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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

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

Let us pray.

Almighty God, awe and wonder grip us when we reflect upon Your majesty. You are the source of our strength and provide our hope for years to come.

Guide our Senators today. May they seek Your marching orders and have the courage to follow the cadence of Your drumbeat. Give them the courage to act as well as to think, to do as well as to talk, and to accomplish Your will on Earth in all their work. Lead them, O God, to think with clarity, to love with honor, and to see the stamp of Your image in all Your creation.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U. S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 24, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### MIDDLE CLASS TAX CUT ACT— MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 467, S. 3412, which is the Middle Class Tax Cut Act of 2012.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows. Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

### SCHEDULE

Mr. REID. Mr. President, the first hour this morning will be divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans the final half. The Senate will recess from 12:30 to 2:15 p.m. today for weekly caucus meetings. At 3:40 this afternoon, there will be a moment of silence in memory of Officer Jacob J. Chestnut and Detective John Gibson of the U.S. Capitol Police, who were killed 14 years ago today in the line of duty defending this Capitol, the people who worked here, and the visitors against an armed intruder.

Yesterday, I filed cloture on the motion to proceed to the Middle Class Tax Act. If no agreement is reached, that vote will be tomorrow.

### MEASURE PLACED ON THE CALENDAR—S. 3420

Mr. REID. Mr. President, I understand that S. 3420 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3420) to permanently extend the 2001 and 2003 tax cuts, to provide for the permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

### TAX PROPOSALS

Mr. REID. Mr. President, Republicans claim to share Democrats' commitment to keeping taxes low for the middle class, so it is very strange that, if that is what they believe, they have repeatedly blocked votes on our proposal to cut taxes for 98 percent of American families. Two weeks ago Republicans seemed eager to have those votes. That is what the Republican leader talked about here on the floor: They wanted to vote on our proposal to cut taxes for families making less than \$250,000 a year or 98 percent of Americans, and they wanted to vote on their competing proposal, which would actually raise taxes for 25 million families while handing out more tax breaks to millionaires and billionaires. Democrats have tried to give the Republicans what they wanted. We have offered to skip their usual procedural delays and hold up-or-down majority votes on both proposals. So far they have refused, but the offer still stands. If they want to vote on theirs and vote on ours, we will do it with a simple majority. So I hope the Republicans don't insist on doing this the hard way.

Why are Republicans delaying votes they asked for in the first place? They know a majority of Senators and a majority of Americans support our plan to help middle-class families. Our plan gives 114 million taxpayers—again, 98 percent of American families—certainty that their taxes won't go up, and it reduces the deficit by almost \$1 trillion by ending wasteful tax breaks for the rich.

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



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The Senate Republican proposal takes a very different approach—and that is an understatement—to extend tax breaks for the top 2 percent of Americans, but it fails to extend tax cuts to help middle-class families. Their plan would hike taxes by another \$1,000 for middle-class families while handing out an extra \$160,000 tax break to every millionaire. Democrats will simply never agree that we should hand out more tax breaks to the richest 2 percent of Americans while our economy is in its current situation, but that shouldn't stop us from protecting the other 98 percent of Americans—and do it today.

#### CYBERSECURITY

Mr. President, I have had a number of briefings lately from people in the administration held in the classified facility here in the Capitol about cybersecurity.

Over the last few days, some of my Republican colleagues have suggested that the Senate should delay action on what national security experts have called the most pressing threat facing this country. Instead of considering bipartisan cybersecurity legislation, they say we should first consider the annual Defense authorization bill. I argue that we need to move rapidly to address the gaping hole in our defenses against cyber attack.

The Director of the FBI, Robert Mueller, said that cyber threats will soon overtake terrorism as the most significant threat to our national security. And in the minds of some, it is difficult to separate cybersecurity from what people are trying to do and have tried to do every day. It is the same as terrorism, it is just a different form.

A bipartisan group of national security experts led by former Secretary of Homeland Security Michael Chertoff, a Republican, and former Director of National Intelligence Mike McConnell, who was appointed during the Republican administration, said cyber threat “represents one of the most serious challenges to our national security since the onset of the nuclear age.”

The ranking member of the Armed Services Committee, Senator MCCAIN, said:

We must act now and quickly develop and pass comprehensive legislation to protect our electric grid, air traffic control system, water supply, financial networks and defense systems and much more from a cyber attack.

And he is right—we need to protect our electric grid.

The Presiding Officer participated in a demonstration in our classified room of how cybersecurity would work, taking down the Presiding Officer's State in the northeast part of this country. It could be done relatively easily, and it would take weeks and weeks to get it back up. We all watched that.

What JOHN MCCAIN said is really true. We must pass comprehensive legislation to protect our electric grid, air traffic control system, water supply, financial networks, defense systems, and

much more. Any one of these things would be devastating to our country if a cyber attack is successful. JOHN MCCAIN suggested this almost a year ago.

The threat has only grown worse in that time, and failing to act on cybersecurity legislation not only puts our national security at risk, it recklessly endangers members of our Armed Forces and our missions around the world. Servicemembers themselves have been repeatedly targeted by cyber attackers. In one hack last year, more than 90,000 military e-mail addresses and passwords were stolen. In another hack of the TRICARE system, 4.9 million medical records from our military were stolen. If we are serious about protecting our troops, we must protect them against cyber attacks.

But acting to secure our critical networks doesn't mean we won't do other things to help the defense, of course. There are some specific concerns about the Defense authorization bill, and I have talked about them. We can't allow the Defense bill to become an end run around the bipartisan Budget Control Act, which has been so important to this country.

If we are going to debate the Defense bill, House and Senate Republicans need to make it clear that they are willing to abide by the budget levels set by the law that they all voted for, with rare exception, and we must also ensure that the Defense bill is not used as a platform to advance irrelevant partisan agendas.

#### REMEMBERING AGENT GIBSON AND OFFICER CHESTNUT

Mr. REID. Mr. President, I wish to take a minute to talk about Agent Gibson and Officer Chestnut.

It was 14 years ago, and it is really hard to comprehend that it has been that long. Officer Chestnut I knew by saying hello. But we had an event in Virginia where my wife became ill. I will never forget Agent Gibson running from the Capitol Police headquarters and administering aid to my wife. That was Agent Gibson, and I remember that so clearly. He was a wonderful guy. I felt I knew him so well because of his helping my wife.

Last week, this Nation was reminded how fragile life is with what happened in Colorado and how quickly it can be taken away, at random, with senseless acts of violence.

Fourteen years ago, the Capitol community was similarly reminded that we must never take life for granted. On this day in 1998, two dedicated U.S. Capitol Police officers—Special Agent John Gibson and Officer Jacob Chestnut—gave their lives while protecting this building and the people in it. But their lives were not spent in vain. As a result of their sacrifice, we now have a Capitol that is much safer than it ever was. It was a result of their having been killed that we were able to finally get the Visitor Center done. We were able to speed that up, and we got it done. Now people who come to this

Capitol are safe in the building, and their security is as good as anyplace in the world. It is a much more pleasant visit now to the Capitol. So their lives were not given in vain.

While guarding the Capitol, Agent Gibson and Officer Chestnut were shot to death by, really, a madman. With the facilities we have now, that would not have happened. While nothing can erase the pain of losing a loved one, I hope their families take some measure of comfort from knowing that Agent Gibson and Officer Chestnut are not forgotten.

