been the hallmark of Jim's career. I congratulate Jim on his many successes and thank him for his service to the community, State and Nation. I wish him a very happy retirement.●

TRIBUTE TO FRANCIS J. BUTTERFIELD

● Mr. CRAPO. Mr. President, I wish today to commemorate Francis James Butterfield's 92nd birthday and pay tribute to his remarkable life.

Francis, who was born on November 2, 1920, to Millard E. and Margaret C. Payne Butterfield in Franklin County, NE, has led a positive life of dedicated service. His devotion to his country started early. His mother was active in the women's suffrage movement and looked forward to voting for the first time. Margaret was in labor with Francis on election day and braved the labor pains to cast her ballot before giving birth to Francis. As Francis describes it, ''So, that's how I got here—my Mom voted first, then she went home and had me.''

This dedication and resolve runs deep in Francis. He grew up during the Great Depression in a happy, resourceful, and grateful family despite the challenges. He helped with his two brothers' mechanic operation and worked retail sales before volunteering for the U.S. Army in 1942. He completed Officer Candidate School and served in the Pacific Theater during World War II. He was assigned to an Amphibian Tractor Battalion that served in Okinawa. He also served as a Tank Destroyer Unit commander and rose to the rank of captain before his honorable discharge from Active Duty in 1946. The military honors he earned for his service to our Nation include the American Theater Service Medal, Asiatic Pacific Service Medal, and World War II Victory Medal. He continued to serve in the U.S. Army Reserves until his honorable discharge from Reserve service in 1953.

On October 18, 1959, Francis married Doris Jo Runge, and they were blessed with two daughters: Georgia Jo and Virginia Jo. Francis had a 23-year career with the U.S. Postal Service. He served as a mail carrier, and he walked 25–30 miles per day delivering mail in Sidney, NE. Since Doris' passing in 1998, Francis spends time traveling to visit his family, including his daughters and granddaughter, Aleah. His daughters keep him busy fixing things, and he also enjoys shopping.

Francis is a positive, outgoing, friendly, and patriotic American. He is a problem solver with a ''can do'' spirit who does not let challenges get in his way. I commend him for his example of optimism and devotion and wish him great happiness.●

TRIBUTE TO SOUTH DAKOTA NATIONAL GUARD

● Mr. JOHNSON of South Dakota. Mr. President, today, on the 376th birthday of the National Guard, I wish to honor all those who have served in the National Guard and to pay tribute to the South Dakota National Guard, which this year celebrates its 150th anniversary. The South Dakota National Guard has served in every major American conflict since the Civil War, in addition to helping countless communities recover from natural disasters and other emergencies. This June, South Dakotans participated in celebrations across the State to commemorate the Guard's important milestone.

The history of the South Dakota National Guard dates back to the early days of the Dakota Territory. On January 27, 1862, the Guard first formed in Yankton, SD, to protect settlers in the fledgling territory. Since that time, the South Dakota National Guard has served our Nation in every major conflict, sending units to the Spanish-American War, World Wars I and II, and Operations Just Cause and Desert Storm. The Guard has also been called to aid in our country's military efforts during the Mexican border conflict, the Korean war, the Vietnam war, and peacekeeping missions in Bosnia and Kosovo.

Since the attacks of September 11, over 8,000 South Dakota guardsmen have served in Iraq and Afghanistan, and we honor the service of those guardsmen who have made the ultimate sacrifice in the line of duty. As the father of a soldier in the National

Guard, I personally understand the sacrifices these service members make and the burdens placed on their families during deployments. I know our entire Nation shares in my gratitude for their service.

When disaster strikes, the South Dakota National Guard comes to the aid of our State and Nation. Throughout its history, the men and women of our Guard have battled floods, fires, blizzards, tornadoes, and a host of other disasters. Last year, when flooding from the Missouri River threatened communities along its banks, guardsmen were there to shore up levees, pile sandbags, and help citizens prepare for the worst. When Hurricanes Katrina and Rita devastated states along the gulf coast, units from the South Dakota National Guard were deployed to help the region recover.

The Guard personnel from the Mount Rushmore State represent the best South Dakota has to offer. They have consistently served our State and country with resolve, compassion, and honor. On the occasion of the South Dakota Guard's 150th anniversary observance, please join me in commending Guard personnel for their great service, both to the citizens of South Dakota as well as to the Nation. I applaud their willingness to answer the call to duty.●

TRIBUTE TO BARBARA KOIRTYOHANN

● Mrs. McCASKILL. Mr. President, I ask the Senate to join me today in honoring the work of Barbara Koirtyohann, a friend and long-time Hallmark executive who is retiring this year. Barbara has worked at Hallmark for 39 consecutive years, and has been active in the Kansas City community.

Barbara is from the Kansas City area and still calls Kansas City home. She is currently the Director of Public Affairs for Hallmark Cards and she is the founding member of the Greeting Card Association's Postal Affairs Committee. She has worked tirelessly to ensure that any postal reforms have minimum negative impact on the ''citizen mailer.''

During her time away from the office Barbara has been a solid member of Kansas City's civic community. She has been active with the Greater Kansas City Chamber of Commerce, and currently serves as the chairman of their Public Policy Council. In addition, Barbara is a current board member at Hope House, a shelter for battered women and their children. She has also served on the boards of Children's Mercy Hospital and Missouri Citizens for the Arts. Kansas City is a better place because of Barbara Koirtyohann.

Mr. President, I ask that the Senate join me in congratulating and honoring Barbara Koirtyohann on her retirement.●

REMEMBERING FREDERICK LADD POTTER

● Mr. NELSON of Nebraska. Mr. President, today I wish to recognize the late Frederick Ladd Potter, who passed away on February 18, 2012. I wish to pay my respects to Fred's family and to note the important role he played in assisting me and my colleagues in developing and passing the Renewable Fuels Standard, RFS, as part of the Energy Policy Act, EPAct, of 2005.

Fred Potter began his lifelong commitment to ethanol and clean-burning transportation fuels in 1979 when he helped to open the Office of Alcohol Fuels within the U.S. Department of Energy. In 1981 he started Information Resources Inc., IRI, a private communications business, to promulgate information by publishing newsletters and holding press conferences. During this time, IRI played a major support role in removing the lead from gasoline, to be replaced by oxygenates which met the octane needs of gasoline.

In 1991 Fred worked out a merger with Hart Energy in forming Hart/IRI to greatly expand the publications business to include a wider range of newsletters, studies, research efforts, and conferences. The International Fuel Quality Center was established, to be followed by the Global Biofuels Center, all with the goal of improving fuel quality worldwide and reducing harmful emissions from the automotive sector.

Because of the pioneering work Fred accomplished in developing biofuel policy, Congress was able to put into place the first renewable fuel volume mandate for the United States. As required under the EPAct, the original RFS Program, RFS1, required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012.

Fred's contribution to achieving this foothold in our nation's comprehensive energy policy is well recognized by those of us who have been supportive of ethanol and biofuels throughout our careers.

Due to these achievements in 2005, Congress was able to expand the RFS program under the Energy Independence and Security Act of 2007. RFS2 laid the foundation for achieving a significant reduction in greenhouse gas emissions and imported petroleum, as well as the development and expansion of our Nation's renewable fuels sector with the established goal of 36 billion gallons of first-generation and advanced biofuels by 2022. I can think of no better remembrance for Fred than knowing his fundamental work was essential toward providing our Nation's transportation sector with clean-burning, high-octane fuels.

In addition to his work in renewable fuels, Fred Potter will be remembered for his unflagging service to America, his amazing cadre of friends, and his great and loving family. I, therefore, join with Fred's friends in the Senate in honoring his achievements, his memory, and his devoted family.●

RECOGNIZING JEN'S PLACE

● Ms. SNOWE. Mr. President, our Nation's small business owners know what it means to sacrifice every day for a dream. The risks, the fears, and the uncertainty are all familiar to those brave enough to strike out on their own and open a small business. Our country's entrepreneurs routinely prove that through dedication, hard work, and spirit, any vision can be realized. Few know the challenges of opening a small business like Jen Burton, who has overcome seemingly insurmountable obstacles to build from scratch one of Brunswick, Maine's most popular restaurants. I rise today to recognize Jen and her outstanding achievements at Jen's Place.

Jen Burton understands the value of hard work. An inspiration and an example of the can-do spirit of Maine, Jen worked her way from welfare recipient to entrepreneur and restaurateur. As a single mother, she balances the personal demands of family with the professional challenges of running a restaurant. Jen's Place is now so popular that customers happily wait in a line that stretches out the door and around the side of the building. It is clear that her popularity is no passing trend. Jen's Place is a favorite of locals, students, and visitors, with its mouthwatering reputation constantly bringing hungry new patrons to its tables.

Jen spent many years working in restaurants before opening Jen's Place. From those experiences, she learned the right and wrong way to run a restaurant. She learned the priorities and details that were important to master in her own business. Jen devoted months to perfecting her menu items, focusing on quality and taste rather than cost efficiency. She also values supporting other Maine small businesses and buys many of her ingredients locally. Her menu features dishes named after frequent patrons, and the eclectic decor is reminiscent of a family's cozy kitchen. The relaxed hometown feel and delicious comfort food is the essence of Jen's Place and is a product of Jen's tireless effort, perseverance, and culinary know-how.

From humble beginnings to successful entrepreneur and local favorite, Jen Burton embodies the American dream. When the restaurant landscape seems dominated by fast-food and chain restaurants, it is heartening to see the success of restaurants like Jen's Place. Her passion and commitment to quality set her apart. I am proud to offer my congratulations to Jen and best wishes for her continued success.●

TRIBUTE TO TYLER STENBERG

● Mr. THUNE. Mr. President, today I recognize Tyler Stenberg, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Tyler is a graduate of Mobridge-Pollock High School in Mobridge, SD. Currently, he is attending The University

of South Dakota, where he is majoring in political science and criminal justice. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Tyler for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO LOGAN PENFIELD

● Mr. THUNE. Mr. President, today I recognize Logan Penfield, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota.

Logan is a graduate of Northwestern High School in Mellette, SD. Currently, he is also a graduate of South Dakota State University, where he majored in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Logan for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO COLLEEN GUINN

● Mr. THUNE. Mr. President, today I recognize Colleen Guinn, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Colleen is a graduate of Brandon Valley High School in Brandon, SD. Currently, she is attending Georgetown University, where she is majoring in government and English. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Colleen for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO JASON SIMMONS

● Mr. THUNE. Mr. President, today I wish to recognize Jason Simmons, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Jason is a graduate of New Underwood High School in New Underwood, SD. Currently he is attending the University of South Dakota, where he is earning his master of business administration in health services administration. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jason for all of the fine work he has done and wish him continued success in the years to come.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:34 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

H.R. 3319. An act to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

H.R. 4367. An act to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. UDALL of New Mexico).

At 9:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5817. An act to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement.

H.R. 6364. An act to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

The message further announced that pursuant to section 3(b) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202), the Minority Leader appoints the following member on the part of the House of Representatives to the Medal of Valor Review Board: Joanne Hayes-White of San Francisco, California.

At 3:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

S. 3315. An act to repeal or modify certain mandates of the Government Accountability Office.

ENROLLED BILLS SIGNED

At 4:13 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

S. 3542. An act to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tem pore (Mr. UDALL of New Mexico).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5817. An act to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1546. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes (Rept. No. 112–249).

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska (Rept. No. 112–250).

By Mrs. MURRAY, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3313. A bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.

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. TOOMEY (for himself and Mr. WARNER):

S. 3678. A bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 3679. A bill to provide for Indian trust asset management reform, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN (for himself, Mr. UDALL of New Mexico, and Mr. SANDERS):

S. 3680. A bill to amend the Internal Revenue Code of 1986 to modify and extend the making work pay credit; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3681. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. WARNER (for himself, Mr. KIRK, Mr. WEBB, Mr. MENENDEZ, Mr. CASEY, Mr. WHITEHOUSE, Mr. KERRY, and Mr. DURBIN):

S. 3682. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3683. A bill to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 616. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 617. A resolution congratulating the recipient of the 2012 Heisman Memorial Trophy; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Ms. STABENOW, Mr. SESSIONS, Mr. ALEXANDER, Ms. LANDRIEU, Mr. COCHRAN, Mr. HARKIN, Mr. SHELBY, Mr. CORNYN, Mrs. BOXER, Mrs. MURRAY, Mr. COBURN, Mr. KERRY, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. REID, Ms. MIKULSKI, Mr. DURBIN, Mr. PRYOR, Mr. NELSON of Florida, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. CONRAD, Mr. LAUTENBERG, Mr. KOHL, Ms. CANTWELL, Mrs. MCCASKILL, Mr. WYDEN, Mr. COONS, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. MANCHIN, Mr. BENNET, Mr. CARDIN, Mrs. HAGAN, Mr. CASEY, Mr. BEGICH, Mr. MENENDEZ, Mr. WARNER, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. INOUYE, Mr. CORKER, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. ROCKEFELLER, Mr. UDALL of Colorado, Mr. BLUMENTHAL, Mr. AKAKA, Mr. REED, and Mrs. SHAHEEN):

S. Res. 618. A resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3623

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from New York (Mrs. GILLIBRAND), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. HARKIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3623, a bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes.

S. RES. 613

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 3681. A bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: Federal disaster assistance. As you know, along the Gulf Coast we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes Katrina and Rita of 2005 as well as Hurricanes Gustav and Ike in 2008. Unfortunately, our region also has had to deal with the economic and environmental damage from the Deepwater Horizon disaster in 2010 and more recently Hurricane Isaac. Due to this history, as Chair of the Senate Committee on Small Business and Entrepreneurship, ensuring Federal disaster programs are effective and responsive to disaster victims is one of my top priorities. While the Gulf Coast is prone to hurricanes, other parts of the country are no strangers to disaster. The Midwest has tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. This certainly hit home when the northeast was struck by Hurricane Sandy in October of this year. With this in mind, we must ensure that the Federal government is better prepared and has the tools necessary to respond quickly and effectively following a disaster.

In order to give the U.S. Small Business Administration, SBA, better tools to respond after a future disaster, I am proud to have filed S. 3672, legislation that will make a small but important improvement to SBA's disaster assistance programs for impacted businesses. This provision builds off of SBA disaster reforms enacted in 2008 and ensures that SBA is responsive to the needs of small businesses seeking smaller amounts of disaster assistance. These are the businesses that are burdened the most by liens on their primary personal residential homes when they could conceivably provide sufficient business assets as collateral for the loan. In particular, the bill I am filing today would clarify that, for SBA disaster business loans less than $200,000, SBA is required to utilize assets other than the primary residence if those assets are available to use as collateral towards the loan. The bill is very clear though that these assets should be of equal or greater value than the amount of the loan. Also, to ensure that this is a targeted improvement, the bill includes additional language that this bill in no way requires SBA to reduce the amount or quality of collateral it seeks on these types of loans.

I note that this provision is similar to Section 204 of S. 2731, the Small Business Administration Disaster Recovery and Reform Act of 2009 that Senator BILL NELSON and I introduced last Congress. A similar provision also passed the House of Representatives twice last Congress. H.R. 3854, which included a modified collateral requirement under Section 801, passed the House on October 29, 2009, by a vote of 389–32. The provision also passed the House again on November 6, 2009, by a voice vote as Section 2 of H.R. 3743. So this provision has a history of bipartisan Congressional support. I want to especially thank Ranking Member OLYMPIA SNOWE for working with me to improve upon this previous legislation. The legislation that I am filing today is a result of discussions with both her and other stakeholders. I believe that this bill is better because of improvements that came out these productive discussions.

This bill addresses a key issue that is serving as a roadblock to business owners interested in applying for smaller SBA disaster loans. After the multiple disasters that hit the Gulf Coast, I and my staff have consistently heard from business owners, discouraged from applying for SBA disaster loans. When we have inquired further on the main reasons behind this hesitation, the top concern related to SBA requiring business owners to put up their personal home as collateral for smaller SBA business disaster loans. This requirement is understandable for large loans

between $750,000 and $2 million. However, business owners complained about this requirement being instituted for loans of $200,000 or less. I can understand their frustration. Business owners, in many cases who have just lost everything, are applying to SBA for a $150,000 loan for their business. SBA then responds by asking them to put up their $400,000 personal home as collateral when the business may have sufficient business assets available to collateralize the loan. While I also understand the need for SBA to secure the loans, make the program cost effective, and minimize risk to the taxpayer, SBA has at its disposal multiple ways to secure loans.

Furthermore, SBA has repeatedly said publicly and in testimony before my committee that it will not decline a borrower for a lack of collateral. According to a July 14, 2010 correspondence between SBA and my office, the agency notes that ''SBA is an aggressive lender and its credit thresholds are well below traditional bank standards. . . . SBA does not decline loans for insufficient collateral.'' SBA's current practice of making loans is based upon an individual/business demonstrating the ability to repay and income. The agency declines borrowers for an inability to repay the loan. In regards to collateral, SBA follows traditional lending practices that seek the ''best available collateral.'' Collateral is required for physical loans over $14,000 and Economic Injury Disaster Loans, EIDL, loans over $5,000. SBA takes real estate as collateral when it is available, but as I stated, the agency will not decline a loan for lack of collateral. Instead it requires borrowers to pledge what is available. However, in practice, SBA is requiring borrowers to put up a personal residence worth $300,000 or $400,000 for a business loan of $200,000 or less when there are other assets available for SBA.