As a sidenote, I take special pride in the fact that I was a Capitol policeman. I worked in this building and carried a pistol. I worked swing shift, as we called it, from about 3:00 to 11:00 when I was going to law school. So every year when we give special recognition to this occurrence having happened, I think of my days here and what a different place it was. Of course there were things we had to look out for, but, as I have said before, the most dangerous thing I had to do was direct traffic. But that isn't the way it is now for the men and women who take care of us here in the Capitol—not just the Senators, not just the staff, but all the millions of people who visit this facility every year. So I honor their service and their sacrifice. And I reflect back on the days of my youth, for someone who came from where I came, walking around this facility, mostly at nighttime, a lot of times quite lonely.

So we are grateful for the brave men and women who safeguard the people's house. They do it today. They do it every day. We take them for granted, and we shouldn't. They are really gallant in the work they do. The Capitol Police is a wonderful organization, and I am proud of them, and every Member of the Senate is proud of them. Everyone in the country should be aware of the work they do to make this building safe.

#### RECOGNITION OF THE MINORITY LEADER

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

#### REMEMBERING OFFICER JACOB CHESTNUT AND DETECTIVE JOHN GIBSON

Mr. MCCONNELL. Mr. President, I would like to start this morning by remembering another deadly shooting, one that hit very close to home for most of us.

It was 14 years ago today that Officer Jacob Chestnut and Detective John Gibson of the Capitol Police were shot dead in the line of duty right here in the Capitol by a lone gunman. Their deaths serve as yet another reminder not only of the reality of evil but of the precious gift of life. Today we honor them for their lives and the final act of heroism that ended them.

A plaque inside the Capitol commemorates their sacrifice, and the Capitol Police Headquarters now bears their names. It is appropriate we also pause in the midst of our other duties to honor these men and every member

of the Capitol Police Force who works so hard to ensure our safety.

Officer Chestnut was a 20-year veteran of the Air Force and had 18 years of service to the Capitol Police. Detective Gibson also had 18 years of Capitol Police service, and until the day he died had never drawn his weapon. Both men left behind wives, children, and friends.

Today the Senate honors both of these good men once again and all of those they left behind.

#### TAX PROPOSALS

Mr. President, as the Senate resumes its work this week, Americans are hungry for leadership. The national debt hovers around \$16 trillion. The Federal Government is on track to spend \$1 trillion more than it takes in for the fourth year in a row, and Democrats have not done so much as pass a budget in nearly 4 years.

Meanwhile, President Obama is not even talking with us about what to do about any of these things. The taxpayers are basically paying him \$400,000 a year to hold campaign rallies and show up at fundraisers. His latest proposal on taxes has more to do with helping his campaign than in reviving the economy. If you want proof, just ask yourself why Democrats don't want to vote on it.

Republicans will head into tomorrow's vote guided by a simple principle: Do no harm. In our view, the best approach to taxes right now is to let every American and every American business know they will not have a higher income tax bill at the end of the year. We think everybody in America should have that certainty.

The Democrats' guiding principle, to the extent they have one, is quite different. To them the goal is not so much relief for struggling Americans or reviving the economy, it is sending a message. Their message is that some people deserve relief and some people don't, and they will decide who those people are regardless of the effect it has on the broader economy or on jobs. It is an approach that isn't based on any economic outcome but on ideology. Americans are quite tired of it because it has been a disaster for our economy.

Think about it. If Democrats cared more about helping folks and reviving the economy, then they wouldn't be calling for a tax hike. Yet throughout this entire debate Democrats have not offered a single credible argument about how their tax increase targeted at job creators will help struggling middle-class Americans. Surely, they don't think this tax increase is the fiscally responsible thing to do.

Let's assume they got this tax increase. It would only generate enough money to fund the government for 5 days. Even if they got the tax increase they want, it would only generate enough money to fund the government for 5 days.

The larger point is this: The Senate should be in the business of actually making a difference rather than just

making political statements. That is why we think we should have a vote on all three proposals tomorrow: the President's proposal, the Senate Democrat proposal, and ours. Show the American people what is behind their proposals and what we all stand for. If the Democrats believe the President's rhetoric, they will vote for his proposal, and he will work to get their support.

My guess is that Democratic leaders will not allow a vote on the President's plan, and that should tell us everything we need to know about the Democratic approach to the problems we face. They are either out of ideas, not serious about solving the problems we face or both. To them this is more about messaging or passing the buck than it is about helping anybody or preventing an economic calamity at the end of this year.

The President proposed a plan he thinks will help him on the campaign trail. Democrats proposed a plan they think helps them in the Senate. What about a plan that actually helps the American people? It is all politics and positioning to our friends on the other side of the aisle at this point, and it is quite disgraceful.

The time to act on the problems we face is right now. The fiscal cliff draws closer with each passing day. I think most people think the party in power has some responsibility to do something about it.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders and their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from North Dakota.

#### REMEMBERING OFFICER CHESTNUT AND DETECTIVE GIBSON

Mr. CONRAD. Mr. President, before I talk about the matter at hand, I would like to remember Officer Chestnut and Detective Gibson. I did not have a chance to know Detective Gibson. I did have a chance to know J.J. and he was someone who lit up a room. He had a 1,000-watt smile.

I will never forget the time I was going to a meeting at the House of Representatives. I wasn't familiar with where the room was, and J.J. took me right to it. He was a delightful man, and it was tragic that his life was taken.

I will never forget the funeral. It was one of the most remarkable outpourings I have ever seen, and so we remember with enormous respect Officer Chestnut and Detective Gibson.

#### THE ECONOMY

Mr. President, I have to respond to the Republican leader. What a fountain of misinformation. He repeats this ca-

nard that no budget action has been taken here for 4 years.

What about the Budget Control Act that was passed last year with more than 70 votes in the Senate? That was passed instead of a budget resolution. It was a law. Anybody who has had even a little bit of civics knows a law is stronger than a resolution.

Indeed, that law cut spending by \$900 billion over 10 years and put in place this sequester we now face that cuts another \$1.2 trillion over 10 years for a total spending cut of over \$2 trillion. It was the biggest spending cut in the history of the United States, and the Republican leader acts as though he never heard of it; it never happened. Let's get real. We took action in the House and Senate, and it was signed into law by the President.

The last time our friends on the other side were in charge, their policies brought us to the brink of financial collapse. Have we forgotten that the economy was shrinking at a rate of 9 percent in the last quarter of the previous administration? In their last month in office we lost 800,000 jobs—in 1 month. That was their record.

This administration has turned things around. We are no longer losing jobs; we are gaining them. The economy is no longer shrinking; it is growing. Maybe it is not as strong as we would like, but it has been a remarkable turnaround after the other side and their policies led us to the brink of financial collapse.

Let's talk about the legislation before us. It assures 98 percent of the American people are not going to have a tax increase, extends expiring provisions on income taxes, and income tax relief for everyone making below \$250,000 a year. It includes incentives to promote work and support families, and it provides relief from the individual alternative minimum tax for 1 year, a tax that is increasingly affecting the middle class.

Our friends on the other side say: Whoa. Wait a minute. That means those making more than \$250,000 will have a top rate of 39.6 percent. That is true. What happened the last time we had a top rate of 39.6 percent? That was during the Clinton administration. What was the economic record then? It was 39 straight quarters of economic growth from 1991 until 2000. It was the longest period of uninterrupted growth in this Nation's history. There were 24 million jobs created. That is what happened the last time we had a top rate of 39.6 percent.