While I do not want to see SBA tie up too much of a business' collateral, I also believe that if a business is willing and able to put up business assets towards its disaster loan, SBA should consider that first before attempting to bring in personal residences. It is unreasonable for SBA to ask business owners operating in very different business environments post-disaster to jeopardize not just their business but also their home. Loans of $200,000 or less are also the loans most likely to be repaid by the business so personal homes should be collateral of last resort in instances where a business can demonstrate the ability to repay the loan and that it has other assets.

In closing, I believe that this commonsense fix will greatly benefit businesses impacted by future disasters. This provision does not substantively change SBA's current lending practices and it will not have a significant cost. I believe that this legislation would not trigger direct spending nor would it have a significant impact on the subsidy rate for SBA disaster loans. Currently for every $1 loaned out, it costs approximately 10 cents on the dollar. Most importantly, this bill will greatly improve the SBA disaster loan programs for businesses ahead of future disasters. If a business comes to the SBA for a loan of less than $200,000 to make immediate repairs or secure working capital, they can be assured that they will not have to put up their personal home if SBA determines that the business has other assets to go towards the loan. However, if businesses seek larger loans than $200,000, then the current requirements will still apply. This ensures that very small businesses and businesses seeking smaller amounts of recovery loans are able to secure these loans without significant burdens on their personal property. For the business owners we have spoken to, this provides some badly needed clarity to one of the Federal Government's primary tools for responding to disasters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after ''which are made under paragraph (1) of subsection (b)'' the following: '': *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than $200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 616—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 616

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients.

SENATE RESOLUTION 617—CONGRATULATING THE RECIPIENT OF THE 2012 HEISMAN MEMORIAL TROPHY

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 617

Whereas, for the 78th time, the Heisman Memorial Trophy has been awarded to the most outstanding collegiate football player in the United States;

Whereas Johnny Manziel overcame intense competition and defied expectations during Texas A&M University's first year in the Southeastern Conference;

Whereas Manziel led the 2012 Texas A&M Aggie football team to a regular season record of 10 wins and 2 losses;

Whereas Manziel was awarded the Davey O'Brien National Quarterback Award as the top quarterback in the National Collegiate Athletic Association;

Whereas Manziel became the first freshman, and only the fifth player ever, in National Collegiate Athletic Association Football Bowl Subdivision history to achieve 3,000 passing yards and 1,000 rushing yards in a season;

Whereas Manziel became the first player in the Football Bowl Subdivision to pass for 300 yards and rush for 100 yards in the same game 3 times in his career;

Whereas Manziel holds the freshman record for quarterback rushing yards (1,114) and total yards in a season (4,600);

Whereas Manziel was assisted by the leadership of Southeastern Conference Co-Coach of the Year Kevin Sumlin, the exceptional protection of the offensive line anchored by

Outland Trophy winner Luke Joeckel, and Texas A&M's 12th Man;

Whereas Manziel became the second Heisman Trophy winner at Texas A&M, preceded by John David Crow in 1957;

Whereas Manziel started the development of his athletic capabilities before attending Texas A&M in the cities of Tyler, Texas, and Kerrville, Texas;

Whereas 2012 marks the eighth time a player at a university in Texas has won the Heisman Trophy and back-to-back years of keeping the award in Texas;

Whereas the hullabaloo of Manziel becoming the first freshman to win the Heisman Trophy is another testament to the strength and skill of Texas football; and

Whereas Manziel has combined incredible talent with hard work and a good heart: Now, therefore, be it

Resolved, That the Senate congratulates the recipient of the 2012 Heisman Memorial Trophy.

Mrs. HUTCHISON. Mr. President, today, Texas A&M University students, faculty, alumni, and fans—known as the 12th Man—are filled with pride and joy over the first Aggie to win the Heisman Trophy since John David Crow's Heisman-season in 1957. Johnny Manziel was named the 2012 Heisman Trophy winner for his incredible accomplishments on the gridiron. Texas A&M finished this season ranked No. 9 nationally with a record of 10 wins and 2 losses including an impressive victory in Tuscaloosa, Alabama over the previously ranked No. 1 University of Alabama, Crimson Tide.

At a young age, Johnny Manziel's parents, Paul and Michelle Manziel instilled a discipline to succeed. Their parenting laid the groundwork for his competitiveness and strong work ethic. Raised in Tyler, Texas, and a graduate of Tivy High School in Kerrville, Texas, Johnny was a high school star athlete never willing to back down because of his size or age.

Johnny's time at Texas A&M may not be extensive but his freshman year statistics and accomplishments are not short of anything but extraordinary. Johnny is the first freshman in National Collegiate Athletic Association, NCAA, history to ever win the prestigious Heisman Trophy. Johnny also became the first freshman and only the fifth player ever, in NCAA Football Bowl Subdivision, FBS, history to achieve 3,000 passing yards and 1,000 rushing yards in a season. Incredibly, Johnny became the first player in the FBS to pass for 300 yards and rush for 100 yards in the same game three times in his career. He also earned the Davey O'Brien Award, presented annually to the best NCAA quarterback.

On Saturday, December 8, 2012, Johnny Manziel was recognized as the greatest college football player of the year. The Heisman Trophy is the most prestigious award in college sports, and no one is more deserving of this honor than Johnny Manziel.

Congratulations to Johnny Manziel on a truly memorable season; to his family, who provided the foundation for his abilities; to his teammates and to all of Aggieland. This is truly a historic ending to a tremendous freshman season.

SENATE RESOLUTION 618—OBSERVING THE 100TH BIRTHDAY OF CIVIL RIGHTS ICON ROSA PARKS AND COMMEMORATING HER LEGACY

Mr. LEVIN (for himself, Ms. STABENOW, Mr. SESSIONS, Mr. ALEXANDER, Ms. LANDRIEU, Mr. COCHRAN, Mr. HARKIN, Mr. SHELBY, Mr. CORNYN, Mrs. BOXER, Mrs. MURRAY, Mr. COBURN, Mr. KERRY, Mrs. HUTCHISON, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. REID of Nevada, Ms. MIKULSKI, Mr. DURBIN, Mr. PRYOR, Mr. NELSON of Florida, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. CONRAD, Mr. LAUTENBERG, Mr. KOHL, Ms. CANTWELL, Mrs. MCCASKILL, Mr. WYDEN, Mr. COONS, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. MANCHIN, Mr. BENNET, Mr. CARDIN, Mrs. HAGAN, Mr. CASEY, Mr. BEGICH, Mr. MENENDEZ, Mr. WARNER, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. INOUYE, Mr. CORKER, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. ROCKEFELLER, Mr. UDALL of Colorado, Mr. BLUMENTHAL, Mr. AKAKA, Mr. REED of Rhode Island, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 618

Whereas Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

Whereas Rosa Parks dedicated her life to the cause of universal human rights and truly embodied the love of humanity and freedom;

Whereas Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary;

Whereas news of the arrest of Rosa Parks resulted in approximately 42,000 African Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation law was changed on December 21, 1956;

Whereas the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

Whereas the civil rights movement led to the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241), which broke down the barrier of legal discrimination against African Americans and made equality before the law a reality for all people of the United States;

Whereas Rosa Parks has been honored as the ''first lady of civil rights'' and the ''mother of the freedom movement'', and her quiet dignity ignited the most significant social movement in the history of the United States;

Whereas, in 1987, Rosa Parks and her close associate Elaine Steele cofounded the Rosa and Raymond Parks Institute for Self Development to motivate and direct youth to achieve their highest potential through Rosa Parks' philosophy of ''quiet strength'' and cross-cultural exposure for nurturing a global and inclusive perspective;

Whereas Rosa Parks was the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Congressional Gold Medal, the Spingarn Award, which is the highest honor of the National Association for the Advancement of Colored People for civil rights contributions, and the Presidential Medal of Freedom, which is the highest civilian honor in the United States, and was named one of the 20 most influential and iconic figures of the 20th century;

Whereas Rosa Parks sparked one of the largest movements in the United States against racial segregation, and by her quiet courage symbolizes all that is vital about nonviolent protest because of the way she endured threats of death and persisted as an advocate for the basic lessons she taught the people of the United States;

Whereas Rosa Parks and her husband Raymond Parks relocated to Michigan in 1957, and remained in Michigan until the death of Rosa Parks on October 24, 2005;

Whereas, on Tuesday, October 26, 2005 the United States Senate adopted a Resolution expressing its condolences on the passing of Rosa Parks, and honored her life and accomplishments;

Whereas, in recognition of the historic contributions of Rosa Parks, her remains were placed in the rotunda of the Capitol from October 30 to October 31, 2005, so that the people of the United States could pay their last respects to this great American;

Whereas, in November 2005, Congress authorized the Joint Committee on the Library to procure a statue of Rosa Parks to be placed in the Capitol;

Whereas the United States Postal Service will issue a stamp in February 2013 to honor Rosa Parks and her courage to act at a pivotal moment in the civil rights movement;

Whereas, the bus on which Rosa Parks sparked a new era in the American quest for freedom and equality is one of the most significant artifacts of the American civil rights movement and is on permanent display in the Henry Ford Museum in Dearborn, Michigan;

Whereas, on February 4, 2013, the Henry Ford Museum, will commemorate the 100th birthday of Rosa Parks by calling for a National Day of Courage and sponsoring a program that highlights her contributions to the civil rights movement, including a daylong celebration, with both virtual and onsite activities featuring nationally-recognized speakers, musical and dramatic interpretative performances, a panel presentation of ''Rosa's Story'' and a reading of the tale ''Quiet Strength'', featuring the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up; and

Whereas the Rosa Parks Museum at Troy University and the Mobile Studio will commemorate the birthday of Rosa Parks with the 100th Birthday Wishes Project, culminating on February 4, 2013, with a 100th birthday celebration at the Davis Theatre for the Performing Arts in Montgomery, Alabama, where 2,000 birthday wishes submitted by individuals throughout the United States will be transformed into 200 graphic messages: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 100th birthday of civil rights icon Rosa Parks; and

(2) commemorates the legacy of Rosa Parks to inspire all people of the United States to stand up for freedom and the principles of the Constitution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3335. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 3312 submitted by Mr. PAUL and intended to be proposed 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 3336. Mrs. MURRAY proposed an amendment to the bill S. 3313, to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.

SA 3337. Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 2045, to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes.

TEXT OF AMENDMENTS

SA 3335. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3312 submitted by Mr. PAUL and intended to be proposed 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 3, after line 3, add the following:

SEC. ___. ELIMINATING CONFLICTS OF INTEREST IN THE FEDERAL RESERVE SYSTEM.

(a) FINDINGS.—Congress finds the following:

(1) In October 2011, the Government Accountability Office found the following:

(A) Allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System.

(B) Eighteen former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis.

(C) Many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions.

(D) Under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in ''hazardous'' condition.

(E) Twenty-one members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System.

(F) The Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

(b) ENDING CONFLICTS OF INTEREST.—

(1) CLASS A MEMBERS.—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking ''chosen by and be representative of the stockholding banks'' and inserting ''designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank''.

(2) CLASS B.—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking ''be elected'' and inserting ''be designated by the Board of Governors of the Federal Reserve System''.

(3) LIMITATIONS ON BOARDS OF DIRECTORS.—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

''No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

''No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.''.

(c) REPORTS TO CONGRESS.—The Comptroller General of the United States shall report annually to Congress, beginning 1 year after the date of enactment of this Act, to ensure that the provisions in this section and the amendments made by this section are carried out.

SA 3336. Mrs. MURRAY proposed an amendment to the bill S. 3313, to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes; as follows:

At the end, add the following:

SEC. 8. FUNDING.

Amounts for a fiscal year to carry out this Act, section 7330B of title 38, United States Code, as added by section 2(a), section 1787 of such title, as added by section 4(a), and the amendments made by this Act shall be derived from amounts made available for an overseas contingency operation in that fiscal year, if amounts were made available for an overseas contingency operation in that fiscal year.

SA 3337. Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 2045, to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes; as follows:

On page 2, line 19, strike ''the District of Columbia'' and insert ''the Washington, D.C., metropolitan area''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes; dated December 13, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 13, 2012, at 10 a.m. in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Improving Care for Dually-Eligible Beneficiaries: A Progress Update.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 13, 2012, at 2 p.m. to hold a briefing entitled ''National Security Brief on Attacks in Benghazi.''

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 13, 2012, at 4 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on December 13, 2012, at 10 a.m. in room 432 of the Russell Senate Office Building, to conduct a hearing entitled ''Hurricane Sandy: Assessing the Federal Response and Small Business Recovery Efforts.''

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

SELECET COMMITTEE ON INTELLIGENCE

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 13, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH CENTRAL ASIAN AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 13, 2012, at 10 a.m., to hold a Near Eastern and South Central Asian Affairs subcommittee hearing entitled, ''Terrorist Networks in Pakistan and the Proliferation of IEDS.''

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, December 17, at 5 p.m., the Senate proceed to

executive session to consider the following nominations: Calendar Nos. 833 and 875; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed, with no intervening action or debate, to vote on Calendar Nos. 833 and 875, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

TO AMEND THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6116 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6116) to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6116) was ordered to a third reading, was read the third time, and passed.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Mr. REID. I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 2045 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2045) to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Burr amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; that the motion to reconsider be made and laid upon the table, with no intervening action or debate; and that any statements related to this bill be printed in the RECORD.

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

The amendment (No. 3337) was agreed to, as follows:

(Purpose: To improve the bill)

On page 2, line 19, strike ''the District of Columbia'' and insert ''the Washington, D.C., metropolitan area''.

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

The bill (S. 2045), as amended, was read the third time and passed, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE WITHIN FIFTY MILES OF DISTRICT OF COLUMBIA.

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 of title 38, United States Code, is amended to read as follows:

''§ 7255. Offices, duty stations, and residences

''(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area, but the Court may sit at any place within the United States.

''(b) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

''(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge's official duty station.

''(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of the Washington, D.C., metropolitan area.

''(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 of such title is amended by striking the item relating to section 7255 and inserting the following new item:

''7255. Offices, duty stations, and residences.''.

(b) REMOVAL.—Section 7253(f)(1) of such title is amended by striking ''or engaging in the practice of law'' and inserting ''engaging in the practice of law, or violating section 7255(c) of this title''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255 of such title, as added by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

AUTHORIZING THE PRODUCTION OF RECORDS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 616.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 616) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a Federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the subcommittee in the course of its investigation, in response to this request and requests from other government entities and officials with a legitimate need for the records.

I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement be printed in the RECORD.

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

The resolution (S. Res. 616) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 616

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the anti-money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Thursday, December 13, through Monday, December 17, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

ORDERS FOR MONDAY, DECEMBER 17, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 17, 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 morning business, the Senate be in a period of morning business until 3 p.m. with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate begin consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill.

I will also say we are going to have an amendment process there. People should be able to offer amendments. We ought to be able to finish the bill very quickly. If people have amendments, they should visit with the two managers of the bill. I assume the managers will be Senator LEAHY and Senator COCHRAN.

Finally, at 5 p.m., the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. On Monday we will begin consideration of the supplemental appropriations bill. There will be a 5:30 vote on confirmation of the Olguin nomination.

ADJOURNMENT UNTIL MONDAY, DECEMBER 17, 2012, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Monday, December 17, 2012, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, December 13, 2012:

THE JUDICIARY

LORNA G. SCHOFIELD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

FRANK PAUL GERACI, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK.

EXTENSIONS OF REMARKS

CONGRATULATING ARCHBISHOP MOELLER HIGH SCHOOL ON WINNING OHIO STATE FOOTBALL CHAMPIONSHIP

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. BOEHNER. Mr. Speaker, as a proud graduate of Archbishop Moeller High School in Cincinnati, I rise today to congratulate and recognize the Crusaders on their recent Ohio State Football Championship.

It is my pleasure to report that on December 1, 2012, the Crusaders won the OHSAA Division I state football championship, defeating Toledo Whitmer High School 20–12. This is Moeller High School's eighth Ohio football championship in the school's storied history.

Under the guidance of Coach John Rodenberg, the 2012 Crusader football team ended its season with a record of 12–3.

As a Crusader from the class of 1968, I congratulate Coach Rodenberg, Athletic Director Barry Borman, Principal Blane Collison, President Bill Hunt, and all the faculty, students, and alumni of the Moeller Family on this tremendous achievement. This victory honors the entire school community and extends the winning tradition of Moeller Football that began decades ago under my friend, coach, and mentor, Gerry Faust.

Moeller High School has provided a center of learning in the finest Marianist tradition for generations of young men from my congressional district and the Greater Cincinnati area. A Catholic school, Moeller has established a reputation for excellence in academics, athletics, faith, and community service, a reputation that is renewed and reinforced by this latest achievement.

On behalf of the United States House of Representatives, I proudly salute Coach Rodenberg, the 2012 Crusader football team, the Men of Moeller and the entire Moeller Family for this memorable victory.

HONORING CHIEF CHRIS MOORE UPON HIS RETIREMENT FROM THE SAN JOSE POLICE DEPARTMENT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Chief of Police Chris Moore upon his retirement from the San Jose Police Department.

Chris has been a police officer since 1982. He worked for UC Berkeley campus police for three years before joining the San Jose Police Department in 1985. Chris earned his Bachelor of Arts degree from UC Berkeley, a Masters of Public Administration from San Jose State University, and a Juris Doctorate from Lincoln Law School. In 1999, he was selected as a White House Fellow to serve one year as Counsel to US Attorney General Janet Reno. In 2004, Chris received the Fulbright Police Research Fellowship to study police accountability at the London School of Economics and New Scotland Yard.

In 2011, City Manager Debra Figone appointed Chris as San Jose's 9th Chief of Police since 1912. During his tenure, Chris reached out to minority groups in the community to regain the public's trust. Chris changed the official police handbook to make sure officers are not unfairly profiling members of the public. He implemented a Community Advisory Board and personally met with community members to address their concerns. During talks with the community about the implementation of Secure Communities, Chris reached out to the Latino community and emphasized that he would not be involved in civil immigration enforcement. In 2011, Chris received the Dr. Martin Luther King Jr. Association's Mover of Mountains award for Public Safety and Community Bridge Building for his efforts.

Chris served as Chair for the Public Safety Alliance. He traveled to Washington to testify before Congress to fund the creation of a broadband network specifically for law enforcement and public safety agencies to move large amounts of video or audio data during an emergency. The bill allows police, firefighters, and other first responders to transmit images, voice, and video back and forth from the field to the emergency room. Police are able to obtain pictures from bank robberies in progress and fire departments are able to obtain building plans en route to calls. When President Obama signed the $7 billion bill to reallocate the 700 MHz spectrum to first responders, Chris stood behind the President.

Chief Chris Moore is retiring after over 27 years with the San Jose Police Department and I wish him all the best in the years to come. I commend Chris for his valuable service. The community is very fortunate to have benefited from his dedication, commitment, and advocacy. He has left his mark in San Jose and I know he will continue to play a positive role in our community during his retirement.

HONORING AVONDALE, ARIZONA MAYOR MARIE LOPEZ ROGERS ON HER ELECTION AS PRESIDENT OF THE NATIONAL LEAGUE OF CITIES

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I rise today to recognize Avondale, Arizona Mayor Marie Lopez Rogers on her election as President of the National League of Cities (NLC). Mayor Lopez Rogers is the first Latina in NLC history to lead the advocacy group, which is dedicated to helping city leaders build better communities.

Since she was first elected to the Avondale city council in 1996, Mayor Lopez Rogers has demonstrated a deep commitment to public service. From her time on the council to when she was elected as Avondale's first Latina mayor in 2006, Mayor Lopez Rogers has been instrumental in transforming Avondale from a once tiny community to one of the nation's fastest growing municipalities.

Having served in local, state, and national organizations such as on the board of the National Association of Latino Elected and Appointed Officials (NALEO), as a member of the League of Arizona Cities & Towns' Executive Committee, and as President of the Arizona Women in Municipal Governments, Mayor Lopez Rogers' skills and talents have reached well beyond Avondale.

In 2011, Mayor Lopez Rogers was recognized by President Barack Obama for her dedication to and accomplishments in local government at a national conference of Hispanic leaders. Additionally, she has received the Hispanic Leadership Institute-West Public Service Award, the Valle Del Sole Profiles of Success 2009 Special Recognition Award, and the 2010 Jacque Steiner Public Leadership Award for Children from Children's Action Alliance.

Mayor Lopez Rogers knows the meaning of hard work and does not shy away from a challenge. She worked alongside her parents in a farm labor camp as a girl and then became the first member of her family to go to college. Today, as the head of NLC, I am confident she will use her resolve to fight for initiatives important to cities in Arizona and across the United States.

I have known Mayor Lopez Rogers and her family for over thirty years and I extend my sincerest appreciation for the support and friendship they have shown to me.

Mr. Speaker, I ask my colleagues to join me in recognizing the many achievements of Mayor Marie Lopez Rogers and in wishing her the best during her tenure as President of the National League of Cities.

HONORING RICHARD H. (DICK) PLAND

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Tuolumne County Supervisor Richard H. (Dick) Pland on his retirement from the Tuolumne County Board of Supervisors and to thank him for his dedicated, life-long spirit of community service.

Richard Pland has been a resident of Tuolumne County for 53 years; and throughout his life in Tuolumne County, Dick has served with distinction in both the private and public sectors.

Dick is well known and respected throughout the state of California for his knowledge and contributions to the forest industry. In 41 years of private service in the forest industry, 38 of those were in Tuolumne County. During his forestry career, Dick was a member of TuCARE and the California Licensed Foresters Association. He also served as a Director of the California Forestry Association, President of the Sierra Cascade Logging Conference, and received the 1990 California ''Logger of the Year'' award.

Dick's private sector contributions also included 15 years of service as a Director of El Capitan Bank, and his legacy of leadership within the public sector began early when Dick served as a Platoon Leader with the United States Marine Corps. While balancing his career in forestry with raising a family, Dick still found the time to serve for 30 years on the Tuolumne County Board of Education.

Mr. Pland is wrapping up a 16-year run as the District 5 representative on the Tuolumne County Board of Supervisors. During his time on the Board, Supervisor Pland was frequently called upon to bring common sense and effective leadership to some of the most difficult challenges facing the County, such as the decision to privatize Tuolumne General Hospital; advocating for sound budgetary goals and policies helping to navigate the County through ''The Great Recession''; chairing numerous Board Committees aimed at improving County land use and regulatory policies; creating the Tuolumne County Economic Development Authority; establishing the Board's Natural Resources Committee; and championing healthy forest practices within the Stanislaus National Forest to promote the long-term health and sustainability of the forest as well as to reinvigorate forest-based jobs. With such accomplishments, it is easy to understand why Dick was selected to receive the Tuolumne County Chamber of Commerce's ''Excellence in Government Award'' in 1999.

Mr. Speaker, please join me in honoring Tuolumne County Supervisor Dick Pland on his retirement and thanking him for his exemplary leadership, service to the community, and his time on the Board of Supervisors.

IN HONOR AND RECOGNITION OF MARIAN R. CAREY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Marian R. Carey, whose exemplary leadership in serving as my Deputy District Director and Director of Constituent Services raised constituent services to the highest level possible—making the 10th Congressional District Office of Ohio the most impactful, responsive and successful constituent response center of any Congressional District Office in the nation.

For fourteen years, Ms. Carey directed and oversaw a multileveled and ever-evolving system of federal services available to constituents. Her expertise in legislative services, federal regulations and procedures, as well as her knowledge of government and non-profit programs and agencies, allowed her and my entire District staff to successfully conduct an immense amount of complex casework in a streamlined, effective manner—built upon an unyielding foundation of support and collaboration.

During her tenure, Ms. Carey created critical partnerships with numerous leaders throughout local and federal government agencies, non-profit organizations, and the private sector. These key bonds supported constituent casework efforts by fostering mutual cooperation between our staff and outside agencies, which were vital elements needed to secure successful outcomes in resolving issues—many of them dire—for tens of thousands of constituents who sought our help.

Beyond her dynamic leadership in the area of constituent casework, Ms. Carey also successfully developed and managed the United States Military Academy Nomination Program. Due to her efforts, doors were opened for many young men and women from the Cleveland community, who were accepted onto this historic pathway of educational opportunity and service to our nation.

Consistently reflecting grace under fire, integrity, kindness, professionalism, a sense of fairness, a calm demeanor and a disarming wit, Ms. Carey gained the trust and respect of constituents, colleagues and community leaders. Whether helping an elderly veteran in need, a young man coming home from the war in desperate need of services, or a young woman suffering from mental illness, Ms. Carey left no pathway unexamined and never wavered in her commitment to find the assistance and resolution needed.

Mr. Speaker and Colleagues, please join me in honor and recognition of Marian R. Carey, Director of Constituent Services and Deputy District Director of the 10th Congressional District of Ohio. Her leadership, tenacity, dedication and accomplishment raised my work into the light of the American consciousness, as she, without fail, maintained the strongest framework of casework service possible—casework which will have a lasting impact on the lives of thousands of citizens and their families. I am forever grateful and honored to have had the opportunity to walk beside her on this journey of public service.

DEPARTING MEMBERS OF THE CALIFORNIA DEMOCRATIC CONGRESSIONAL DELEGATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize the departing Democratic Members from California who have faithfully served their constituents as representatives in the U.S. Congress. I would like to commend my colleagues Reps. PETE STARK, HOWARD BERMAN, Bob Filner, LYNN WOOLSEY, JOE BACA, and LAURA RICHARDSON for their years of service. Their achievements have not only helped their constituents, they have helped create a better America.

Mr. Speaker, Golden State Members have never known Congress without PETE STARK in it. Elected in 1972, PETE STARK is the longest serving Member from California and serves as our delegation's Dean. His list of accomplishments is long and impressive. As one of the highest ranking Democrats on the Ways and Means Committee, and Ranking Member and former Chair of the Subcommittee on Health, PETE has been a vocal leader and advocate for ensuring that all Americans have access to affordable health care. From creating COBRA, creating electronic and easily transferrable medical records, or in helping to draft the historic health care reform bill, PETE has fought tirelessly for better patient care at lower cost. As his long-serving Chief of Staff said recently in Roll Call, ''. . . no one can question Pete Stark's commitment to those who don't have a voice and his firm belief that government is here to improve people's lives. He has never wavered in his willingness to challenge special interests and take on powerful groups in order to pursue the right public policy.'' PETE's compassion and determination will be missed.

Our next longest-serving Member, HOWARD BERMAN, has been an extraordinary Member since 1983. As the Ranking Member and former Chairman of the Foreign Affairs Committee, he has worked to strengthen U.S. relations with foreign governments abroad and keep Americans safe. Widely-regarded as a brilliant and effective legislator in the House, some of his biggest accomplishments include programs critical to the global fight against HIV/AIDS and improving U.S. foreign aid programs. And as a colleague and senior Member on the Judiciary Committee, he has valiantly fought on behalf of immigrants. His role in drafting immigration law is unique and important. When we disagree on copyright and patent issues, I still consider HOWARD a friend. I will deeply miss his bipartisanship and legislative prowess.

Bob Filner was elected in 1992 to Congress and is widely known for his commitment to our service men and women. As the Ranking Member and previous Chairman on the Veterans' Affairs Committee, Bob Filner worked to ensure that our veterans receive increased healthcare services, low interest-rates for home loans, and helped pass the GI Bill for veterans of the Iraq and Afghanistan Wars. Bob also had a long history as a civil rights activist and professor. Fortunately, we'll continue to work with him as he was elected—and is now serving—as the Mayor of San Diego.

As a senior Member on the Education and Labor Committee, and Ranking Member and former Chair of the Subcommittee on Workforce Protections, LYNN WOOLSEY has been a tireless fighter to protect working Americans by improving working conditions and legislating equal pay. As a colleague of mine on the Science, Space and Technology Committee, she has supported clean energy initiatives and the preservation of our fragile ecosystem, including protecting the California coastline. First elected in 1992, in the year of the woman, LYNN WOOLSEY certainly helped put a few more cracks in that glass ceiling, and she now leaves Congress in a year that saw a record number of women elected to the House and Senate.

As a senior member on the Agriculture Committee, JOE BACA has worked to preserve and ensure that our most needy families have access to nutritious food. First elected to Congress in 1999, JOE also served as Chair of the Congressional Hispanic Caucus during the 110th Congress and is a member of the House Financial Services Committee.

LAURA RICHARDSON was elected to Congress in 2007, and has served on the Transportation and Infrastructure and Homeland Security Committees, serving as a key advocate for Long Beach's port and California's development of high speed rail.

Mr. Speaker, the aforementioned Members have served a combined 128 years in the House of Representatives. As the Chair of the California Democratic Congressional Delegation, I want to thank them for their commitment to our country, to California, and to their constituents who elected them. Together we've worked to ensure that America is a prosperous and safe society where everyone has equal opportunity. I've enjoyed being with them on this journey and wish them all of the best in the years ahead.

HONORING THE SERVICE OF CONGRESSMAN LEONARD BOSWELL

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor Congressman LEONARD BOSWELL for his 16 years of dedicated service to the people of Iowa's Third Congressional District, and the country.

At the end of this term, the U.S. Congress will bid farewell to one of its great leaders. I have had the good fortune to serve with Congressman BOSWELL on the House Transportation and Infrastructure Committee, and as a fellow member of the Blue Dog Coalition. In a Congress that has become infamous for its partisan gridlock, LEONARD has been a stalwart advocate for compromise. He has always understood that on issues related to the well being of our working-class families, the nation's infrastructure, and our men and women in uniform, our responsibilities as elected Representatives must always come before politics.

LEONARD's leadership in this regard has always been a source of inspiration to me. With his departure the U.S. Congress will lose the experience of a public servant who has held elective office for 28 years, a distinguished combat veteran and a true American patriot. His example of hard work and bipartisan compromise should not be lost on the 113th Congress when it convenes next month.

I would like to offer LEONARD and his family my deepest thanks and my best wishes for the future.

Mr. Speaker, please join me again in commemorating Congressman LEONARD BOSWELL's tremendous service to the United States of America.

TRIBUTE TO JOSEPH E. ROSS

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on behalf of myself and Mr. BRADY of Pennsylvania, our Ranking Member, I would like to take this opportunity to pay tribute to the life of Joseph E. Ross, former Director of the Congressional Research Service. Joe Ross passed away on November 23, survived by his wife of 66 years, Joan, 8 children, 15 grandchildren and 20 great-grandchildren. He also leaves behind many friends and colleagues who fondly recall his many years of public service.

Joe was the Director of CRS from 1986 to 1993. Before that he led CRS' American Law Division for 13 years. Prior to his career at CRS, Joe served in the Navy during World War II. Returning from that service, he earned his law degree and entered private practice from 1948–1951. He was called back to active duty, eventually rising to the rank of Captain in the Navy and retiring from the military in 1969. This distinguished military career was followed by 2 years at the Department of Justice and then his 21-year career at CRS which saw him rise from Chief of the American Law Division to eventually lead the agency for over 7 years.

Joe Ross' years as CRS Director saw Congress grapple with the Persian Gulf War, the Iran/Contra investigation, deficit reduction, financial regulatory reform, the Strategic Defense Initiative, multinational trade agreements and early efforts at welfare and health care reform. CRS deployed its staff to assist with these and the many other issues on the legislative agenda and streamlined and modernized its product offerings. Congress celebrated its bicentennial in 1989 and CRS supported and participated in the many events surrounding that anniversary. That year was also CRS' 75th anniversary, an occasion marked by programs on the history of Congress and the Congress of the future.

Under Joe Ross' leadership, CRS became a key player in the Frost-Solomon Task Force. Established by Congress in 1990, the task force provided assistance to emerging democracies in Central and Eastern Europe and the former Soviet Union. CRS helped administer the task force's programs and provided much of the sought after expertise needed to help establish democratic legislatures in those countries. During Joe's tenure as CRS Director, the Service also modernized its technological infrastructure with the introduction of more advanced hardware and software to enhance the products and services CRS was able to provide to Congress and increase the productivity of its staff. CRS staff also benefited from innovative recruitment programs launched during this period to increase the diversity of the CRS workforce.

Joe was active in bar activities throughout his career, serving in several capacities with the Federal Bar Association, including president, and also serving on the governing body of the American Bar Association. After retirement, he was actively involved in providing legal assistance to Habitat for Humanity.

Mr. Speaker, Joe Ross was the epitome of the dedicated public servant. He served his country for over 20 years in the Navy which included involvement in decisive battles of the Pacific theater. He followed that career with service in the Executive Branch as an attorney in the Department of Justice. The United States Congress was then the beneficiary of Joe's second career, over 20 years in leadership positions in the Congressional Research Service, including 7 years as its Director. We are grateful for his dedication to the public good. To his wife, Joan, and his extended family, I extend our deepest sympathies.

HONORING SUPERVISOR KENDALL SMITH OF MENDOCINO COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my friend, my colleague, stalwart community member and outgoing Supervisor Kendall Smith for decades of giving back to Mendocino County.

I first met Kendall when she was a student at Sonoma State University at a graduate class she was taking in Public Administration. She already had a Bachelor of Arts degree from San Jose State University and had been a long time member of the American Association of University Women.

Kendall is also a member of the National Women's Political Caucus of Mendocino County, a group I am proud to say picked me as their last male candidate to endorse, an achievement in no small part supported by Kendall.

As a 32-year resident of the North Coast, Kendall knows the territory. That's why I hired her in 1997 to be a field representative when I was a State Senator. Two years later, when I became a Member of Congress, Kendall continued as my Mendocino County district representative, attending to constituent services, working with all parts of the county and supporting businesses, tribes, environmental groups, nonprofits and government entities in a multitude of ways.

In 2004, when Kendall decided to run for Fourth District Supervisor, I had mixed reactions—pride that she wanted to take that step into the life of an elected representative and sadness that she wouldn't be on my staff. Her record speaks for itself, and we have remained close throughout her eight years on the Board. I was honored to support her appointment by the Secretary of the Interior to the Bureau of Land Management's Northwest California Resource Advisory Council, one of the many boards and associations for which she is a stalwart advocate and member.

Kendall is a model public servant. A dogged researcher and diligent policy maker, she earns her admiration through selfless, hard work. Mister Speaker, it is appropriate at this time that we pay tribute to Kendall Smith, a fine legislator, worthy representative and esteemed citizen.

HONORING FAIRFIELD COUNTY COMMISSIONER JUDITH K. SHUPE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. AUSTRIA. Mr. Speaker, I rise today to honor Ms. Judy Shupe, a long time Commissioner of Fairfield County, Ohio. After twenty exemplary years of service, Commissioner Shupe will be retiring at the end of this year. Commissioner Shupe first took office on January 2, 1993 and is now serving out the remainder of her fifth term as Commissioner.

Commissioner Shupe has always expressed a passion for public service. Before becoming a Commissioner she served as Clerk of Madison Township where she spent 13 years.

Commissioner Shupe has given her time and dedication to Fairfield County by attending workshops and seminars. These events have given her the knowledge and expertise to better understand the needs of the residents of Fairfield County. Judy has also been a member of the County Commissioners Association of Ohio which has strengthened her ability to effectively and successfully serve all of Fairfield County.