Why is it important we begin doing something about these growing deficits and debt? It is because we are on an unsustainable course. This is one place where the Republican leader and I would agree. We are on an unsustainable course; we have been since the previous administration.

Have they forgotten that they tripled foreign holdings of U.S. debt during that administration, and doubled the debt? We are on an unsustainable

course. We are headed for a debt that will be 200 percent of our GDP if we don't act.

This is a spending and revenue problem. This chart shows spending and revenue as a share of the economy over the last 60 years. Spending is the red line, and the green line is revenue. As we can see, we are at or near a 60-year high in spending. We are at or near a 60-year low on revenue. It is true we have a spending problem. It is also true we have a revenue problem. Revenue is at or near a 60-year low.

Our friends on the other side want to just have the historic average for revenue. The problem with that is it is not a useful benchmark. This is spending going back to 1972, 40 years. The red line shows spending. The green line is the historic average for revenue. We can see that if we just had the historic average for revenue, we never would have balanced the budget in a single year over 40 years. That is what the other side wants to do.

The fact is the five times we have balanced the budget since 1969—in 44 years—the revenue was nearly 20 percent of GDP. It was 19.7 percent in 1969, 19.9 percent in 1998, 19.8 percent in 1999, 20.6 percent in 2000, and 19.5 percent in 2001. Facts are stubborn.

Former Republican Budget Committee Chairman Judd Gregg said this about revenue:

We also know revenues are going to have to go up, if you're going to maintain a stable economy and a productive economy, because of the simple fact that you're going to have to have this huge generation that has to be paid for.

It is the baby boom generation. That is not a forecast; that is not a projection. They have been born, they are alive today, and they are going to be eligible for Medicare and Social Security.

In 2010, we saw some wealthy people paying no Federal income tax—nothing. People with incomes of \$500,000 to \$1 million in 2010, 14,000 paid nothing, zero. Those earning over \$1 million in 2010 who paid nothing were 4,000. Is that fair? It is outrageous that 4,000 people earning over \$1 million paid absolutely nothing and 14,000 earning between \$500,000 and \$1 million of income paid absolutely nothing and our friends want to defend that system. Shocking.

Here is what is happening to so-called tax expenditures. We are now spending more money through the Tax Code than through all the appropriated accounts. Who are the big winners? The top 1 percent in income, on average, get a benefit of \$255,000 a year by the so-called credits, deductions, exclusions, and preferences that are shot through the Tax Code. We have a little five-story building in the Cayman Islands that claims to be home to 18,000 companies. They all say they are doing business out of that little five-story building. Are they doing business out of that little building or are they doing monkey business out of that building? Eighteen thousand companies in a lit-

tle five-story building in the Cayman Islands evading and avoiding the taxes due in the United States. Our friends on the other side say: No change. Shouldn't touch that. That is fair? I don't think so.

Let's get real. Let's get serious. Let's take on deficits and debt. Let's make certain everybody has a chance to contribute, including those who are at the top rungs who are now paying nothing.

I thank the Chair and yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota, Senator KENT CONRAD, who is the chairman of the Senate Budget Committee. He is retiring, unfortunately, for the Senate and for this country because he has brought to this Chamber and to the national debate on our deficits an insight and a knowledge of the subject that is unequalled. He has become a close and dear friend of mine, even closer over the last couple years, while we labored shoulder to shoulder on the Simpson-Bowles deficit commission and bipartisan efforts afterwards in the Senate to deal with the deficit.

I am disappointed and somewhat troubled by the argument made by many in this Chamber that the deficit is the most serious problem facing America and then, in the same breath, they call for extending tax cuts to the wealthiest people in this country. What we are proposing is a tax cut for those making up to \$250,000 in income. That will certainly include all—all—of the middle class and working families across America. The taxes will be higher for those in the 2-percent range of the highest income categories, and I think it is fair. I think those who have done so well and have been so fortunate in this great Nation should be willing to pay their fair share of taxes.

I support the middle-class tax cut the President has proposed. We want to bring it to the floor for a vote. I support it with the notion that we still have to keep our focus on the economy and creating jobs, No. 1, and deficit reduction and debt reduction, No. 2. We can do both. We have to take care that whatever we do to the Tax Code does not jeopardize our economic recovery. We are on a positive path, with 28 straight months of job creation in the private sector, and we want to continue it. But we also need to change a reality, which is that we borrow 40 cents for every \$1 we spend in Washington. That is unfortunate and unsustainable. We have to make sure working families across America who continue to fall further and further behind each year and live paycheck to paycheck will have a helping hand from our Tax Code. That is known as progressive taxation. I think it is fair.

Those of us in higher income categories should pay more. Those who are struggling paycheck to paycheck, trying to care for their children, need a helping hand in the Tax Code. That is not only just and fair, it is good for the

economy. Those of lower incomes are going to spend their money and do it in a fashion that invigorates the economy with the production of more goods and services.

The Republican plan that calls for tax cuts even for the highest income categories, as Senator CONRAD just noted, means a tax break of \$250,000 for millionaires across America. I am sorry. The people who are making \$20,000 a week—that is what a millionaire would make over the course of a year, \$20,000 a week—do not need that tax break. They haven't asked for it, they don't need it, and they should be contributing toward reducing this deficit and saving America from deeper cuts in Medicare, education, and other expenditures that are critical to so many American families.

According to a recent analysis, the Republican plan would actually end up raising taxes on working families. If we give tax breaks to those who are at the highest level of income categories and still go after deficit reduction, then the working class families actually would have to pay more.

I asked a number of my constituents to respond to this notion about cutting off the tax cuts at \$250,000 in income and several of them responded. Merry from Rockford, IL, said this:

I oppose any extension of tax cuts for the top 2 percent. I am a mother of a developmentally disabled adult. I have seen more and more budget cuts each year for 30 years for the special needs population. However, for the 30 years we have been involved with this "trickledown theory," there have been no conclusive reports showing that this theory is working.

John, a veteran living in Plainfield, IL, writes:

We fully agree with our President that the rich should pay a little more for their tax share! We (the middle class) are rapidly fading away. We have worked for most of our lives—only to witness corporations take over and fraud in our financial markets!

Jennifer from Chicago writes:

I am appalled that Congress would consider cutting food stamps and other vital services for poor people and their families while maintaining tax breaks for those in the upper 2 percent of income. Wealthy people can afford to live on a little less. Poor children cannot afford to do without food and shelter.

When we talk about tax policy and debt reduction, let's do it sensibly. Let's help working families. Let's fix the Tax Code in a way that gives them a fighting chance. Let's ask the upper 2 percent—the top 2 percent of wage earners—to pay their fair share. It is not unreasonable. Everyone must be prepared to make some sacrifice. Let's make certain that working families are protected in this debate.

I note that Senator MURRAY was coming to the floor to speak on this tax issue, but she has been delayed, and I ask unanimous consent that she be recognized to speak after I finish my remarks.

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

Mr. DURBIN. I also ask unanimous consent that if I go over the allotted time in morning business for the majority, that I and Senator MURRAY be given an additional period of time and a like amount of time be offered to the Republican side.

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

#### THE DREAM ACT

Mr. DURBIN. Mr. President, 11 years ago, I introduced a bill called the DREAM Act. The DREAM Act is a piece of legislation that would give a select group of immigrant students who grew up in this country the chance to earn their citizenship if they were of good moral character and if they were prepared to serve in the military or complete at least 2 years of college.