Commissioner Shupe serves on various committees including the Workforce Investment Area; Resource Conservation and Development; Prevention Works for a Drug Free Fairfield County; OSU Extension Advisory Committee; Geographic Information System Committee; Revolving Loan Funding Committee; Tax Incentive Review Council; and the Multi-County Juvenile Detention Center Board of Trustees and Board of Directors.

Thus, today I ask my colleagues to join me and the constituents of Ohio's Seventh Congressional District to recognize the service and dedication of Commissioner Judy Shupe.

HONORING THE LIFE OF ESTHER JACHIMOWICZ

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to honor the inspiring life of Esther Jachimowicz, who passed away in her San Francisco home on November 5, 2012.

Born as Esther Bendzinski in Poland on October 11, 1925, she was the last remaining Holocaust survivor in her family. The tale of her life-as she would recount to her family and friends-is one of tremendous loss, struggle, and incredible perseverance. Esther and her family were among those forced to live in the Lodz Ghetto by Nazi troops in German-Occupied Poland. In recounting her story to the San Francisco Chronicle, she told of how life for the Jews trapped in the infamous ghetto was a daily struggle to survive starvation, beatings, and shootings.

Esther and her family were among the thousands who were sent from the Lodz Ghetto to Auschwitz. There, she and her father were selected by the Nazis to be kept as slave labornever to see her mother and younger sister again. From Auschwitz, her father was taken to Dachau, and Esther and another sister were sent to another concentration camp called Stutof. There she experienced unspeakable horrors, including the death of her sister.

After being liberated, Esther searched for her family in the immediate aftermath of the war. Hearing that her father survived Dachau, she went to a hospital where he was being treated. It was there in that hospital where she also met her future husband, Nathan Jachimowicz, a few beds down from her father. The two had similar tales of survival, both being trapped in the Lodz Ghetto, both were taken to Auschwitz. Out of their combined families, only Nathan, Esther and her father had survived.

Years later, during an interview, Esther would say she was lucky to find Nathan, to whom she would be married for fifty-eight years. Soon after they were wed, and along with Esther's father, they left Europe to start a new life in America. By 1962 they had settled in San Francisco and opened Emerald Cleaners and Tailoring shop on Noriega Street, near 25th Avenue. With hard work and an unyielding belief "that every day is a new day," they pursued the American Dream of a better life for themselves and their children.

Mr. Speaker, the number of Holocaust survivors is rapidly dwindling, and we must not let their tales be forgotten, we must record their history for future generations to learn from. As it was said in the Hebrew Bible's Book of Joel: "Tell your children about it, and let your children tell theirs, and their children the next generation." That is why I wanted to share Esther Jachimowicz's inspiring story.

More than just the story of an individual, her story is that of a kind of person who lived through one of the darkest, most brutal chapters in the Twentieth Century, and held firm to the belief of a future without hate. Her family-and indeed our country-will forever remember and cherish that spirit of perseverance, survival, and hope in a better future. I join with our community in mourning her passing. While I know Esther's family feels her loss, I hope they can draw comfort through the pride they must feel in the heritage and legacy they inherit from this incredible woman.

IN RECOGNITION OF THE NEW BEDFORD WHALING MUSEUM AND THE WILLIAM M. WOOD FOUNDATION

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the New Bedford Whaling Museum and the William M. Wood Foundation for their collaboration in celebrating the history of Cape Verdean and Azorean culture in Southeastern Massachusetts.

Our nations' histories are forever interwoven, as the ancestors of todays Azorean—and Cape Verdean-American families remain an integral part of Massachusetts' economic prosperity. Many of these immigrants were first drawn to New England's ports on whaling and fishing vessels in the early nineteenth century, often finding work in the region's nearby cranberry bogs. Cape Cod and Southeastern Massachusetts are home to the fastest growing Cape Verdean and Azorean communities in the United States.

Today, it is estimated that over 40% of the southeastern Massachusetts population are of Portuguese descent. The strong influence that the Cape Verdean and Azorean cultures have had on our local community cannot be understated, and it is essential that we honor and celebrate this important part of Southeastern Massachusetts culture.

In keeping with this spirit the William M. Wood Foundation has generously approved a $300,000 grant to support the initiatives at the New Bedford Whaling Museum geared toward preserving the history of Azorean and Cape Verdean communities in Southeastern Massachusetts. Among other things, this grant will support a major traveling exhibit detailing the lives of Azorean and Cape Verdean whalers that will make an appearance at various coastal communities throughout New England. Additional community events will be supported by this funding, including an international symposium on the history of Azorean and Cape Verdean immigration in Massachusetts that will be held at the Museum.

In order to ensure that Cape Verdean and Azorean culture is not only preserved but celebrated in Southeastern Massachusetts, I have worked closely with many local and international officials, including Cape Verdean President Jorge Carlos Fonseca, Cape Verdean Prime Minister Jose Maria Neves, and President of the Regional Government of the Azores Vasco Cordeiro. It gives me great pride to work with these individuals and to see such strong support for honoring Azorean and Cape Verdean culture in Southeastern Massachusetts. The funding given by the William M. Wood Foundation will establish a strong base as we move forward, and we envision many more opportunities for collaboration in the future.

Mr. Speaker, please join me in recognizing the New Bedford Whaling Museum and the William M. Wood Foundation as they join together to celebrate the history of Azorean and Cape Verdean culture in Southeastern Massachusetts. I thank my colleagues for joining me in recognition of these organizations for celebrating such an important aspect of Massachusetts history.

IN HONOR OF NANCY MARIANNA EMMONS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. FARR. Mr. Speaker, I rise today to honor and celebrate the 100th birthday of Nancy Marianna Emmons.

Nancy Marianna Pierson was born January 5, 1913 to Grace Monkhouse Pierson and Temple Guy Pierson in the small southern Indiana town of Spencer, near Bloomington, Indiana. Her paternal grandmother, Cassandra Conant Pierson, had been a schoolteacher in Kentucky before marrying Joseph Liston Pierson, a private in the Union Army during the Civil War. Her maternal grandmother was a member of the Tyson family in Maryland, descendants of Elisha Tyson (1750–1824), a wealthy merchant and early abolitionist.

After attending the University of Indiana in the early 1930s, she decided to move to Chicago with her best friend to find work—a time she always referred to as "her salad days." Nancy had a good job with N.W Ayre, an advertising agency, but after a time the glamour of California lured her West. She had some relatives in the Bay Area and chose to move to San Francisco. After being there a few weeks she wandered into an ad agency looking for a job, and was immediately offered a job as "Miss Oakland" on a float inaugurating the opening of the Bay Bridge in November 1936.

It was around this time that Nancy noticed a handsome blond man who walked down the hill past her apartment everyday to his car. She "accidentally" happened to be out on the street one morning, and of course charmed him. He was Donn Emmons, a shy young architect, who was working for William Wilson

Wurster, already a well-known Bay Area architecture firm.

Nancy married Donn in 1942, after he joined the Navy as a Lieutenant. Through her husband Donn, Nancy met my parents Fred and Janet Farr. She was present at my birth at the Children's Hospital in San Francisco on July 4, 1941. The Emmons and Farr families have been close ever since.

After the war years, the family settled in Mill Valley, California, and had three children, Zette (b. 1946), Janet (Luli, b. 1949), named after my mom Janet Farr, and Andrew Pierson Emmons (b. 1953). My mother Janet named her second daughter after her friend Nancy.

Though the Emmons separated in 1955 and were later divorced. Nancy maintained a close friendship with the Farr family.

Nancy outlived Janet, Fred and Donn and saw me, young "Sammy", get elected to Congress in 1993.

In her professional life, Nancy became very active in the local artistic community of Mill Valley, California, and was a member of the Ann O'Hanlon's "Sight and Insight" gallery. She made large sculptural collages using found objects and natural materials, which were abundant in her large garden. She also maintained a large circle of friends in the greater Bay Area, especially in San Francisco. She has outlived all of her own generation of friends, and has a special place in the lives of the children and grandchildren of that artistic and architectural community that sprang up in the Bay Area after World War II.

Mr. Speaker, I know the whole House joins me in wishing Nancy a happy, healthy and joyful year as she celebrates her 100th birthday!

HONORING LANCE CORPORAL SCOTT SMOLIK

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to welcome home an exemplary young Marine from Illinois' 3rd District, Lance Corporal (LCpl) Scott Smolik. Having recently returned safely from his first tour in Afghanistan, it is a privilege to recognize LCpl Smolik's commitment to serving our nation.

LCpl Smolik was originally stationed with the 1st Battalion/7th Marines at Twentynine Palms Base in California. During Operation Enduring Freedom, LCpl Smolik served with the 1/7 in Southern Afghanistan, contributing to counter-insurgency efforts and support for local Afghan National Security Forces operations. While stationed in the volatile Helmand Province in the cities of Sangin and Musa Qala, his duties switched from mortarman to machine gunner atop Armored Mine-Resistant Ambush Protected (MRAP) vehicles, a role requiring particular fortitude and bravery.

LCpl Smolik will be welcomed by his mother, Sharon, and his younger sister and brother, Katie and Jimmy. They will be celebrating his safe arrival this Saturday, December 15, at St. Linus Catholic Church in Oak Lawn, IL.

I am proud to honor, commend, and thank LCpl Smolik for his service, and wish him the best in the future.

RECOGNIZING THE CAREER OF DR. CHARLES B. REED AFTER 14 YEARS OF SERVICE TO THE CALIFORNIA STATE UNIVERSITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with other members of the California Delegation; Rep. LYNN WOOLSEY, Rep. KEN CALVERT, Rep. SUSAN DAVIS, Rep. HOWARD MCKEON, Rep. ZOE LOFGREN, Rep. JERRY LEWIS, Rep. NANCY PELOSI, Rep. MIKE HONDA, Rep. JERRY MCNERNEY, Rep. ANNA ESHOO, Rep. KAREN BASS, Rep. JUDY CHU, Rep. GRACE NAPOLITANO, Rep. PETE STARK, Rep. JOHN GARAMENDI, Rep. BRAD SHERMAN, Rep. MIKE THOMPSON, Rep. BARBARA LEE, Rep. LINDA SÁNCHEZ, Rep. LOIS CAPPS, Rep. JIM COSTA, Rep. MAXINE WATERS, Rep. JANICE HAHN, Rep. HENRY WAXMAN, Rep. HOWARD BERMAN, Rep. LUCILLE ROYBAL-ALLARD, Rep. ADAM SCHIFF, Rep. LORETTA SANCHEZ, Rep. XAVIER BECERRA, Rep. DORIS MATSUI, Rep. LAURA RICHARDSON, Rep. JOE BACA, Rep. JACKIE SPEIER, Rep. SAM FARR to thank Chancellor Charles B. Reed for his service to the California State University (CSU) system, California, and the country. Dr. Reed has served as the head of the California State University system for the past 14 years, and will be stepping down in the coming weeks. During his tenure, Dr. Reed demonstrated an unwavering commitment to serving the needs of all students and significantly improving access to underrepresented students.

Including his 13 years as the chancellor of the Florida State University system, Chancellor Reed spent more than a quarter-century as the leader of the country's largest higher educational systems. He earned national and international recognition as an innovator, problem-solver and strategic thinker and as one of the country's premier experts on P–16 collaboration, institutional aid, and outreach to underserved students. More than 1.5 million students have earned degrees that bear his signature.

During his time at CSU, Dr. Reed championed a number of efforts to promote access to postsecondary education for all qualified students, regardless of family background. Chancellor Reed reached beyond the walls of CSU to ensure that disadvantaged and first generation students and their families were prepared for, and had the tools to succeed in, postsecondary education. To do so, he created the "How to Get to College" poster—printed in eight different languages which describes the steps that middle and high school students and their families need to take to prepare and apply for college and financial aid. Additionally, Dr. Reed was the driving force behind efforts to enroll minority students in postsecondary education. Every February, CSU leaders visit more than 100 African-American churches in California, and the CSU system partners with the Parent Institute for Quality Education to help Latino families prepare for college success. Today, 52 percent of students at CSU are minority. CSU, under the Chancellor's direction, has become a leader in helping veterans, service members, and their families by working with California's military base commanders and taking significant steps to make its campuses veteran friendly.

Chancellor Reed is a champion for a number of higher education issues critical not only to CSU and California, but to the country as a whole. As Chancellor, he fought for increases to the Pell Grant program, and fought to prevent eligibility changes that could have reduced aid to the neediest students. Today, CSU graduates over 35,000 Pell recipients each year. Further, Dr. Reed was a leader in designing and implementing the Voluntary System of Accountability, a program created by public colleges and universities to provide families with accessible, transparent, and comparable information about institutions of higher education. The Chancellor has also been supportive in sparking innovative approaches to teacher preparation, including using evaluation for continuous program improvement. And, Dr. Reed was a driving force behind a new California law that established a transfer Associate of Arts degree, and simplifying the process for community college students to transfer to CSU.

We again thank Dr. Reed for his service. He is an ardent supporter of CSU and a champion for affordable, high quality higher education in California and throughout the country. We hope Dr. Reed will continue to advise and engage policymakers on these issues, especially as Congress prepares for the next reauthorization of the Higher Education Act.

MIKE THOMPSON, JERRY MCNERNEY, KAREN BASS, JUDY CHU, FORTNEY PETE STARK, BRAD SHERMAN, LYNN C. WOOLSEY, ANNA G. ESHOO, ZOE LOFGREN, GRACE F. NAPOLITANO, JOHN GARAMENDI, MICHAEL M. HONDA, BARBARA LEE, LOIS CAPPS, MAXINE WATERS, HENRY A. WAXMAN, LUCILLE ROYBAL-ALLARD, SUSAN A. DAVIS, LINDA T. SÁNCHEZ, JIM COSTA, JANICE HAHN, HOWARD L. BERMAN, ADAM B. SCHIFF, LORETTA SANCHEZ, HOWARD P. "BUCK" MCKEON, XAVIER BECERRA, JACKIE SPEIER, LAURA RICHARDSON, SAM FARR, DORIS O. MATSUI, KEN CALVERT, JOE BACA, JERRY LEWIS, NANCY PELOSI.

IN RECOGNITION OF THE REVEREND JOHN NEWLAND MAFFITT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the Reverend John Newland Maffitt, who was appointed Chaplain of the U.S. House of Representatives on December 6, 1941, and sworn in on December 13, 1941.

John Newland Maffitt was born in Dublin, Ireland, on December 28, 1795. His parents belonged to the established church, but Maffitt embraced the Wesleyan doctrines in 1813 and grew determined to become a minister. Upon meeting opposition at home, Maffitt immigrated to the United States in 1819, and in 1822 entered the New England conference of the Methodist Episcopal Church. He preached in various cities in the eastern United States before establishing "Western Methodist" in Nashville, Tennessee in 1833, in conjunction with Reverend Lewis Garrett. This church was subsequently transformed into the "Christian Advocate," and adopted as the central organ

of the Southern Methodist Episcopal Church. Great numbers assembled to listen to his sermons, and many converts joined his congregation. He also served as an agent and professor of elocution and belles-lettres for La Orange College, Alabama from 1836–1837, but resided chiefly in the Atlantic cities.

In 1841, Maffitt was sworn in as Chaplain of the U.S. House of Representatives, where he continued the tradition established by the Continental Congresses of each day's proceedings opening with a prayer.

After his service to the U.S. House, Maffitt went on to edit a literary and religious monthly, called the ''Calvary Token,'' and authored reflections of his life and religious experiences including, Tears of Contrition, Pulpit Sketches, a volume of poems, an oratorical dictionary, and an autobiography.

Reverend John Newland Maffitt died near Mobile, Alabama, on May 28, 1850. It is noteworthy that his son, also named John Newland Maffitt, would become one of North Carolina's great historical figures, first as a Naval Surveyor, charting much of the Atlantic coastline, and then as a blockade runner for the Confederate Navy. I paid tribute to him in the House of Representatives on May 5, 2010.

Mr. Speaker, Reverend John Newland Maffitt was a man of faith and duty who served the U.S. House of Representatives honorably. I ask my colleagues to join me in recognizing his contribution to our tradition of faith and service.

HONORING CAPTAIN DAN GRIFFIN

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LIPINSKI. Mr. Speaker, I am pleased today to honor Captain Dan Griffin for his dedicated service in the U.S. Army, and to commemorate his safe return home to his friends and family in Oak Lawn, IL.

Captain Griffin recently completed a tour in Afghanistan with the First Brigade of the 82nd Airborne Division. Stationed in the Ghazni province as an Army attorney, Griffin utilized his experiences from working as a State's Attorney at the Cook County Criminal Courthouse in Chicago. He provided legal insight on rules of engagement to U.S. Commanders and also advised troops on personal legal issues. In this role, he was pivotal in helping other soldiers to do their jobs effectively.

His homecoming celebration will be held this upcoming Saturday, December 15th, at St. Linus Catholic Church in Oak Lawn, IL, where Captain Griffin has been a parishioner his whole life. He will be welcomed home by his mother and father, Ginny and Jim, brothers, Ed and Jim, and sister, Coleen.

Please join me in recognizing Captain Griffin's service and dedication to our country. His expertise and skill have contributed significantly to our nation's effort in Afghanistan, and I am happy to welcome him home.

INTRODUCTION OF THE FOSTER YOUTH HIGHER EDUCATION OPPORTUNITIES ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LEWIS of Georgia. Mr. Speaker, I am proud to join my good friend and colleague, Senator JOHN KERRY (D–MA) in sponsoring the Foster Youth Higher Education Opportunities Act.

This bipartisan proposal is simple and straightforward. The Foster Youth Higher Education Opportunities Act directs the U.S. Department of Education to ensure that foster care youth know about specific programs and benefits for which they are eligible. The bill will also require that the Department highlights specific federal education initiatives for foster youth on their website.

As a Member of the Ways and Means Human Resource Subcommittee, I listened to testimony from countless former foster care youth in our hearings. Witnesses over the years included two of my constituents—Anthony Reeves and Shalita O'Neale; both young people ''aged-out'' of Georgia's foster care system, and fought hard to beat the odds and become successful adults.

Mr. Speaker, this is a long, hard road. The transition from foster care to adulthood and independence is very difficult, and there are countless obstacles facing them. It breaks your heart to listen to their stories about how hard it is to find housing, health care, education, livable wage jobs, security, and stability.

The Foster Youth Higher Education Opportunities Act is a small bill, but it is an important one. Every Member of Congress knows that education is the key. This basic, commonsense bill helps to tear down just one of those barriers.

I hope all of my colleagues will join me in support of this goodwill effort.

HONORING GEORGIA INDUSTRIES FOR THE BLIND

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, today, I rise to recognize an organization working hard throughout my home state, Georgia Industries for the Blind. This organization is a part of the AbilityOne Program, a Federal purchasing program that enables more than 50,000 Americans who are blind or severely disabled to work and provide products and services to Federal and commercial customers.

Today in America, roughly seventy percent of blind and visually impaired working-aged adults are not employed. Federal opportunities through the AbilityOne Program have played an important role in bringing people with disabilities into the workforce. For example, Georgia Industries for the Blind—employing over 100 blind individuals throughout the state—has been the door of opportunity for economic independence and professional growth for its associates.

Recently, I visited the GIB operation at Robins AFB, and I was impressed by the opportunities the organization provides their associates to develop personally and professionally. A great example of one of GIB's associates is Stanley Parham. Stanley is both hearing impaired and legally blind. He is a 1996 graduate of Jordan Technical School in Columbus, GA. He has been employed at the Robins Air Force Base site under Georgia Industries for the Blind for two years where he has been recognized as Employee of the Month from Vocational Rehabilitation of Georgia in October 2010. Prior to joining GIB, Stanley worked for ten years at Sign Graphic Printing in Dalton, where as a screen stretcher, he cleaned frames and remade or hung new mesh on the screens. An accomplished artist, Stanley has been honored at the White House for his previous work. In 1993, as a middle school student, his art teacher nominated him for an art contest with President George H. W. Bush. He won the opportunity and produced a chalk drawing of Mrs. Barbara Bush removing her husband's portrait from the wall of the Oval Office. As one of five employees at Robins Air Force Base that sanitizes or cleans pasteboard boxes for reuse in shipping parts/supplies that maintain C–5, C–17, C–130, F–5, F–15 aircraft Stanley exemplifies the skill and professionalism that is common among AbilityOne associates.

This organization focused on his skills and abilities, giving him the chance to serve those who serve our country. It is a place that truly lives up to its mission.

The AbilityOne Program harnesses the purchasing power of the Federal government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. It affords Americans with disabilities the opportunity to acquire job skills and training, receives good wages and benefits, and gain greater independence and quality of life. It is for this reason that I stand in support of the work Georgia Industries for the Blind does each day to open doors of opportunity for Americans who are blind.

TRIBUTE TO CHAD BOYER

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. SIMPSON. Mr. Speaker, I stand here today to express my gratitude to Chad Boyer who served as my Congressional Fellow this year. I want to thank Chad and commend him, for a job well done. After a year on my staff, he is now a seasoned veteran on the appropriation's process.

Chad served as my point person on the Energy and Water Appropriations Subcommittee and was responsible for all energy related issues in my office. His engineering background and construction management experience provided me with unique technical knowledge of nuclear power and other energy issues.

In the appropriations process, Chad developed well-researched and insightful positions, which properly prioritized the spending on energy projects based on their potential impact. His astute political insights and his willingness

and ability to learn the legislative process served me very well. I benefited greatly from Chad's advice, knowledge and work ethic over the past year.

I also want to thank his wife Melissa, and their daughter Megan for moving to the Washington, D.C. area for the year so that Chad could have this experience. It could not have been an easy move but it was great seeing them make the most of their time here.

It was a pleasure having Chad serve as my fellow, but I now like to think of him as another one of my staff members. I'm sad to see his fellowship end but I know that he will have other great opportunities due to his knowledge and expertise in the energy field.

I wish him and his family the best of luck and give them my sincerest thanks for being a part of the Simpson office ''family'' the past year.

Finally, I want to thank the Nuclear Society for sponsoring Chad as a Congressional Fellow. At a time when the world is becoming increasingly technical and competitive, Congress benefits from the advice of experienced and educated experts.

LEAST COSTLY ALTERNATIVE POLICIES: IMPACT ON PROSTATE CANCER DRUGS COVERED UNDER MEDICARE PART B

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. CALVERT. Mr. Speaker, I rise today to bring to the House's attention a November 2012 report by the Department of Health and Human Services (HHS) Office of Inspector General (OIG), which I requested, titled Least Costly Alternative Policies: Impact on Prostate Cancer Drugs Covered Under Medicare Part B (0E1–12–12–00210). I ask that the Findings, Conclusion and Recommendation of the report be entered into the CONGRESSIONAL RECORD. The full report can be found at: https://oig.hhs.gov/oei/reports/oei-12-12-00210.asp.

In 2004, the HHS OIG concluded that Medicare carriers should apply parity reimbursement to a group of drugs covered under Medicare Part B known as LHRH agonists. This recommendation was in part to remove economic incentives for providers from the prescription process. The HHS OIG further concluded that the implementation of parity pricing for LHRH agonists would produce savings of $40 million per year. Following this recommendation, the Centers for Medicare and Medicaid Services (CMS) encouraged carriers to apply parity reimbursement policies to LHRH agonists. In response to a court decision concerning another class of Part B drugs, CMS withdrew utilization of parity reimbursement for LHRH agonists in April of 2010.

In response to concerns expressed to me that the withdraw of parity reimbursement may have created an unintentional economic incentive for providers to prescribe the costliest drugs in the LHRH class, I requested HHS OIG look into the matter.

In their November 2012 report, HHS OIG found that parity pricing would have saved the Medicare program $33.3 million dollars had it been in place between the third quarter of 2010 and the second quarter of 2011. What's more, $6.7 million of these savings would have been realized by Medicare beneficiaries in the form of reduced coinsurance payments. Additionally, the November 2012 HHS OIG report stated that parity pricing policies may be a useful tool for conserving taxpayer funds in the Medicare program.

Mr. Speaker, given Medicare's current fiscal outlook, it is imperative that policy decisions be made with the program's fiscal health, as well as the patient's health, in mind. I encourage my colleagues to read the HHS OIG report and I look forward to working with my colleagues in Congress to address the OIG's recommendations and ensure the fiscal health of Medicare for generations to come.

FINDINGS

MEDICARE AND ITS BENEFICIARIES WOULD HAVE SAVED $33 MILLION IN 1 YEAR IF LCA POLICIES FOR LHRH AGONISTS HAD NOT BEEN RESCINDED

If LCA policies had been in effect between the third quarter of 2010 and the second quarter of 2011, payment amounts for Lupron, Eligard, and Zoladex would have been based on that of the least costly alternative, Trelstar. As shown in Table 2, the potential savings per dose in each quarter would have ranged from $1.61 to $33.49 for Zoladex and from $17.70 to $40.85 for Lupron and Eligard.

If the more expensive products had been reimbursed at the lower price in each quarter under review, total expenditures for monthly injections over the year period would have been reduced from $264.6 million to $231.3 million, yielding a total savings of $33.3 million (13 percent). Twenty percent of these savings ($6.7 million) would have been realized by Medicare beneficiaries in the form of reduced coinsurance amounts.

TABLE 2: PAYMENT AMOUNTS FOR MONTHLY INJECTIONS

HCPCS Code	Brand	Third Quarter 2010	Fourth Quarter 2010	First Quarter 2011	Second Quarter 2011
Payment Amounts for the Least Costly Product					
J3315	Trelstar	$164.59	$181.93	$176.27	$197.31
Additional Amounts Paid for More Expensive Product					
J9202	Zoladex	+$33.49	+$12.36	+$26.08	+$1.61
J9217	Lupron, Eligard.	+$40.85	+$26.28	+$32.83	+$17.70

Source: Medicare reimbursement amounts published by CMS for third quarter 2010 through record quarter 2011.

During the year before LCA policies were rescinded, the most costly LHRH monthly injections—Lupron and Eligard—were administered at about twice the rate of the least costly alternative, Trelstar (Figure 1). However, utilization of these pricier drugs was declining during this time, decreasing 11 percent from the second quarter of 2009 through the first quarter of 2010. Meanwhile, utilization of Trelstar was rising, increasing almost 5 percent over the same four quarters.

As shown in Figure 1, utilization patterns for monthly injections shifted dramatically in favor of the costlier products almost immediately after LCA policies were rescinded. Utilization of Lupron and Eligard increased substantially, rising a total of 31 percent from the beginning of the second quarter of 2010 through the end of the second quarter of 2011.

During the same period, the administration of Trelstar plummeted by 74 percent, with the largest utilization drops occurring in the quarter during which the LCA policies were removed and the first full quarter after. By the end of the second quarter of 2011, Lupron and Eligard were administered at almost 10 times the rate of Trelstar.

Although the administration of Zoladex decreased over the entire 27 months under review, utilization remained extremely low relative to utilization of Lupron; Eligard; and, to a lesser extent, Trelstar.

HOWEVER, THE OVERALL UTILIZATION OF LHRH AGONISTS HAS BEEN STEADILY DECREASING

Despite variations in the administration of individual LHRH agonists, the number of doses of LHRH agonists administered overall for the treatment of prostate cancer began decreasing at least a year before CMS instructed contractors to rescind LCA policies and continued to fall for more than a year afterward. This downward trend was evident not only for the more commonly administered monthly injections, but also for annual implants.

The number of monthly injections used to treat prostate cancer decreased about 7 percent during the year before elimination of LCA policies and continued to decrease another 5 percent in the 15 months after, resulting in an overall decrease of 12 percent from the second quarter of 2009 through the second quarter of 2011. (See Figure 2.)

The overall decrease in the administration of the annual Vantas implant was even more pronounced. The number of these implants used to treat prostate cancer fell by 23 percent in the year prior to elimination of LCA policies and continued to fall another 23 percent in the 15 months after, resulting in an overall decrease of 41 percent

Although the use of LHRH agonists has been decreasing, we did not find a compensatory increase in another type of hormone therapy, the simple orchiectomy. The number of these procedures performed to treat prostate cancer declined 15 percent during the year before the elimination of LCA policies and continued to decline an additional 16 percent afterward.

A study published in 2009 in The Journal of Urology identified a similar reduction in the use of hormone therapy to treat prostate cancer. This study, which examined claims and payment data from 2003 to 2007, attributed the overall reduction in hormone therapy to a number of different factors, including a decrease in Medicare payment amounts following the implementation of the ASP-based reimbursement methodology, the increased use of intermittent hormone therapy, and an increased recognition of the adverse effects associated with hormone therapy. The study authors conclude that these factors, taken together, may have resulted in a more discriminating physician practice pattern and shrinking pool of appropriate candidates for LHRH agonists.

CONCLUSION AND RECOMMENDATION

In 1995, Medicare contractors began using LCA policies to control the cost of LHRH agonists used to treat prostate cancer. However, CMS eliminated these policies in April 2010 as a result of a 2009 court ruling stating that Medicare law did not authorize the use of an LCA policy for an inhalation drug covered under Medicare Part B. Congressman Ken Calvert subsequently raised concerns that elimination of LCA policies for prostate cancer drugs may have provided physicians with an incentive to administer costlier drugs to patients.

Our results indicate that Medicare spending on clinically comparable LHRH agonists is higher in the absence of LCA policies, costing Medicare and its beneficiaries $33 million in 1 year. Our results also confirm changes in utilization patterns for LHRH agonists, some of which appear to have occurred independently of LCA policies and some of which coincided with their removal. Specifically, the use of hormone therapy has been decreasing overall, which may be attributable in part to Medicare reimbursement but may also be influenced by clinical factors, such an increased awareness of hormone therapy's health risks. In contrast, the

shift in utilization patterns in favor of costlier products coincided directly with the removal of LCA policies.

LCA policies may be a useful tool for conserving taxpayer funds, provided that patients retain access to appropriate care; however, in light of the 2009 court ruling, LCA policies are not likely to be restored without legislative action. Therefore, we recommend that CMS:

CONSIDER SEEKING LEGISLATIVE AUTHORITY TO IMPLEMENT LCA POLICIES FOR PART B DRUGS UNDER APPROPRIATE CIRCUMSTANCES

By seeking a legislative change to amend the current statutory Medicare provisions applicable to Medicare Part B drugs, CMS could regain the flexibility to implement LCA policies for certain clinically comparable products under circumstances it deems appropriate.

HONORING LIEUTENANT COLONEL JIM KOKASKA

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Lieutenant Colonel Jim Kokaska, who has safely returned from his most recent tour in Afghanistan. With a distinguished career in the U.S. Army spanning over two decades, his efforts and sacrifices deserve our recognition and gratitude.

Lt. Colonel Kokaska's overseas service began when he was deployed to Germany, and later to Bosnia, where he served as a combat engineer on de-mining operations. More recently, he has completed one tour in Iraq and two tours in Afghanistan with the 416th Engineer Battalion. Although his position as an engineer is incredibly stressful and taxing, he has continued to serve admirably and deserves the respect of all Americans. His impressive service record is not only defined by his skills and expertise abroad, but by the continuous commitment and loyalty that he has demonstrated throughout his long career.

Lieutenant Colonel Kokaska is also a devoted husband to his wife, Jane, and father to their five children: Ashlynn, Matthew, Lauren, Julia, and Ella. He will be joined by his friends and family to celebrate his homecoming on Saturday, December 15th, at St. Linus Catholic Church in his hometown of Oak Lawn, IL.

Mr. Speaker, I ask that my distinguished colleagues join me to pay tribute to Lieutenant Colonel Kokaska for his selfless contributions and long-time service to our nation.

HONORING BENJAMIN S. SCHMIDLING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Benjamin S. Schmidling. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Benjamin has earned the rank of Brave in the Tribe of Mic-O-Say and has led his troop in many capacities, including Assistant Senior Patrol Leader, Patrol Leader, Den Chief and National Youth Leadership Training staff member. ''Prairie Spirit,'' as he is also known by, has earned 33 merit badges, his favorite of which is golf. Benjamin has also contributed to his community through his Eagle Scout project. Benjamin remodeled and restored a playground area at Seven Dolors Catholic Church in Easton, Missouri, planting butterfly bushes and cleaning up the garden area. Benjamin hopes to continue pursuing his passion for hockey into high school, juniors, and college, where he plans on studying medicine with the hope of becoming a doctor.

Mr. Speaker, I proudly ask you to join me in commending Benjamin S. Schmidling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

275TH ANNIVERSARY OF THE NEW HERRNHUT MORAVIAN CHURCH ST. THOMAS, U.S. VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mrs. CHRISTENSEN. Mr. Speaker, I rise to congratulate the New Herrnhut Moravian Church on its 275th Anniversary. New Herrnhut, in my district of St. Thomas, U.S. Virgin Islands, is the oldest Moravian Church in the Western Hemisphere. This weekend, the church and its extended fellowship will celebrate the almost 3 centuries of service to the people of the Virgin Islands and as a fellow Moravian I will proudly join them as they do so in scheduled activities.

Upholding its mission and vision to spread the Gospel and serve people, missionaries of this church, founded in what is present day Czechoslovakia, came to St. Thomas, which was then a Danish possession, on December 13, 1732, exactly 275 years ago today. Freed slave Anthony Ulrich, Leonard Dober and David Nichman arrived in St. Thomas to bring the Good News of Christ and salvation to the enslaved population.

Historical church documents show that despite the resistance and criticism of plantation owners and the general community, one missionary, Brother Frederick Martin purchased Estate Posaunberg, on the eastern end of St. Thomas and renamed it New Herrnhut in 1737. The acquisition of this property allowed the missionaries to minister directly to the slaves, which began the work of the church in the New World.

The original church was destroyed by hurricane and the one that now stands is more than 200 years old. The plain and simple design is modeled after the original Moravian Church in Herrnhut, Germany.

The New Herrnhut congregation today is ably led by Pastor Reverend Anique Elmes-Matthew, who grew up in the Friedenstahl Moravian congregation on St. Croix. More than 50% of its membership may be able to trace their roots to the original slave members who formed the first church on St. Thomas. The Moravian Church in the U.S. Virgin Islands, present on all three main islands, St. Thomas, St. Croix and St. John has been a pillar of strength to the community at large, serving as a source of spiritual strength and continuity. The New Herrnhut congregation is renowned for its rich musical tradition which they have shared with the faithful around the world.

On behalf of the people of the U.S. Virgin Islands and the 112th Congress of the United States, I would like to congratulate the Pastor, the Board of Elders, the Board of Stewards, the 275th Anniversary Committee, and the wider congregation on this historic and auspicious occasion.

HONORING THOMAS COX, PURPOSE PRIZE RECIPIENT

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Ms. PINGREE of Maine. Mr. Speaker, I would like to recognize an attorney in my District who has been awarded one of only five Purpose Prizes this year for his role in uncovering irresponsible and fraudulent foreclosure practices. The Purpose Prize recognizes people over 60 who do great things for the public good.