The young people who would be eligible for the DREAM Act came to be known as the DREAMers. These are young people brought to the United States as children and infants. They grew up in this country overcoming great obstacles. They will be our future doctors, our engineers, our teachers, our lawyers, our soldiers. They will make America a better nation. They didn't make the decision originally to come to this country; it was a decision made by their parents. If their parents were breaking the law in that decision, I don't believe their children should be held responsible. That is not the American way.

As did the civil rights activists of past generations, the DREAMers are speaking out. They are telling their stories publicly, even though many of them know they risk deportation from the only country they have ever known as home. They have organized rallies and marches where they advocate for the DREAM Act, and they have declared their undocumented status. They wear T-shirts and carry signs that bear their slogan: "Undocumented and Unafraid."

These DREAMers have been by my side every step of the way, fighting for the DREAM Act, for 11 years, and I am proud of them.

In 2007, the first time the DREAM Act came to a vote on the floor of the Senate, there were a few DREAMers sitting right up in the gallery. We won 52 votes that day. It was a bipartisan majority. Frankly, we have always had a bipartisan majority, but we have never had the 60 votes we need to overcome the Republican filibuster against the DREAM Act.

Three years later, in December of 2010, the DREAM Act was again considered on the floor of the Senate. This time, it was different. The Senate gallery was filled to capacity with DREAMers wearing graduation gowns and caps. It was an inspiring sight. That day, 55 Senators voted for the DREAM Act. Again, we had another bipartisan majority, but, again, we fell short of the 60 votes we needed to defeat a Republican filibuster of the DREAM Act.

I made a commitment that day, after that vote was lost, to the young people who would be eligible for the DREAM Act, that I wouldn't give up, that I would keep on fighting for the DREAM Act as long as it takes to make it a law.

Since that vote in December of 2010, I have come to the floor of the Senate to tell the DREAMers' stories. I think it is the best way for people to understand the DREAM Act. Today, I wish to tell my colleagues about another DREAMer. Her name is Erika Andiola. Erika was brought to America from Mexico when she was 11 years old. She grew up in Arizona and enrolled at Arizona State University. But then Arizona passed a new law prohibiting public universities from giving financial aid or in-state tuition rates to undocumented students. Hundreds of students were forced to drop out of school. Erika persevered. She graduated with honors from Arizona State with a bachelor's degree in psychology. She has been very active in advocating for immigrants and the DREAM Act. She is the founding president of the Arizona DREAM Act Coalition. Her dream is to be a school counselor.

The story I have just told of Erika Andiola is the 50th DREAMer story I have told on the Senate floor. It is an amazing group. It includes DREAMers who grew up in 17 different States, from Oregon and Washington in the Pacific Northwest—and I see my colleague Senator MURRAY on the floor—to Illinois and Michigan in the Midwest, to North Carolina and Georgia in the Southeast. These DREAMers came from all over the world to America, from 19 different countries, including Europe, Asia, Africa, South America, and Central America. Yet all of them have something in common: Their home is America. They are just asking for a chance to give back to this great country.

To mark the occasion of the 50th DREAMer story on the floor of the Senate, many of the DREAMers I featured on the floor have made a trip to Washington and have gathered in the Senate. They are here this morning, and I wish to take a few minutes to recognize them.

Let me start with the person who started the DREAM Act, Tereza Lee. Tereza was brought to the United States when she was 2 years old to the city of Chicago. She received her bachelor's and master's degrees from Manhattan Conservatory of Music, where she is currently pursuing her doctorate.

The next person I wish to refer to is Eric Balderas. Eric came to the United States from Mexico when he was 4 years old. He was valedictorian and student council president at his high school in San Antonio, TX. He is now a student at Harvard University where he is majoring in molecular and cellular biology. His dream is to become a cancer researcher.

The next is Manuel Bartsch. Manuel came to this country from Germany

when he was a child. He recently graduated from Heidelberg University in Ohio with a major in political science and a minor in history. He wants to pursue a career in government and politics.

The next is Kelsey Burke. Kelsey came here from Honduras when she was 10 years old. She graduated from Florida Atlantic University with a major in public communications. She begins law school this fall, and she dreams of becoming an attorney.

The next is Julieta Garibay. She came to America when she was 11 years old. She graduated from the University of Texas with a bachelor's and master's degree in nursing. She has been a registered nurse since 2004. She dreams of serving in our military as a military nurse.

The next is Maria Gomez. Maria came to the United States from Mexico when she was 8 years old. She graduated from UCLA with a bachelor's degree in sociology and a master's degree in architecture. She dreams someday of being a licensed architect in America.

Next is Angelica Hernandez. She came here when she was 9. She graduated from Arizona State University as the outstanding senior in the Mechanical Engineering Department. Someday she wants to be a licensed engineer in the United States of America.

Next is Ola Kaso. Ola was brought to the United States from Albania at the age of 5. She is a pre-med student in the honors program at the University of Michigan. Her dream is to be a surgical oncologist.

Next is Sahid Limon. Sahid was brought to America from Bangladesh when he was 9 years old. He graduated from East Carolina University with a bachelor's degree in biology.

Next is Jhon Magdaleno. Jhon came to the United States from Venezuela when he was 9 years old. He is an honor student at Georgia Tech University, where he is a biomedical engineering major.

Next is Tolu Olubunmi. She actually was brought to America from Nigeria at the age of 14. She obtained a bachelor's degree in chemical engineering 10 years ago. She has never worked a day as a chemical engineer because she cannot be licensed. That is her dream: to be a licensed engineer.

Here is Gaby Pacheco. Gaby came to the United States from Ecuador at the age of 7. She has earned two associate's degrees in education and is now working on her bachelor's degree. She wants to teach autistic children. She has become an extraordinary leader in this movement.

Next is Pedro Pedroza. He came to the United States when he was 5 years old and grew up in Chicago. He graduated from Cornell University with a BA in Spanish literature and a minor in Latino studies. His dream is to be a teacher.

Next are two brothers who are here, Carlos and Rafael Robles. Carlos is majoring in education at Loyola University in Chicago. He dreams of being a

teacher and may get his chance at Palatine High School. Rafael is majoring in architecture at the University of Illinois in Chicago. Of course, he dreams of being a licensed architect.

Next is Novi Roy, who came to America from India as a child. Novi graduated from the University of Illinois at Urbana-Champaign with a bachelor's degree in economics and two master's degrees—one in business administration and one in human resources. His dream is to help provide affordable health care for all Americans.

Next is Felipe Sousa-Rodriguez. Felipe came to the United States from Brazil when he was 14. He recently graduated summa cum laude from St. Thomas University with a bachelor's degree in business studies and a minor in economics. His ambition is to be a teacher.

And last is Cesar Vargas, another good friend, who was brought to the United States when he was 5 years old. He recently graduated from the City University of New York School of Law with honors. He dreams of one day serving in the Judge Advocate General's Corps, of being in our military and serving the Nation he loves.

I thank all the Dreamers who are here today and have gathered with us. They have come a long way. It took an extra effort for them to come to Washington and to step forward and to allow me to share their stories again with the people who follow this debate.

Today I am launching "American Dreamers," a new Web site featuring the Dreamers whose stories I have told on the floor of the Senate, including all of those who are here today. We are going to update this Web site as I tell more stories. You can find it at [www.durbin.senate.gov/dreamers](http://www.durbin.senate.gov/dreamers).

This is a hopeful time for the Dreamers. It is better than it has been in a long time because this President, his administration recently announced that we will give the Dreamers temporary legal status to be here in America. This status will allow them to live and work legally without fear of deportation. The status needs to be renewed every 2 years, but they get their chance. It gives these young immigrants an opportunity to come out of the shadows and be part of the only country they have ever called home. The Obama administration's new policy will make America a stronger and better Nation by giving these Dreamers a chance to be part of our future.

This policy has strong bipartisan support in Congress. My special thanks to Senator RICHARD LUGAR of Indiana, who joined me in cosponsoring this bill and asking for this status on immigration years ago. It took extraordinary political courage for him to do that, and I thank him once again, as I have before.

According to recent polls, the American people think the President is right in giving these Dreamers a chance to earn their way toward legal status by a margin of almost 2 to 1. A future Presi-

dent could come along and change this policy, so the Dreamers are still at risk, but they are prepared to step up, to follow the law, and to become part of America's future with permanent residency someday and perhaps citizenship, which is our ultimate dream.

The President's new policy is a step in the right direction, but ultimately it is Congress that must act—the House and the Senate—to pass the DREAM Act and give these young people who have gathered here today and thousands more just like them the path to citizenship in America.

I want to give special thanks to Majority Leader HARRY REID. The last time we called the DREAM Act he took a lot of grief for it. They said: Oh, it is just a political thing. But it is not. He believes in it, as so many of us do, and he was prepared to guide the Senate through a week-long debate to get to a vote. We did not have enough votes to break the Republican filibuster, but we demonstrated again bipartisan support for a sound, good idea for America's future.

I also want to give special thanks to Joe Zogby, sitting on the floor here. Joe is an attorney on my staff who for 11 years now has battled side by side with me to pass the DREAM Act. And Vaishalee Yeldani, who is on our staff as well, has been terrific in helping us prepare these floor statements and to continue this battle forward.

I said to the Dreamers the last time it was brought to the floor and we did not have the votes: I am not going to give up on you. Don't give up on me. We are going to do this. I am dedicated to them and to the fact that many of us who are the sons and daughters of immigrants—and, frankly, that includes almost all of us in this country—understand that the diversity of immigration has made America a stronger place. These DREAM students will prove once again, as generations have before, that given a chance they will make America a better country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to support the extension of tax cuts for 98 percent of workers and 97 percent of small business owners.

This should be a no-brainer. Democrats do not want taxes on our middle-class families to go up, and Republicans claim they want that too. They also say they want these tax cuts extended.

So this should be easy. When 100 Senators agree on a policy, we should be able to pass a bill. But, unfortunately, Republicans are not focused on the 98 percent we agree on. They are preoccupied with the 2 percent we are not. They are prepared to take our country over the edge and into the new year in an effort to prevent millionaires and billionaires from paying a penny more in taxes.

Republicans are so opposed to having the wealthy pay the very same rate

they were paying during the Clinton years that if they cannot force through more tax cuts for the rich, they would prefer taxes to go up on middle-class families. They want 98 percent of workers to pay the price if millionaires are asked to pay a penny more. This is unbelievable and a deeply cynical position to take. It does not make any sense.

We have a fundamental difference of opinion between the two parties about the Bush tax cuts for the wealthiest Americans that have added trillions of dollars to the deficit and debt.

I am not asking Republicans to set aside their values. It is clear they are deeply committed to putting more money into the pockets of the wealthy. All I am saying is—all Democrats are saying is—we should not let that disagreement on tax cuts for the rich cause taxes to go up for the middle class. We can certainly have a debate about the merits of extending tax cuts for millionaires and billionaires. I am confident Republicans are ready to stand here on the floor and make their case. I am prepared to make mine. But I urge our Republican colleagues now to not play political games with the tax cuts that both sides believe should be extended. Because holding these middle class tax cuts hostage is bad policy, it is bad economics, and, frankly, it is bad politics.

Poll after poll shows the American people support ending the tax breaks for the wealthiest Americans. Republicans know they are in an unsustainable political position. They know they cannot be seen as holding middle-class tax cuts hostage for more tax cuts for the rich.

Last week we saw how they reacted when they got called on that reality: stomping their feet and shaking their fists, trying to muddy the water and change the subject. They do everything but admit it is time for compromise.

In fact, just this morning, the Republican Senator from Pennsylvania gave a speech about his plan for even deeper tax cuts for the rich—down to 28 percent for the wealthiest Americans. It is stunning. While Democrats are fighting for tax cuts for the middle class, Republicans are not only holding them hostage to continue the tax cuts for the rich, they are also scheming for ways to cut taxes for the wealthiest Americans even more. But their rhetoric is not going to fool families and small business owners in America.

I recently heard from a constituent of mine. His name is Rob Robinson. He is from Walla Walla in my home State of Washington. Rob owns a small construction company. He just finished work on the local police department. He said to me, "I've been a small business owner for over twenty-five years and it's outrageous to me that some members of Congress would hold up middle class tax cuts for the sake of protecting the wealthy from paying their fair share."

He went on. He said: "The fact that they justify cutting taxes for the

wealthy by invoking the name of small businesses tells me that they are simply out of touch with the economic reality of the majority of small business owners in this country.”

I heard from another small business owner. His name is Allan Willis. He is from Kennewick, WA. Allan opened his small business, Tri-city Music, in 2008. He wrote to me saying:

I'm like a lot of Main Street small business owners. I open the shop in the morning and close it down at night. I vacuum the carpets and clean the bathrooms. I strive to provide my customers with an incredible level of customer service after the sale. I work hard and am blessed that I make enough to pay my fair share of taxes.

Allan told me:

When Republicans hide behind the name of small business to support their agenda for lower taxes for the rich, they don't speak for me. Let's call it what it is: political identity theft. They are stealing the name of small business as a smokescreen for tax policy that benefits millionaires.

That is a quote from Allan.

I also heard from a constituent of mine named Dallas Baker. Dallas is a Seattle firefighter. He has been on the job for 15 years. He told me he loves serving his community and making a difference. But he said—and I quote—

My daughters and I are all making sacrifices now. We are comfortable but we are losing ground.

If taxes went up for middle-class families like his, it would only get harder.

Rob, Allan, and Dallas are among the 98 percent of workers and 97 percent of small business owners the Democrats' bill would extend our tax cuts for. Those are the people I am fighting for—they and millions across America—middle-class families who have been struggling, who have sacrificed so much, and who should not see their taxes go up.

But my Republican colleagues do not seem to be focused on people such as Rob, Allan, and Dallas. They are much more concerned about the tax cuts for the wealthiest Americans, many of whom happen to be their biggest campaign and super PAC donors. They may claim to be here talking for small business owners, but they are not speaking for the small business owners I hear from—not small business owners such as Rob and Allan or the 97 percent who Democrats are here fighting to protect tax cuts for—but fighting for people such as Joseph Craft. He is a coal industry billionaire. Mr. Craft is worth an estimated \$1.4 billion, according to Forbes, and Republicans are fighting to cut his taxes. They are fighting for people like Harold Simmons. He made his billions on corporate buyouts. Harold is worth an estimated \$9 billion, and Republicans are fighting to cut his taxes too. And they are fighting for people such as Harold Hamm. He is an oil and gas billionaire. He is worth an estimated \$11 billion. Republicans are doing everything they can to make sure their taxes do not go up a penny.