After years of representing banks during foreclosure proceedings—and literally writing the book on how attorneys perform foreclosures in Maine—Thomas Cox became disillusioned with the industry. He left his firm and didn't know if he would ever practice law again.

Long soul-searching led Thomas to return to law—but this time on the other side of the table. Volunteering for the Maine Attorneys Saving Homes Project, he represented families facing foreclosure. Using his years of experience, he worked with dozens of families to make sure their rights were represented and that everything possible was being done to keep them in their homes.

Representing one homeowner in a battle with GMAC Mortgage—one of the largest mortgage servicers in the country—Thomas helped uncover a practice that came to be known as ''robosigning.'' To speed along foreclosures, the bank was approving documents without verifying their accuracy. His discovery led to a larger uncovering of systematic foreclosure fraud at the nation's largest mortgage servicers. In the end, 49 states sued these banks, winning a settlement of $25 billion to help those who are at risk of foreclosures and imposing new loan-servicing standards.

As Thomas continues this important work today, he now recruits, mentors, and inspires young attorneys to focus less on making money and more on making positive change in their communities. ''I feel more alive than I think I've ever felt in my life because it's good work,'' he said.

I am so grateful that Thomas took his career and life in this direction. It's a decision that has benefited thousands of families across the country and will have a lasting impact in inspiring young lawyers for years to come. My

best wishes to him as he receives this well-earned honor.

IN HONOR AND RECOGNITION OF MALAK JADALLAH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Malak Jadallah, whose exemplary work as a Member of my Congressional Staff in the role of Immigration Liaison brought clarity, resolution and hope to complex immigration issues for thousands of constituents and their families throughout the 10th Congressional District and beyond.

Since 1996, Ms. Jadallah worked as a tireless advocate on behalf of those seeking immigration assistance, including those walking that complex path to legal residency and citizenship. Ms. Jadallah pierced through red tape and a cultural climate that rained paranoia and discrimination by providing a steady light of resources and guidance for numerous individuals seeking U.S. citizenship.

Throughout her 16-year tenure, Ms. Jadallah created strong bonds with key individuals locally, nationally and internationally. Her dedication to her work, her easygoing nature, and above all her unyielding belief in, and true compassion for the people she advocated for, made her so effective, her expertise was sought by the most powerful immigration attorneys and the most influential national and international leaders. From foreign ambassadors to directors of humanitarian agencies, Ms. Jadallah's vital connections strengthened my work and supported successful resolutions for thousands of immigration cases.

Ms. Jaddallah's efforts also supported my legislative work. Her work spanned volumes of cases that ranged in complexity and scope, from helping constituents obtain travel or work visas to critical cases in which her collaboration with global rights leaders and organizations enabled innocent victims of war safe passage to America for emergency medical treatment, to cases in which she worked to prevent the deportation and separation of a Cleveland mother from her children. With every case, Ms. Jadallah's determination and expertise changed many lives forever.

Mr. Speaker and colleagues, please join me in honor and recognition of Congressional Staff Member Malak Jadallah, who leaves a legacy of fierce determination, unwavering advocacy, compassion and justice. Her work will continue to have a profound effect on the lives of the men, women and children here in Cleveland, across the country and around the world as she continues to advance in her field. I remain forever grateful for her friendship and for her unyielding commitment and work that led numerous individuals and their families along pathways to a better life.

NORTH KOREA MISSILE LAUNCH CLEAR THREAT TO NATIONAL SECURITY

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. REED. Mr. Speaker, I rise today to express my grave concern over the three-stage missile launch yesterday by North Korea. While described by Pyongyang as a simple weather satellite, the launch clearly violates United Nations Security Council Resolutions that ban the use of nuclear and missile-related technologies. The launch comes just days before the South Korean presidential election is held, timing I am sure is not a coincidence.

Pyongyang's dismissal of international pressures, as well as its continued work on missile-related technologies, pose a direct security threat to the United States and our allies, particularly South Korea. Yesterday's launch puts North Korea one step closer to obtaining a weaponized missile. As there are over 28,000 American troops currently serving on the Korean Peninsula, yesterday's actions are unacceptable and now more than ever, the United States needs to stand strong in solidarity with our South Korean counterparts.

The United States, South Korea, and other countries have been trying to engage the North Korean regime diplomatically for many years to end its program to develop nuclear weapons and delivery devices that could threaten Northeast Asia and the Western Pacific.

Despite offers of many positive incentives in the form of humanitarian aid to North Korea, Pyongyang has persisted in its belligerence. North Korea has stubbornly refused to adhere to peaceful international protocols that would boost stability and economic prosperity. This will be the second time this year it has violated its agreements.

Political stability and security of the Korean Peninsula are vital to U.S. interests and to our allies. Beyond South Korea, nations including Japan and the Philippines could be threatened by the existence of North Korean nuclear missiles. Further North Korean provocations could easily and seriously disrupt the Trans-Pacific trade relations that have developed over the past six decades.

It is the obligation of Congress to speak out when U.S. security and our economic interests are under threat. This is a clear sign that the Administration's previous policies of diplomacy, as well as the retaliatory steps taken after the failed April 13, 2012 launch, are not deterring Kim Jong-un. A stronger response is necessary.

I was pleased to see the United Nations Security Council swiftly condemn the attacks yesterday and I urge my colleagues to join me in condemning the Pyongyang regime's belligerent behavior as a threat to regional and global security. I call upon the Administration and the National Security Council to work with our counterparts in the United Nations to take appropriate steps to ensure that these actions are followed with clear consequences.

HONORING DAVID J. SCHMIDLING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize David J. Schmidling. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many Scout activities. Over the many years David has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, David has earned the rank of Brave in the Tribe of Mic-O-Say and has led his troop in many capacities, including Webmaster, Librarian, Chaplain's Aide and National Youth Leadership Training staff member. ''Swift Spirit,'' as he is also known by, has earned 33 merit badges, his favorite of which is aviation. David has also contributed to his community through his Eagle Scout project. David remodeled and restored a playground area at Seven Dolors Catholic Church in Easton, Missouri, constructing a playground set and cleaning up the playground area. David hopes to continue pursuing his passion for hockey into high school, juniors, and college with the hope of becoming a corporate pilot.

Mr. Speaker, I proudly ask you to join me in commending David J. Schmidling for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE SERVICE OF MARTHA INGLE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Ms. Martha Ingle upon her retirement after 36 years of faithful and dedicated service to the citizens of Walton County, Florida.

Ms. Ingle began her career in public service with the Walton County Clerk of Court, where she served for a combined 21 years as Deputy Clerk and later Chief Deputy Clerk. After leaving the Clerk's office, Martha continued her career as a dedicated public servant, working for four years as Budget Officer for the Walton County Board of Commissioners. Ultimately, Ms. Ingle was elected to serve as Walton County Clerk of Court. As Clerk of Court, she served in myriad roles, including Chief Financial Officer for the Court, Ex-Officio Clerk of the Board of County Commissioners, Accountant and Auditor, Recorder, and Custodian of county funds.

A shining example of commitment to public service, Ms. Ingle received numerous accolades during her tenure, including ten consecutive annual Certificates of Achievement for Excellence in Financial Reporting; and during fiscal year 2011, under her leadership, Ms.

Ingle's office was the only Clerk's office in the state to meet every performance measure set by the Clerk of Court Operations Corporation.

Mr. Speaker, on behalf of the United States Congress, it is my privilege to recognize Ms. Martha Ingle for her dedication and thank her for her service to Northwest Florida. My wife Vicki and I wish Ms. Ingle, her daughters Donna and Melissa, and grandchildren Luke, Laura, Graham and Emma, all the best.

INTRODUCTION OF A BILL TO DIRECT THE SECRETARY TO ESTABLISH A ROAD USER FEE PILOT PROJECT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. BLUMENAUER. Mr. Speaker, as vehicles become more fuel efficient, they increase the demand on our transportation system without contributing as much to its maintenance. The Congressional Budget Office analysis shows that the newest fuel economy standards for automobiles will result in a 21 percent reduction in Highway Trust Fund revenue by 2040, based on current driving patterns. Already, during the past four years, Congress has transferred over $48 billion from the General Fund into the Highway Trust Fund. Estimates suggest that when current transportation authorization expires, the Highway Trust Fund will require almost $15 billion a year in addition to current gas tax receipts, simply to maintain 2009 funding levels. Until we tie our transportation revenues to our transportation demands, this situation will worsen.

Failure to adequately fund transportation infrastructure imposes huge costs on American citizens and businesses:

Congestion costs urban Americans 4.2 billion hours and 2.8 billion unnecessary gallons of fuel each year; expressed in dollar terms this is $87.2 billion, or $750 per traveler. By 2015, this cost is expected to increase to more than $900 per traveler.

Roughly 40,000 people every year are killed on our streets and highways, with 2.5 million more injured, at a staggering annual economic cost to society.

Higher transportation costs and higher inventory carrying costs—partially attributable to an unreliable transportation system—have pushed logistics costs to nearly 10% of GDP.

Analysis by the American Society of Civil Engineers suggests that the cost of our failing transportation system could result in the loss of 876,000 jobs by 2020.

We must find innovative solutions to these challenging revenue problems.

A number of states, including Nevada, Minnesota, Iowa, Texas, and New York have tested small pilot projects where they charged drivers for the number of miles they traveled rather than the fuel they consumed. The tests have proved convenient for drivers, protected personal privacy, and been easily administrable. The Oregon Department of Transportation is now embarking on a second phase of their pilot project, which will expand the pool of users and test alternative different collection methods to address questions raised by their first pilot.

Two blue ribbon commissions established in the prior transportation authorization SAFETEA-LU, as well as numerous other policy experts, have suggested that transitioning to a vehicle miles travelled system, rather than a gas tax, will provide the most stability to the Highway Trust Fund, and will most accurately reflect the user fee concept it is based upon. The National Surface Transportation Policy and Revenue Study Commission noted that a vehicle miles traveled charge is the "the most promising alternative revenue measure" to our existing gas tax, while the National Surface Transportation Infrastructure Financing Commission reported that "a charge for each mile driven . . . has emerged as the consensus choice for the future." Both commissions found that this system was efficient at raising revenue, closely linked system demand to revenues, and could win broad public support.

The legislation I am introducing today calls on the Department of the Treasury to study the viability of this revenue source in every State. While evaluating mileage based revenue sources, Treasury will ensure the system protects privacy and is simple to administer. It will also convene working groups to address the most complex aspects of this transition, including road use, demand management, climate change, and technological needs. The bill also creates a grant program to ensure the necessary technology is available. I look forward to working with stakeholders to advance and refine this proposal.

The condition of our national highway and transit systems and the maintenance of our infrastructure, and the investments that we make in these systems, touches the life of every American. Improving those systems strengthens our economy, expands personal freedom and mobility, and can help protect our environment. I look forward to stakeholder feedback on this proposal, and am eager to work with my colleagues to support a vehicle miles travelled user fee, and explore other alternatives to ensure that the Highway Trust Fund is adequately funded.

COMMEMORATING THE CHARTER TOWNSHIP OF ROYAL OAK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. LEVIN. Mr. Speaker, I rise to commemorate the Charter Township of Royal Oak, and express my gratitude to the residents who have provided me with the honor of representing them in Congress for 30 years. The Township represents an important place in the history of the racial and economic struggles our nation and state have confronted. It is not a history that should be forgotten.

I want to submit segments of this history from the Township's website.

"The Eight Mile segment of the Township is imprinted with the social history of the country. It reflects the social status and the physical segregation of African-Americans throughout the country's history.

"African-American families had settled in Detroit prior to 1763, when the British took possession of the city and found them in residence. Aided by the Underground Railroad, which used Detroit because of its proximity to Canada as a dispersal point, growth of the African-American population was fairly rapid. By 1860, the African-American population in Detroit had grown to 1,403 people, with a few of such families settling on scattered farm locations throughout the region. These farmland holdings later were sold to White families, with the exception of an area spanning Eight Mile, centered around Wyoming Road.

"Families in advance of Detroit's outward growth settled the Eight Mile area. Its initial development represented a hopeful "leapfrog" movement of African-American families from the inner city to outlying areas beyond the normal growth area of Detroit. Because of the effectiveness of restrictive covenants and other discriminatory practices, African-Americans seeking less dense areas were constrained from relocating to the immediate surrounding areas of city, as then defined. The Wyoming/Eight Mile Road area was a feasible and desirable option for African-American families seeking an escape from crowded areas of the City.

"The African-American population within the City increased dramatically in three different waves before World War I, with industrial expansion following both World Wars. Coming from the rural south, many African-American families seeking escape were attracted to the Eight Mile area because of their desire to replicate an open rural environment, which they had left. Many of the homes were built with sweat equity on a payday-to-payday basis, resulting in what might have been described as a "shack town." Many homes were constructed of makeshift materials. Around 1925, the portion of this area lying south of Eight Mile Road was annexed by the City of Detroit and became subject to the housing and building controls enforced by the City. The area north of 8 mile within the Township, subsequently felt the housing pressures exerted on African-American families seeking other residential options than those offered by the City of Detroit.

"With the need for emergency housing during World War II, the federal government for temporary wartime housing acquired much of the available land in this part of Royal Oak Township.

"The dramatic increase in population created burdens for the Township including burdens on the existing housing stock. Because of the war effort, many of the homes were overused with families doubling up. Garages, sheds and attics were also pressed into use as housing. In 1944, the population of this segment of the Township was only 2,989 persons. Temporary housing added 1,464 families by 1945 or an increase of 5,500 persons. In 1950, the population rose to 10,508 and a special census in 1956 indicated a population of 11,000, which appeared to be the saturation point for the one-half square mile area. By 1959, 1,708 or 75 percent of the approximately 2,300 units in the Township were adjudged dilapidated.

"Beginning in the 1940's while the Township was feeling the deterioration pressures, the surrounding areas were being built up by an affluent white population whose exodus from the City of Detroit had grown to the Township's border. The African-American segment of Royal Oak Township thereby effectively became an isolated and deteriorated community in the midst of an affluent white area.

"Taking advantage of the Housing Act of 1954, the Township in 1959, finally approved an urban renewal project covering most of the Eight Mile Segment. The project area, encompassed all of the area east and west of Wyoming, north of the north end, plus a couple of adjacent blocks. Activities were carried out over a 16-year period in accordance with the officially adopted urban renewal plan. The project (which had been officially amended for the seventh time by 1972) was

terminated under ''close-out procedures'', as a federally supported urban renewal project as of 1975. Project activities remaining to be completed now fall to the Township's community development department.

After the annexation of the north end of the Township to the City of Oak Park, the current population is approximately 2,840 people.''

This is not an easy history, but it is one that we must remember. The financial collapse and the economic recession have also been difficult for the Township and its residents. But I have always been struck by the fabric of community that exists in Royal Oak Township, the generations of families whom have called it home and the determination to maintain the identity of the Township and build a stronger future.

I have enjoyed participating in many activities and events in the community like the annual Dr. Martin Luther King Day commemoration and the ever popular Pearls of Wisdom luncheon, which honors citizens of 90+ whose lives represent the splendor of the American story.

Newly elected Township Supervisor, Donna Squalls, along with all of the dedicated Township Trustees and other local elected officials are poised to move the Charter Township of Royal Oak forward, and I look forward to following their success in the years to come.

As I close, I can say with confidence that Royal Oak Township 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.

TRIBUTE TO PATRICIA HICKS, SATSUMA EDUCATOR AND HALL OF FAME COACH

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. BONNER. Mr. Speaker, I rise to join with the citizens of Satsuma, Alabama in mourning the loss of one of their most distinguished and beloved citizens, Patricia Hicks, who passed away December 8, 2012, at the age of 71.

A native of Satsuma, Pat Hicks was a graduate of Satsuma High School and William Carey University in Hattiesburg, Mississippi.

She embarked on a life-long career of coaching in 1975 when she helped petition the Mobile County Board of School Commissioners for support of girls' sports activities in the city.

As coach of the Satsuma High School ''Lady Gators'' softball team, she led her players to state championships in 1986, 1987 and 1990. She also coached the Lady Gators to the 1994 title game. The 1986 championship team garnered the first state title won by any Satsuma High School team, boys or girls, earning a 43–1 record.

She was also an accomplished volleyball coach, totaling an impressive 476–175 record. She was named Mobile County softball coach of the year nine times and twice as Mobile County's volleyball coach of the year. She was also a member of the Mobile Bay Sports Authority.

In 2001, Pat's lifetime of contributions to sports were recognized on the state level when she was inducted into the Alabama High School Sports Hall of Fame. On December 2, 2012, Satsuma High School named the ''Pat Hicks Softball Field'' in her honor.

In addition to her distinguished teaching and coaching career, Pat was active in giving back to her community as a long-time member of the Satsuma City Council, serving for twelve years. She also was a member of the Satsuma City School Board since June 2011.

Pat has been described by many of her friends and former players as both a legend and an inspiration. She was a role model and advocate for our youth and her presence in Satsuma will be sorely missed.

On behalf of the people of South Alabama, I offer my personal condolences to her husband of 49 years, Neal; her son, Chris; mother Mary Piece; and many family and friends. You are all in our thoughts and prayers.

RECOGNIZING THE NORTHVIEW HIGH SCHOOL FOOTBALL TEAM AS CLASS 1A FLORIDA STATE CHAMPIONS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Northview High School Football Team as Class 1A Florida State Champions.