The vote on the middle-class tax cut extension is going to be very illu-

minating. It is going to highlight some stark contrasts and give the American people a clear view into the priorities of our two parties.

Democrats are here focused on the middle class. We want to extend the tax cuts for 98 percent of our workers and 97 percent of small business owners, people such as Rob, Allan, and Dallas, and millions more. But if Republicans do not vote for our tax cut bill, it will demonstrate clearly they do not care about certainty, they do not care about the economy, and they certainly do not care about the middle class.

Rather, they care about extending those tax cuts for the rich above all else and to use every bit of leverage they have to do it, and they are prepared to let taxes go up on every family if they do not get their way. I hope they change their tune.

They say inaction is not an option. Well, here is their chance to act for 98 percent of workers and 97 percent of small business owners. All they have to do is stop playing games and stand with us to pass their bill this week. If they do, I would be happy to have an honest debate about extending the Bush tax cuts for the rich they are so passionate about. If they do not and taxes go up on every American because Republicans insist on protecting and extending the Bush tax cuts for these guys, then they are going to have to explain that to Rob and Allen and Dallas and millions of families and business owners just like them.

I yield the floor.

THE PRESIDING OFFICER (Mr. TESTER.) The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues.

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

#### THE BUDGET

Mr. ALEXANDER. Mr. President, the Senator from Washington said Republicans often change the subject. That is exactly what we intend to do. We intend to change the subject from raising taxes to creating jobs.

In terms of taxes, according to the Congressional Budget Office report recently released—this is hard to believe. You have to go back and read it again, but 20 percent of Americans who pay individual taxes pay 94 percent of all the taxes. Twenty percent of Americans pay 94 percent of the taxes. The President and his allies are about the only ones in the country right now who are going out across the country and saying: The way to solve this 5 years of recession and the bad economy we have experienced is to raise taxes on the people who create millions of jobs. That is their argument, that the way to deal with the bad economy we are in is to raise taxes on the people who create millions of jobs.

We do not believe that. We are prepared to keep the tax rates where they are while we deal with what we need to deal with, which is the fiscal cliff that

the Chairman of the Federal Reserve Board talks about, where he says, if we do not deal with it at the end of the year, we will produce, according to the Congressional Budget Office as well, a recession in the first 6 months of 2013, which means more loss of jobs.

So the subject we are here to talk about this morning is how to avoid that. The question we are going to ask is, why not bring up the appropriations bills and do our job under the Constitution to limit spending and get a head start on the business of putting the fiscal problems we have behind us. Nothing could create jobs more rapidly than for us to bring Washington into some solvency, create some certainty. People have said: We are not going to invest, we are not going to hire until we can see whether Congress can act.

As far as the appropriations bills, here are the basics: We have 12 of them that we are supposed to pass every year. A bipartisan group of us went to the floor a few months ago and praised the majority leader and the Republican leader for their agreement to try to bring them to the floor and pass them. That has only happened twice in 12 years. So we worked hard to do that. Nine of the 12 appropriations bills are ready for the Senate to consider. In other words, they have been all the way through the committee process. They are ready for the Senate to consider.

Only the majority leader can bring them to the floor. Yet he said 2 weeks ago suddenly: No appropriations bills this year. That is 38 percent of the budget. That is more than \$1 trillion. That is our job to do. It is the way we control spending. Yet we are not even going to deal with it. So this morning we are going to talk about the consequences of that and hope the majority leader will change his mind and bring these bills to the floor.

The House is doing its job. The House has acted on eleven of their 12 bills and the House has passed 7. While they may be at a different overall spending level than we are, we have a well-established procedure for dealing with that called the conference, which is the way we normally deal with differences between the two Houses.

So suddenly we are saying, no budget, no appropriations bills. That is why we are on the floor today. I wish to begin by asking the Senator from Georgia, who is a former leader of the Republicans in the Georgia legislature, who has been here for a number of years, and who has been one of the leaders in this body of working across party lines to try to cause the Senate to do its job, whether he can think of a good reason why we should not be dealing with appropriations bills this year.

Mr. ISAKSON. I thank Senator ALEXANDER for the recognition and for joining with Senator BLUNT in this colloquy. As I was listening to you talk, I thought back to what happened in my family Sunday night. I want to start my remarks with that.

My wife Dianne and I went to my son Kevin and his wife Katherine's house to cook out hamburgers on Sunday night. Three of my nine grandchildren were there: Elizabeth, Sarah Katherine, and William. Elizabeth had arrived late, by the way, because she had been at a birthday party, the theme of which was dressing their American Girl dolls.

When Elizabeth finally got home, she sat down by me and she said: Grandpa, I want to talk to you. She calls me "Pops." I want to talk to you about my American Girl doll and some accessories that I want to buy. So she went over with me how much money it would take to buy the accessories and how much money she made for her chores. We sat down and kind of budgeted how many chores it is going to take to make the amount of money she needs to buy the American Girl doll accessories. Riding home that night I commented to my wife: You know, I just spent more time talking about budgeting and appropriating with my granddaughter than I have spent the entire year in the Senate.

This morning I was with Bud Peterson, the president of the Georgia Institute of Technology, and you can identify with this as a former president of the University of Tennessee, and Senator BLUNT, the former president of Southwest Baptist University. He was talking about how tuition has not gone up that much, but the amount of State support to subsidize tuition has gone down because the States are having to live within their means, having to have balanced budgets. They are having to cut.

I thought to myself, here we are in Washington, the leaders of the country, the people who should be setting the example. Yet my State and my granddaughter are doing a better job than we are. That is an indictment of the system.

I joined the Senator when he commended Senator REID on saying he was going to bring appropriations bills to the floor. I will come to the floor and cheer him again if he will bring them to the floor. We are running out of time, but we are also running out of the patience of the American people.

Senator ALEXANDER's remarks about jobs—appropriations are all about jobs. Right now we are operating for the third year in a row under what is known as continuing resolutions. Do you know what that means? That means we are continuing to do things just as badly as we did the year before, because we are not facing the music. We are not prioritizing our expenditures. We are talking about the appropriations of the American people and their tax dollars.

Senator MURRAY was talking about taxes as one part of the equation. It is only one part. Spending is the other part of the equation. You only address spending by taking up appropriations bills, by having debate and by moving forward.

By way of example, my State is having a referendum in 2 weeks, a ref-

erendum on a \$7.4 billion increase in sales tax dedicated for 10 years to roads and improvements in infrastructure. Our State needs it. The taxpayers are going to vote on it.

President Obama announced a couple of weeks ago a prioritization of the Port of Savannah in Georgia in terms of finishing the deepening and the widening of that project so the Panamax ships can come in. But if we are not doing appropriations bills on WRDA, we are not doing appropriations bills on the Corps of Engineers, we are not doing appropriations bills on highways, those jobs are not going to come, or we are not going to have jobs and the velocity of investment we need to have.

It is a real indictment of the greatest democracy on the face of this Earth, the leader of the entire free world, that in a time when we are in difficulties, we are in a time with increased debt, we are in a time of great challenges, we are talking more with our grandchildren about spending and saving than we are talking to each other about the money of the taxpayers of the United States of America.

I commend the Senator from Tennessee and the Senator from Missouri on their dedication to this subject and the leadership they have shown on appropriations in subcommittee work, and Senator COCHRAN, all of the members of the Appropriations Committee. The bills are ready. All it takes is for someone to drop the flag and say: Bring them to the floor. I hope Senator REID will reconsider not bringing them to the floor and instead bring them to the floor. Let us talk about the American people's money. Let us talk about jobs. Let's talk about investment in the greatest country on the face of this Earth.

I yield back to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Georgia for his clear statement about solving the appropriations problems, solving the fiscal problems, creating an environment in which the private sector in this country is willing to create more jobs, and how failing to do that, in the words of the Chairman of the Federal Reserve Board, would be "destructive." In the estimate of the Congressional Budget Office, it would create a recession in the first 6 months of 2013.

The Senator from Missouri is the former No. 2 leader in the House of Representatives and now he is a part of the Senate Republican leadership, so he has some special knowledge about how the two Houses work together.

The majority leader gave as his reason why he could not bring up the appropriations bill, one, that it did not fit the Budget Control Act. Well, the Budget Control Act, which we passed, I voted for it, set a limit on appropriations, and the Senate is marking up its bills to that number. The House is marking up to a number a little below. The majority leader said: Well, they are at one number, the Senate is at an-

other number, so we will not do anything.

I would ask the Senator from Missouri, I thought it was a pretty normal procedure for the House of Representatives to do what it thought it ought to do, and the Senate to do what it thought it ought to do. There is something called a conference of the Senate and the House to work out the differences.

Mr. BLUNT. That is exactly right. That is the way the process is supposed to work. I think the observation the Senator made on the Budget Control Act is that is the maximum amount of money we agree to spend. The majority leader's view is: Well, if the House decides to spend less than that, somehow we cannot move forward.

The truth is that is the excuse for this year. In the 6 years that the current majority has controlled the Senate, they have not passed a budget three times and three times have not brought a single appropriations bill to the floor. I do not exactly know what the excuse was the other times, but this year it is: Well, the House has a different number.

The House is a different institution. It is the House of Representatives. They get elected every 2 years. They bring bills to the floor. In fact, they have had a budget the last 2 years and we have not. I think the House the last year that the majority controlled, the last year NANCY PELOSI was Speaker, did not have a budget. That may be the only time ever since the budget law in 1974. But the Senate has not had a budget for 3 years.

There is that old saying: If you fail to plan, you plan to fail. Clearly the budget is a plan, and the Parliamentarian says we do not have one. The Parliamentarian says the Senate has failed to obey the law for 3 years now because we do not have a budget. We are not prepared to tell the American people what our budget is. And even in spite of not having a budget, the Senate Appropriations Committee has gone ahead and figured out a number they could use as the number to appropriate to. Those bills are ready. The only problem is, those bills are not allowed to come to the floor. A few days ago, I cannot remember what the waste of time that week was on the Senate floor, but I said, in the leadership stakeout: Why are we not doing the things we are supposed to be doing that give us a plan, that tell the American people what we are for? Then at the next moment, the next press opportunity, the majority came out and they asked the leader: Why are we not doing that? And the majority leader said: Well, because the House has a different number, so we are not going to have an appropriations process until the election is over.

It is particularly interesting to me that the majority's view is that they do not want to tell people until the election is over what they are for. The House is saying what they are for.



They have had 11 of the 12 bills ready to go to the floor, and more than half of them have been voted on. They voted on a budget. But in the Senate, we are not prepared to tell people what we are for.

Another thing, this is 38 percent of the budget. Senator ALEXANDER mentioned this earlier. What about the other 62 percent? The other 62 percent now gets spent if we do not even show up, if nobody takes any action, because we have already defined the so-called entitlement part of the budget. A lot of that is Medicare, Medicaid, and Social Security—62 percent. By the way, that was all of the money that came in.

And while we have not had a budget for 3 years, while over 6 years we have only brought appropriations bills to the floor three times, our national debt has nearly doubled. It went from \$8.67 trillion when the current majority leader became the majority leader to \$15.87 trillion now 6 years later. We have doubled the debt. We have failed to plan. So I guess the old adage is true: If you fail to plan, you plan to fail. Our big failure is we have allowed the debt of the country—the debt that was accumulated in over 200 years, we have now doubled in 6 years. During that 6 years, we have simply been unwilling to do our work. The American people are upset about what is happening in Washington, and they should be. I am upset about it too. We could be talking about spending on the floor of the Senate. That is the only way to ever get spending under control—the appropriations bills, the most basic work the Congress is supposed to do. By the way, we ought to get to where we are talking about more than 38 percent of the budget when we talk about the appropriations bills. We have to get that back in the right category as well.

We have to make the Senate work. The best way to do that is to do the job the Congress is supposed to do, the House and the Senate. When only the House does it, there is no chance to have that conference. That is how legislation works, back to the Senator's original point. The House passes a bill. Any of us who had the basic civic course remember how that chart looked: The House passes a bill, the Senate passes a bill, then you go to conference and talk about the differences.

But the current majority has said: Well, there are differences. We could never work that out, so we will not do our part of the legislative process. We will not have the debate in the Senate. We will not tell the American people what we are for, and we will let them go to the polling place on election day guessing what we might be for, but we are certainly not going to let them find that out by bringing legislation to the floor.

The Senate is not doing its work. This is the fundamental work that needs to be done. I mean, imagine when the Senator was the Governor of Tennessee or when he was president of the

University of Tennessee, if he decided they were not going to have a budget, or this interesting argument some of our colleagues make that the Budget Control Act is the budget because it sets the top line.

That would be like when Senator ALEXANDER was Governor and had gotten his adviser and Cabinet together and said: Here is the amount of money we are going to spend. Now let's see how it works out.

That would be the budget? Of course that wouldn't be a budget. It would be a disaster. And the 6-year deficit numbers of \$8.67 trillion to now, 6 years later, \$15.87 trillion proves the disaster truly has happened.

I just can't imagine. How could one possibly run a State or university or a business if their budgeting process was, here is the top number we are going to spend; now let's see how it works out.

Mr. ALEXANDER. Well, I can't imagine how that would be. In fact, this is such a breathtaking assertion by the majority leader, it is hard to grasp it.

Here we are in a fiscal mess. Everybody says that. They will say it is for a different reason on that side than we do, but everybody acknowledges it. Everybody acknowledges as well that while the rest of the world is in trouble, we are just in a little less trouble and we can get out of our trouble more easily than the rest of the world; that the single biggest decision about whether the United States deals with its fiscal crisis and gets the economy moving again is whether the President and the Congress can govern. That is what everyone says, and we know it is true. In other words, this isn't out of our hands. This isn't out of our control. In fact, it is within our hands. All we have to do is come to some agreement about how much money we can spend, reform the taxes, reduce the debt, control entitlement spending, and this country will take off like a rocket.

The retiring head of the World Bank last month told a briefing of about 35 Democratic and Republican Senators—all of whom are concerned about this, all of whom are committed to working on it—that people who are making decisions about whether to hire people or whether to invest more money in the United States have stopped. They have stopped because of the uncertainty. And what are they waiting on? They are waiting to see whether we can function. They are waiting to see whether we can govern. They have stopped to wait and see.

This is not an encouraging indication about whether the United States can govern. We had some encouragement earlier in the year. That is why several of us from both sides of the aisle came to the floor and complimented the majority leader, complimented the Republican leader, and said: We applaud your agreement to do the appropriations bills.