No single component by itself renders a champion, but rather it requires a combination of discipline, desire, focus, and determination. The Northview High School Football Team found the perfect blend of each element, and these student athletes proved that this year was theirs by capturing the championship title after their 42–21 win over the Trenton Tigers at the Florida Citrus Bowl.

While the Northview Chiefs Football Team may have entered the championship as the underdog, under the leadership of Coach Sid Wheatly and with the help of over 1,500 fans who made the 450 mile journey to Orlando to cheer them on, the Chiefs came out on top and dominated the state's previously number one ranked team. After a scoreless first quarter, the Chiefs went on to have a 21-point run in the second quarter that helped propel them to victory. The win was a team effort with excellent defense that forced turnovers in the air and on the ground and with an offense that produced over 226 total yards. The Chiefs made school history on November 30, 2012, earning their first state championship.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the players, coaches, students, faculty and staff at Northview High School and their continuing commitment to excellence. My wife Vicki joins me in congratulating the Chiefs on this impressive victory, and we wish them all the best for continued success.

EPA'S FOOD RECOVERY CHALLENGE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. POE of Texas. Mr. Speaker, in the United States, more than 34 million tons of food waste is generated each year. Individuals, households, businesses, restaurants, hospitals, and schools are some of the many institutions that are contributing to this national dilemma. As a result, our landfills overflowing with food waste.

We are challenged daily by the economic impacts that food waste has on our society. Clearly, we need to take action.

The Environmental Protection Agency is confronting this issue with their Food Recovery Challenge. Specifically, the EPA is asking for participants to reduce their food waste through donation and recycling.

Among food that is thrown away, a majority of it is wholesome and unspoiled. This could be donated to help feed American people at soup kitchens or shelters. In other words, we should use food to feed people, not fill our landfills. Other food that is unfit for human consumption can be disposed of in an environmentally safe way, for example, composted.

Two major universities in Houston are currently participating in the Environmental Protection Agency's Food Recovery Challenge. The University of Houston and Rice University have committed their efforts to reducing food waste on their campus.

These Houston universities are setting a great example of how our country should be addressing issues at home. They are taking preventative action through the Food Recovery Challenge to fight our economic and environmental issues of tomorrow.

This is one EPA idea that I support.

And that's just the way it is.

HONORING ELIZABETH E. (LIZ) BASS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Tuolumne County Supervisor Elizabeth E. (Liz) Bass on her retirement from the Tuolumne County Board of Supervisors and to thank her for her dedicated public service.

Liz Bass has been a resident of Tuolumne County for 40 years, and her entire time in Tuolumne County has been spent serving in either public education or local government.

Liz began her local public service career in 1972, when she joined the faculty at Sonora High's ''Opportunity School,'' a continuation program, as a teacher. She continued her service in public education until her retirement as Principal of Cassina High School in 1996. Even before her retirement as a teacher and school administrator, Liz made time to run a successful election to the Sonora City Council in 1994, where she served for 10 years.

Also, unique to any other locally elected official, Liz hosted a radio show on KVML called

"Talk Back" between 1997 and 2000. On the show, Liz would hold on-the-air conversations with everyday residents, as well as local political figures.

One of Liz's most cherished accomplishments is to have served as the first female Mayor of Sonora between 2000 and 2002. Liz stepped down from the City Council, when she was elected to the Tuolumne County Board of Supervisors in 2004. In 2002, she was recognized for her service on the City Council with the Tuolumne County Chamber of Commerce's "Excellence in Government Award."

Liz is leaving the Board of Supervisors after eight years of service as the District 1 Supervisor. During her time on the Board, Supervisor Bass worked hard to bring civility to boardroom dialogue; champion issues related to youth, seniors and affordable housing; privatize Tuolumne General Hospital; support recreation, library and behavioral health services; push for reforms in the County's solid waste program; initiate and complete an overhaul of the Board's committee and commission system; and provide the political leadership needed to establish the first ever Tuolumne County Flag.

Mr. Speaker, please join me in honoring Tuolumne County Supervisor Liz Bass on her retirement and commending her exemplary service to the community as an educator, member of the Sonora City Council, and representative on the Board of Supervisors.

IN HONOR AND RECOGNITION OF MORRIS PETTUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of my friend, Morris Pettus, for his unyielding service, accomplishment and leadership as a key member of my Congressional staff

For nearly 10 years, Mr. Pettus worked with expertise, compassion and perseverance in addressing numerous issues of constituent concern. From veterans and military issues, to critical casts involving individuals in immediate crisis—he approached everyone who sought assistance with unwavering respect and dignity, working diligently to find a solution.

Mr. Pettus' concentration in the area of Veterans Services was invaluable to the citizens of northeast Ohio. As a liaison connecting veterans with local and Federal agencies, his work enabled thousands of veterans and active military members to find resolutions across a wide array of casework. Most significantly, Mr. Pettus' expertise and determination enabled countless veterans and their families to obtain crucial medical and disability benefits they rightfully earned and deserved.

Mr. Pettus quickly emerged as a trusted leader in my Congressional office. His positive energy, strong work ethic, insightful nature and wonderful sense of humor easily drew staff members to him, and he cultivated not only dynamic working partnerships, but lifelong friendships with his Congressional Staff colleagues.

His ability to connect with others extended outside the District Office, where he effectively represented me at numerous events, forming vital bonds with community leaders throughout northeast Ohio. Everyone from colleagues to Members and leaders within our Cleveland community consistently sought his collaboration, ideas and advice. His influence upon all of our lives is immeasurable.

Mr. Speaker and colleagues, please join me in honor and recognition of Morris Pettus, whose service as a member of my Congressional staff reinforced and advanced my work as a United States Congressman. His ability to tackle difficult cases on behalf of countless citizens, especially our veterans, served to empower, uplift and renew their lives. His service, framed by integrity and heart, will forever impact our entire community.

TOWN OF SHARON ADOPTS RESOLUTION TO PROTECT DEMOCRACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, the Town of Sharon, MA adopted a resolution calling on us to adopt a Constitutional amendment that would protect in the Constitution two important principles that have recently been undermined by narrow majorities in the Supreme Court. The Town of Sharon asks us to make it clear in the Constitution that only human beings and not corporations are to be given the rights of citizenship, and that unlimited election spending is not free speech, but rather a threat to democracy.

Mr. Speaker, it is particularly appropriate that the Town Meeting in Sharon, a very democratic forum of government, adopted these two principles in this resolution and asked us to put them into the Constitution because they are both important for the protection of our democracy. I submit the resolution from the Town Meeting of Sharon.

TOWN CLERK
Sharon, MA, December 3, 2012.

Article 10.

Voted: That the Town adopt the following resolution: To call upon the United States Congress to pass and send to the States for ratification an amendment to the Constitution of the United States that would firmly establish two principles:

1) Only human beings, not artificial entities such as corporations, are entitled to the rights and privileges guaranteed by the Constitution of the United States.

2) Election spending is not free speech guaranteed by the First Amendment, and is therefore subject to regulation by federal and state governments.

A True Copy.

Attest:

MARLENE B. CHUSED,
Sharon Town Clerk.

IN HONOR OF DR. YVONNE KENNEDY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. BISHOP of Georgia. Mr Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding educator and public servant, Dr. Yvonne Kennedy. Sadly, Dr. Kennedy passed away on Saturday, December 8, 2012. A number of tribute events will be held in Mobile, Alabama starting December 14, 2012 and culminating with a State Funeral on Saturday, December 15 at 11:00 a.m. at the Mobile Convention Center.

Dr. Yvonne Kennedy was born on January 8, 1945. A Mobile, Alabama native, she and I were schoolmates in high school. She received an Associate's degree from S.D. Bishop State Junior College, a Bachelor's degree from Alabama State University and a Master's from Morgan State University. She also earned her Ph.D. from the University of Alabama and was awarded an Honorary Doctor of Letters from Lane College in Jackson, Tennessee.

Dr. Kennedy was elected to the Alabama House of Representatives in April 1979, representing the 97th District in Mobile County. Dr. Kennedy was at the forefront of the fight against Alabama's voter ID law. She was also a strong advocate of extending voting rights to ex-felons in Alabama. She served as Ranking Minority Member of the Economic Development and Tourism and the Children and Senior Advocacy House Committees. She also served on the Transportation, Utilities and Infrastructure Committee.

Dr. Kennedy served as president of Bishop State Community College from 1981 to 2007. She was appointed as the second president after the passing of the first president, my father, Dr. Sanford D. Bishop, Sr., for whom the college was named. During her tenure, the college was expanded from one campus to three and dramatically broadened the curriculum.

After being initiated into Delta Sigma Theta Sorority, Inc. in 1964 at Alabama State University, Dr. Kennedy served in several leadership positions from the local to the national level. She served as the sorority's 19th National President from 1988–1992. During her tenure as president of Delta, she launched SCHOOL AMERICA, a program to promote literacy issues. Under her leadership, Delta Sigma Theta completed the renovations of its national headquarters and made significant achievements in advancing its global impact.

Dr. Kennedy loved her community dearly, and in addition to representing it in the state legislature, she was actively involved within it. She served as Chairman of the Mobile County United Negro College Fund Campaign, Youth Director for the Board of Christian Education—Southeast Alabama Conference, and former Chairperson of the Alabama Legislative Black Caucus. She was also a member of the Board of the American Association for Higher Education and America's Junior Miss Scholarship Foundation, Inc., as well as a Trustee of Miles College in Fairfield, Alabama. She was a lifelong member of Stewart Memorial Christian Methodist Episcopal Church.

On a more personal note, I first met Yvonne as a 12-year-old having to speak behind her on a Youth Day program at the Stone Street Baptist Church in Mobile. She wowed the congregation and made me determined never to follow her on a program again! While she matriculated at Bishop State Junior College, she was a student assistant in the President's Office. The President, my father, spoke often and proudly of her intellect, eloquence and leadership potential. While he died before she

was named to succeed him, he was proud that she and another former student were among the final candidates. Moreover, upon my father's death, she faithfully supported and assisted my mother, Mrs. Minnie S. Bishop, a ''Delta Dear,'' during the sunset years of her life.

Dr. Benjamin E. Mays often said: ''You make your living by what you get, you make your life by what you give.'' Dr. Yvonne Kennedy certainly made a life worthy of emulation. We are all blessed that she gave so much to the Mobile community, the state of Alabama, and our great nation. The world is better because she passed this way. She will be missed.

Mr. Speaker, my wife Vivian and I would like to extend our deepest sympathies to Dr. Kennedy's family and friends during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

WALL OF HOPE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. POE of Texas. Mr. Speaker, although the newborn babies at Texas Children's Hospital are being cared for by high quality, experienced doctors, this does not ease the emotions that the parents are experiencing.

Their delicate newborn child is being examined, poked at, and operated on. As they sit there helplessly, the parents are given updates on their baby's complications and, consequently, their low odds of survival.

When the only news these parents hear is bad, it is difficult to remain hopeful. The environment created in the Neonatal Intensive Care Unit, NICU, is disheartening. Nevertheless, Texas Children's Hospital has found a way to inspire a light of hope for these parents and families.

The center's Family Advisory Committee has created a ''Wall of Hope'' to encourage families that have a baby staying in the NICU.

This wall presents pictures of the hospital's ''miracle babies'' and includes a writing of their unique stories. For future parents at the NICU, instead of pacing up and down the hallway worrying, they can now read success stories and hope that their child will be one of them, too.

Hope can provide a sense of strength. And for these parents, hope is the only thing that makes the situation bearable. To know that others have been in similar situations and now have beautiful, healthy children that survived against all odds.

And that's just the way it is.

DEPARTING MEMBERS OF THE CALIFORNIA DEMOCRATIC DELEGATION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. WAXMAN. Mr. Speaker, I rise to pay tribute to a distinguished group of Democratic California Members whose terms will expire at the close of the 112th Congress: HOWARD BERMAN, JOE BACA, Bob Filner, LAURA RICHARDSON, PETE STARK, and LYNN WOOLSEY.

HOWARD BERMAN and I met in 1960 and were active members of the Young Bruin Democrats at UCLA. He has been one of my closest friends and confidants and it has been an honor to serve in the House of Representatives with him for the last thirty years. HOWARD is one of the smartest, hardest working, and most effective members of Congress. As the chairman and ranking member of the House Foreign Affairs Committee, he has used his unique skills to enhance America's security, strengthen our alliances, and advance the cause of peace between Israel and its neighbors. As the second most senior member of the Judiciary Committee, HOWARD is an expert on the complicated intricacies of copyright law and he has championed strong copyright protections to ensure the vitality of our nation's film, television, and music industry.

JOE BACA is the realization of the American Dream. The youngest of fifteen children, JOE worked as a laborer, served in the Army, and later earned a college degree. He was the first Latino elected to the Board of Trustees for the San Bernardino Valley College District and was later elected to the California State Assembly and the California State Senate. He came to Congress in 1999 and has served on the Agriculture Committee and the Financial Services Committee.

Bob Filner, who was just elected as Mayor of San Diego, also has a long history of public service. He was first elected to the San Diego Unified District Board of Education and served on the San Diego City Council and Deputy Mayor of San Diego. He was elected to Congress in 1992 and served on the Committee on Veterans Affairs, which he also chaired from 2007–2011, and was most recently the Committee's ranking member.

LAURA RICHARDSON has also devoted her career to public service. She started on the Long Beach City Council and was elected to the California State Assembly in 2006. She won a special election to Congress in 2007 and has worked hard during the last three years on the Committee on Transportation and Infrastructure and the Committee on Homeland Security.

PETE STARK'S experience and knowledgeable voice on health care is leaving a void on the Ways and Means Committee that will be hard to fill. A champion of quality health care for four decades, PETE has been a strong partner in protecting the Medicare program and getting the Affordable Care Act enacted into law. PETE has never wavered in his commitment to the interests of seniors, the unemployed, children, and the disabled and our nation is stronger because of his service.

LYNN WOOLSEY has devoted her congressional career to the improving the lives of families and children in our nation and ending our wars abroad. As a member of the Education and Workforce Committee, LYNN has been a strong advocate for paid family leave, adequate child care, pre-school education, and a universal school breakfast program.

California and the nation owe a debt of gratitude to Reps. BERMAN, BACA, Filner, RICHARDSON, STARK, and WOOLSEY for devoting their careers to public service and working to improve the lives of others.

HONORING RUSSELL LIBBY, MAINE ORGANIC FARMING LEADER

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Ms. PINGREE of Maine. Mr. Speaker, I would like to recognize the recent passing of an influential leader in the sustainable agriculture movement, whom I have had the privilege to call a friend and colleague.

For over 30 years, Russell Libby worked to create and support a food system in Maine that is healthier for our bodies, Earth, and communities. He spent 17 years of that serving a critical post as Executive Director of the Maine Organic Farmers and Gardeners Association (MOFGA), the largest organization of its kind in the country.

During his tenure, the organization was instrumental in recruiting and mentoring the next generation of farmers, providing support for organic, sustainable agriculture practices, and connecting more consumers to local food and the people who produce it. A testament to MOFGA's success is its annual Common Ground Country Fair. The event now draws crowds of 60,000 people who want to learn about sustainable living, connect with local farmers and craftsmen, and enjoy Maine-grown food.

As someone who started a small farm 40 years ago, it's been a pleasure to watch Maine's revitalized agricultural economy over the last decade. Today, our farmers markets are thriving, our restaurants receive national acclaim for their focus on local ingredients, and two trends have arisen in contrast to the national picture. Our acres of land in agricultural production are rising and the average ages of our farmers are declining. Much of this is due to Russell's leadership.

But Russell's impact has not been contained to Maine. He was an effective and tireless advocate for national policy change. I was honored to invite him to Washington last May to testify before the House Agriculture Committee on the importance of passing a Farm Bill that better supports small, diversified farms.

As an economist, farmer, and poet, Russell knew what he was talking about. He could point to the numbers to show positive effects smaller-scale food systems have for our economy. He could speak from experience of the difficulties of operating a small farm. And he could clearly illustrate the good things that happen when we have a closer connection to the land and each other.

Earlier this month, we lost Russell to cancer at age 56. It's a tragic loss for our state and country, considering all we still have to do. Personally, I will deeply miss his friendship, wisdom, and advice. It's my hope that this body will do well by him and take his vision to heart. ''I'm really not interested in standing over here in the local and organic corner for the rest of my life and waving, 'Hi, we're having fun over here,'" Russell said. ''I'm really interested in this kind of food being available to everybody under the basic principle: enough for everyone, always.''

IN HONOR AND RECOGNITION OF MICHAEL PATTERSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Michael Patterson, whose role as scheduler for events in the district is only a small part his full value to constituents of the 10th District of Ohio, and to the workings of my Congressional office.

Michael held several other jobs, including his own personal favorite, Tax Services Clerk for the Los Angeles County Tax Collector. During the time that I have had the pleasure to work with him, he has been meticulous, painstakingly thorough, and earnest. In 2009, he joined my Congressional staff as a case worker.

In January, 2010 Michael put his flexibility and versatility on display by becoming the Cleveland scheduler. He enjoyed researching the newspapers for local events and arranging for congressional records and certificates of special congressional recognition to be written/prepared and presented to people being honored by community groups and organizations. He also attended many of these community events himself and represented our office.

Special mention should also go to Michael's son Brendan Patterson who resides in Long Beach, California and will probably choose social work as a career. If Brendan hadn't have been such a trustworthy and responsible young man, his dad wouldn't have been able to move from California to Cleveland and do the good work for us that he did. Finally, Michael Patterson is one of a kind, for his dedication, his diligence, his tireless advocacy and his love of country.

HONORING LIEUTENANT COLONEL KARL INGEMAN AND STAFF SERGEANT JEFFERY SALAZAR

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. DENHAM. Mr. Speaker, I rise today to honor Lieutenant Colonel Karl Ingeman and Staff Sergeant Jeffery Salazar, who have distinguished themselves in their service to our country and who have been honored along with 18 other airmen in the 2012 volume of Portraits in Courage. These two Airmen, natives of Modesto, California, are exemplars of the courage, daring and professionalism of an Air Force that has been at war for over a decade.

Colonel Karl Ingeman was selected to be included in the volume after his heroic action over Libya during Operation Odyssey Dawn on the night of March 21, 2011. At this time Colonel Ingeman was leading a two-ship formation of F–16's on a mission to protect the civilian population of Benghazi from the depredations of Kaddafi's forces. The mission rapidly changed however when Colonel Ingeman heard the mayday call of an F–15E pilot and his weapons systems officer who had been forced to eject when their plane suffered a malfunction.

Colonel Ingeman swiftly flew across hostile territory to the site of the crash where he coordinated the retrieval of the downed pilots. As enemy forces raced to capture the downed airmen, Colonel Ingeman twice flew low into the range of Kaddafi's surface-to-air missiles, this show of force caused the enemy to retreat and allowed Colonel Ingeman to identify the location of the crash site for the rescue team.

Also honored in the same volume was Staff Sergeant Jeffery Salazar, a joint terminal attack controller who had the critical and dangerous job of coordinating close air support for an Army Special Forces team in the Konar Province of Afghanistan from January to July 2011.

On one particular operation Sergeant Salazar's team was split into two elements to conduct a patrol. The patrol was quickly engaged by Taliban fighters who attacked the element which had split from Sergeant Salazaro. When Sergeant Salazar and his element moved to support their comrades they in turn began to receive small arms fire from four Taliban fighters. Sergeant Salazar swiftly eliminated two of the Taliban fighters and engaged a third who managed to injure Sergeant Salazar with a hand grenade before he was killed.

Despite the fragmentation wounds he sustained to his knees, Sergeant Salazar continued to coordinate air support from two F–16's and advance towards the other element which had been hit by an IED during the course of the four-hour engagement in order to provide medical support.

In this operation and in the many others Sergeant Salazar proved his valor and was awarded the Bronze Star for his service in Afghanistan.

Mr. Speaker, I could not be prouder as an American or an Air Force veteran to honor Colonel Ingeman and Sergeant Salazar in particular and all our servicemen and women who defend this country every day.

KINGWOOD HIGH SCHOOL NJROTC

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2012

Mr. POE of Texas. Mr. Speaker, Pierre Claeyssens, a Belgian immigrant who was rescued by U.S. forces from German occupation in WWII said, "To be killed in war is not the worst that can happen. To be lost is not the worst that can happen . . . to be forgotten is the worst." Since 2009, the Kingwood High School Navy Junior Reserve Officer Training Corps (NJROTC) has worked to ensure that Mr. Claeyssens sentiments never become reality. The High school continues to participate in a community project, which helps to remember and show respect for those who have died defending our freedom.

The program is called Wreaths Across America. The Houston branch, places wreaths on soldier's graves every year at Christmas time at the Houston National Cemetery. More than 26,000 wreaths were placed on graves last year at the Houston National Cemetery. This year, KHS NJROTC will present the Colors at this year's Wreath Across America Ceremony.

I rise today to recognize the outstanding achievements of the Navy Junior Reserve Officer Training Corps of Kingwood High School. I want to thank them for their service to second district of Texas. I congratulate them on their many accomplishments that have led to them being chosen to present Colors at this year's Wreaths Across America Ceremony. I am proud that a well-qualified group of cadets from Kingwood will be representing the state of Texas.

The KHS NJROTC has a history of success since its beginnings four years ago. Under the direction of Lieutenant Commander Gregory Boucher and Master Chief Damond Banks, the cadets do much more than competitions and parades. They are involved in serving their school and community, through many different service projects and duties performed throughout the year. The cadets volunteer its services for numerous color guard events, Veterans Day events, parades and Toys for Tots. The Wreaths Across America project is one of their main events. The cadets have raised over $70,000 over the past four years for WAA. There are countless other local service projects this group participates in throughout the community, all of which testify to the quality of students at Kingwood High School.

The cadet's service and patriotism to our nation sets them apart as role models to other students. I know that the residents of Kingwood are proud of their many accomplishments. I applaud them for their tremendous achievement and wish them the best of luck in the future.

And that's just the way it is.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7991–S8047

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 3678–3683, and S. Res. 616–618. **Pages S8041–42**

Measures Reported:

S. 1546, to authorize certain programs of the Department of Homeland Security, with an amendment in the nature of a substitute. (S. Rept. No. 112–249)

H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska. (S. Rept. No. 112–250)

S. 3313, to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, with an amendment in the nature of a substitute. **Page S8041**

Measures Passed:

Women Veterans and Other Health Care Improvements Act: Senate passed S. 3313, to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, after agreeing to the committee amendment in the nature of a substitute, the committee reported title amendment, and the following amendment proposed thereto: **Pages S7994–95, S8016–18**

Murray Amendment No. 3336, to provide an offset. **Page S8017**

Revised Organic Act of the Virgin Islands: Committee on the Judiciary was discharged from further consideration of H.R. 6116, to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and the bill was then passed. **Page S8046**

United States Court of Appeals for Veterans Claims: Committee on Veterans' Affairs was discharged from further consideration of S. 2045, to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8046**

Reid (for Burr) Amendment No. 3337, of a perfecting nature. **Page S8046**

Authorize the Production of Records: Senate agreed to S. Res. 616, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. **Pages S8046–47**

Measures Considered:

Transaction Account Guarantee: Senate resumed consideration of S. 3637, to temporarily extend the transaction account guarantee program, taking action on the following motions and amendments proposed thereto: **Pages S8001–04**

During consideration of this measure today, Senate also took the following actions:

By 50 yeas to 42 nays (Vote No. 227), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974, with respect to the bill. Subsequently, the point of order that the bill was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained. **Pages S8003–04**

Subsequently, the motion to invoke cloture on the bill was withdrawn. **Page S8004**

Subsequently, the bill was committed to the Committee on Banking, Housing, and Urban Affairs pursuant to Section 312(f) of the Congressional Budget Act. **Page S8004**

Reid Amendment No. 3314, to change the enactment date, fell when the bill was committed. **Page S8001**

Reid Amendment No. 3315 (to Amendment No. 3314), of a perfecting nature, fell when Reid Amendment No. 3314 fell. **Page S8001**

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, fell when the bill was committed. **Page S8001**

Reid Amendment No. 3317 (to (the instructions) Amendment No. 3316), of a perfecting nature, fell when Reid motion to commit the bill to the Committee on Banking, Housing, and Urban Affairs, with instructions, Reid Amendment No. 3316 fell. **Page S8001**

Reid Amendment No. 3318 (to Amendment No. 3317), of a perfecting nature, fell when Reid Amendment No. 3317 (to (the instructions) Amendment No. 3316) fell. **Page S8001**

Full-Year Continuing Appropriations Act—Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011. **Page S8016**

A unanimous-consent agreement was reached providing that at 3 p.m., on Monday, December 17, 2012, Senate begin consideration of the bill. **Page S8047**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that from Thursday, December 13, 2012, through Monday, December 17, 2012, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions. **Page S8047**

Olguin and Durkin Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, December 17, 2012, Senate begin consideration of the nominations of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California, and Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate on confirmation of the nominations, in that order; and that no further motions be in order. **Pages S8045–46**

Nominations Confirmed: Senate confirmed the following nominations:

By a unanimous vote of 91 yeas (Vote No. EX. 228), Lorna G. Schofield, of New York, to be United States District Judge for the Southern District of New York. **Pages S8011–16, S8047**

Frank Paul Geraci, Jr., of New York, to be United States District Judge for the Western District of New York. **Pages S8011–16, S8047**

Messages from the House: **Page S8041**

Measures Referred: **Page S8041**

Additional Cosponsors: **Page S8042**

Statements on Introduced Bills/Resolutions: **Pages S8042–44**

Additional Statements: **Pages S8037–41**

Amendments Submitted: **Pages S8044–45**

Notices of Intent: **Page S8045**

Authorities for Committees to Meet: **Page S8045**

Record Votes: Two record votes were taken today. (Total—228) **Pages S8003–04, S8015**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:29 p.m., until 2 p.m. on Monday, December 17, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8047.)

Committee Meetings

(Committees not listed did not meet)

IMPROVING CARE FOR DUALLY-ELIGIBLE BENEFICIARIES

Committee on Finance: Committee concluded a hearing to examine improving care for dually-eligible beneficiaries, focusing on a progress update, after receiving testimony from Melanie Bella, Director, Medicare-Medicaid Coordination Office, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Thomas. J. Betlach, Arizona Health Care Cost Containment System Director, Phoenix; MaryAnne Lindeblad, Washington State Health Care Authority Director, Olympia; and John B. McCarthy, Ohio Medicaid Office of Medical Assistance Director, Columbus.

TERRORIST NETWORKS IN PAKISTAN

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded open and closed hearings to examine terrorist networks in Pakistan and proliferation of improvised explosive devices (IEDs), after receiving testimony from Lieutenant General Michael D. Barbero, Director, Joint Improvised Explosive Device Defeat Organization, Department of Defense; and Jonathan Carpenter, Senior Economic Adviser, Office of the Special Representative for Afghanistan and Pakistan, Department of State.

ATTACKS IN BENGHAZI

Committee on Foreign Relations: Committee received a closed briefing on attacks in Benghazi from National Security Briefers.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 1223, to address voluntary location

tracking of electronic communications devices, with an amendment in the nature of a substitute.

HURRICANE SANDY

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine Hurricane Sandy, focusing on assessing the Federal response and small business recovery efforts, after receiving testimony from Michael Chodos, Associate Administrator for Entrepreneurial Development, and James Rivera, Associate Administrator for Disaster Assistance, both of the Small Business Administration; Mayor Dawn Zimmer, Hoboken, New Jersey; James L. King, New York State Small Business Development Center, Albany, on behalf of the Association of Small Business Development Centers; and Kevin S. Law, Long Island Association, Melville, New York.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 6654–6670; 2 resolutions, H. Res. 831–832, were introduced. **Pages H6806–07**

Additional Cosponsors: **Page H6807**

Reports Filed: There were no reports filed today.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Improper Payments Elimination and Recovery Improvement Act of 2012: H.R. 4053, amended, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, by a ⅔ yea-and-nay vote of 402 yeas with none voting "nay", Roll No. 626; **Pages H6768–71, H6781–82**

GAO Mandates Revision Act of 2012: S. 3315, to repeal or modify certain mandates of the Government Accountability Office; and **Pages H6771–72**

D.C. Courts and Public Defender Service Act: S. 1379, to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service. **Pages H6772–75**

Recess: The House recessed at 9:31 a.m. and reconvened at 10:02 a.m. **Page H6775**

Recess: The House recessed at 10:38 a.m. and reconvened at 11:00 a.m. **Page H6779**

National Defense Authorization Act for Fiscal Year 2013—Motion to go to Conference: The House agreed by unanimous consent to disagree to the Senate amendment and agree to a conference on H.R. 4310, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy and to prescribe military personnel strengths for such fiscal year. **Pages H6775–82**

Agreed to the Davis (CA) motion to instruct conferees by a yea-and-nay vote of 399 yeas to 4 nays, Roll No. 624. **Page H6780**

Agreed to the McKeon motion to permit closed conference meetings by a yea-and-nay vote of 351 yeas to 53 nays, Roll No. 625. **Pages H6780–81**

The Chair appointed the following conferees: From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives McKeon, Bartlett, Thornberry, Forbes, Miller (FL), Wilson (SC), LoBiondo, Turner (OH), Kline, Rogers (AL), Shuster, Conaway, Wittman, Hunter, Rigell, Hartzler, West, Roby, Smith (WA), Reyes, Loretta Sanchez (CA), McIntyre, Andrews, Davis (CA), Langevin, Larsen (WA), Cooper, Bordallo, Courtney, Loebsack, Tsongas, and Pingree (ME). **Page H6782**

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Representatives Rogers (MI), Nunes, and Ruppersberger. **Page H6782**

From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571–73 of the Senate amendment, and modifications committed to conference: Representatives Petri, Noem and Scott (VA). **Page H6782**

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113,

3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference: Representatives Walden, Whitfield, and Waxman. **Page H6782**

From the Committee on Financial Services, for consideration of sec. 661 of the House bill, and secs. 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference: Representatives Capito, Huizenga (MI), and Perlmutter. **Page H6782**

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245–47, 1301, 1303, 1531–33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201–04, 1212–15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114, and 5023 of the Senate amendment, and modifications committed to conference: Representatives Ros-Lehtinen, Royce, and Berman. **Page H6782**

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference: Representatives King (NY), Turner (NY), and Thompson (MI) **Page H6782**

From the Committee on the Judiciary, for consideration of secs. 564, 593, 599, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII and title LI of the Senate amendment, and modifications committed to conference: Representatives Smith (TX), Daniel E. Lungren (CA), and Conyers. **Page H6782**

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference: Representatives Hastings (WA), Bishop (UT) and Markey. **Page H6782**

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101–04, 1111, 1616, 1683, 1702, 1704–06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894–96, 903, 1099A, 1101–04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference: Representatives Issa, Walberg, and Cummings. **Page H6782**

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159, and 3504 of the Senate amendment, and modifications committed to conference: Representatives Hall, Biggert, and Eddie Bernice Johnson (TX). **Page H6782**

From the Committee on Small Business, for consideration of secs. 1611, 1621–23, 1631, 1632, 1641, 1651–58, 1661, 1671–73, 1681–83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889E, 1090, and 1099E of the Senate amendment, and modifications committed to conference: Representatives Graves (MO), Herrera Beutler, and Velázquez. **Page H6782**

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503–05, 3508, and 3509 of the Senate amendment, and modifications committed to conference: Representatives Mica, Coble and Bishop (NY). **Page H6782**

From the Committee on Veterans' Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill, and secs. 642, 755, 756, 759–64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference: Representatives Bilirakis, Lamborn and Michaud. **Page H6782**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Monday, December 17th for morning hour debate and 2 p.m. for legislative business. **Page H6787**

Senate Message: Message received from the Senate today appears on page H6775.

Senate Referral: S. 3677 was referred to the Committee on Financial Services. **Page H6804**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H6780, H6781 and H6782. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 3:20 p.m.

Committee Meetings

DODD–FRANK DERIVATIVES REFORM: CHALLENGES FACING U.S. AND INTERNATIONAL MARKETS

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a

hearing on ''Dodd-Frank Derivatives Reform: Challenges Facing U.S. and International Markets''. Testimony was heard from Bart Chilton, Commissioner, Commodity Futures Trading Commission; Jill E. Sommers, Commissioner, Commodity Futures Trading Commission; and public witnesses.

STATE OF UNCERTAINTY: IMPLEMENTATION OF PPACA'S EXCHANGES AND MEDICAID EXPANSION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''State of Uncertainty: Implementation of PPACA's Exchanges and Medicaid Expansion''. Testimony was heard from Gary Cohen, Director, Center for Consumer Information and Insurance Oversight; Cindy Mann, CMS Deputy Administrator, Director, Center for Medicaid and CHIP Services Centers, Medicare and Medicaid Services, Department of Health and Human Services; Bruce D. Greenstein, Secretary, Department of Health & Hospitals, State of Louisiana; Dennis G. Smith, Secretary, Department for Health Services, State of Wisconsin; Gary D. Alexander, Secretary, Department of Public Welfare, Commonwealth of Pennsylvania; Joshua M. Sharfstein, Secretary, Office of Secretary Department of Health & Mental Hygiene, State of Maryland; and Andrew Allison, Director, Division of Medical Services, Department of Human Services, State of Arkansas.

EXAMINING THE IMPACT OF THE VOLCKER RULE ON MARKETS, BUSINESSES, INVESTORS AND JOB CREATION, PART II

Committee on Financial Services: Full Committee held a hearing entitled ''Examining the Impact of the Volcker Rule on Markets, Businesses, Investors and Job Creation, Part II''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on the Judiciary: Full Committee held a markup on H.Res. 819, Directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad. The resolution was ordered reported, without amendment.

NORTHEAST CORRIDOR FUTURE: OPTIONS FOR HIGH–SPEED RAIL DEVELOPMENT AND OPPORTUNITIES FOR PRIVATE SECTOR PARTICIPATION

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled ''Northeast Corridor Future: Options for High-Speed Rail Development and Opportunities for Private Sector Participation''. Testimony was heard from Representative Maloney; Karen J. Hedlund, Deputy Administrator, Federal Railroad Administration; Joseph Boardman, President and CEO, Amtrak; Joan McDonald, New York State Department of Transportation; and public witnesses.

REPORT ON THE U.S. NATIONAL SECURITY ISSUES POSED BY CHINESE TELECOMMUNICATIONS COMPANIES HUAWEI AND ZTE

House Permanent Select Committee on Intelligence: Full Committee held a business meeting on Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE. This was a closed meeting.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 14, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, December 17

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will begin consideration of H.R. 1, Full-Year Continuing Appropriations Act. At 5 p.m., Senate will begin consideration of the nominations of Fernando M. Olguin, of California, to be United States District Judge for the Central District of California, and Thomas M. Durkin, of Illinois, to be United States District Judge for the Northern District of Illinois, with votes on confirmation of the nominations at approximately 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Monday, December 17

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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