It says right here in the Constitution, Section 9 of Article I, that no

money shall be drawn from the Treasury but in consequence of appropriations made by law. In other words, Article I—this is our job. People say I use the Grand Ole Opry as an analogy too often sometimes, but why would you join the Grand Ole Opry if you didn't want to sing? Appropriating money is what we do.

If the Senator doesn't like the Solyndra loan, then I am supposed to come up here and make that argument if I agree with that. If Senator BLUNT has a flood problem out in Missouri, he can make the argument that he made last year: Put some more money in to take care of the flood victims; take some more money out of here to pay for it.

If we want less of this or more of that, the way we do that is by going through the appropriations process, coming to the floor, offering amendments, and representing the people who elected us and sent us here. What are we supposed to say when we go home and they say: We think there should be more money for the Center Hill Dam on the Caney Fork River or more money for the levees down along the Mississippi and there ought to be less money for loans like Solyndra. Are we supposed to say: Well, sorry, we are not in business in the Senate because the one person who can put an appropriations bill on the floor has announced suddenly that he is not going to do it.

It is not because we don't have time to do it. Look, we could be doing it today. I will bet we don't even have a vote today, much less debate something interesting. We have been wasting the entire month. We could have taken up almost every one—most of the nine appropriations bills that are ready to be enacted and put them on the floor to vote.

The Senator from Missouri is a part of the Republican leadership. He has that honor. There is a different way to run the Senate, and maybe that should be a major factor in the election this year. Maybe people would like to see the Senate work on the \$1 trillion that is a part of the appropriations bills, bring amendments and bills to the floor in a bipartisan way, let Senators from every State vote on those, and vote them up or down. That would be one way to run the Senate.

And I wonder if that kind of discussion has been going on in the Republican leadership. If we were fortunate enough to have a majority and move a few desks from that side over to this side as a result of the election, how do you think Senator MCCONNELL and the Republican leadership would conduct business in the Senate?

Mr. BLUNT. I do think we are having that discussion, and particularly about the budget.

There have never been 60 popularly elected Republican Senators, so anytime the Republicans have controlled the Senate, it was with a number that was below 60. And the budget became incredibly important because you can

do things that involve spending money or collecting money during the 10-year budget window, and that decade can be extended every single year if you wanted to. So you can always be talking 10 years in the future of solid policy. And, by the way, in a democracy, 10 years of knowing what the policy is is a lot of time.

We have to have a budget. Our friends in the majority—now there are 53 of them—could do anything in the budget or at least set out to do anything in the budget that 53 of them said they wanted to do. They could change tax policy for 10 years if 53 of them wanted to do it. They could change how we implement the President's health care bill, if 53 of them wanted to do it, because that is spending money, and we would have to do that.

I don't think there is any doubt that if our side were in the majority, we would have a budget because, frankly, it is the biggest tool our size majority has ever had. There have never been 60 of us. We couldn't rely on 60.

Mr. ALEXANDER. If the Senator would yield, I have heard Senator MCCONNELL, the Republican leader, speak both in our Republican caucus and in meetings with Democrats in committee and publicly. I believe he has made it absolutely clear that if he were fortunate enough to be the majority leader, that he would bring appropriations bills to the floor, that he would see that a large number of amendments from both sides of the aisle were offered, and that we would be working longer, working later, and getting more done.

Mr. BLUNT. I think the Senator is exactly right. He has made that pledge at press conferences. I think some of that has been said recently on the floor of the Senate: Let's get our work done. And if we were in the majority, we would pledge that we would get our work done. That means Republican Senators and Democratic Senators would wind up having to take some votes they would just as soon not take, but that has always been part of being in the Senate, that you are here to say what you are for, and you are here for 6 years to say what you are for.

The last 6 years—if you have served in the Senate and your only time in the Senate, as would be the case for some of our colleagues up to now, has been the last 6 years, you have really never had a chance to say what you are for. Half the years you didn't even have an appropriations bill on the floor.

And we have added to the legislative dialog normal phrases that didn't used to be quite as normal, such as "continuing resolution." And what is a continuing resolution? That means you basically can't get your work done for the next year, so you decide to just put a couple of band-aids on whatever were the rules for last year and move forward. When you talk about a continuing resolution, that is failure.

We are going to have a few more days here in July and early August, and

then, as Congress has always done, we will go home and hear a lot of complaints in August this year because we are not getting our work done. We are going to come back in September. The fiscal year—the spending year—ends the end of September, and what are our choices going to be? We are not going to have good choices. We have had no appropriations bills. So the choice is to either let the government stop functioning on October 1 or continue spending money at the level we decided who knows how many years ago, to spend that money in many of these programs because we really have not talked about these programs. So we go from no good choice to an even worse choice.

Mr. ALEXANDER. We are all good friends here. People sometimes talk about lack of civility in the Senate. The fact is the Senate is probably the most civil place in the United States. We are excessively nice to each other. We have disagreements, but we are nice to each other. But what is disappointing is that it is not functioning. The Senate is not functioning the way it is supposed to.

It would be as if the President announced: Well, I am not going to the office for a month or two; or if the Supreme Court said: Well, it has gotten to be February, and we think we will stop deciding cases and go home, we will go on vacation. What would the American people say? Well, that is what is happening here. And it is not that we don't have the time. We have it right now. We have it this minute that we could do be doing it.

What makes it especially disappointing is that earlier this year there was what I call an outbreak of good government. We had the majority leader and the Republican leader saying: Let's bring all the appropriations bills to the floor, and people on both sides were applauding them. And then we had some discussions, and lo and behold, suddenly we had bills coming to the floor that made a difference in the lives of Americans: the FAA bill, which is about airline safety, the farm bill, the highway bill, and the Postal Service bill. And thanks to suggestions by the Senator from Michigan, Mr. LEVIN, and others, we began to adopt an agreement: Let's allow all relevant amendments to the bill be considered. So we began to vote a lot. I think one bill had 73 amendments. And then there were even some amendments that weren't relevant.

It began to look like the time in the 1980s when Senators Byrd and Baker ran the Senate. Senator Byrd or Senator Baker would come to the floor and say: All right, here is a bill that is supported by the Democratic chairman and the ranking Republican, or vice versa. They put it on the floor, and they would ask for amendments. They might get 300, and then they would say: I ask unanimous consent to have no more amendments. And of course they would get it because everybody who wanted an amendment had offered one.

Then they would start to vote, and the majority leader would say: OK, we are going to stay here until we finish. And they did. Now, it never was perfect. It is always a little messy. That is the way the Senate is. But they got a lot of work done. That is what makes this so disappointing.

Mr. BLUNT. It is disappointing in that, as the Senator says, it is not even that hard to figure out what we could be doing or what we should be doing or what is the fundamental work of what we should be doing. There are things the Constitution says we can't do, such as initiate a tax bill. So we are spending a lot of time on tax bills that, even if we passed one, would be unconstitutional. The House has the right to start those bills, and they would say: We are not even going to deal with that because it is outside of the Constitution. It is not as though this is a hard formula.

How do you get spending under control? The No. 1 domestic priority in the country today should be more private sector job creation. But the No. 1 priority for the Federal Government would be, how do we get spending under control? How do we begin to pay off debt rather than add to debt? And the only way we can do that is to debate the spending bills.

The Senator mentioned the former head of the World Bank a minute ago. I heard him mention a few days ago that several years ago after leaving the governorship, he spent some time in Australia and made good friends there—one of the former Prime Ministers of Australia. And I will let him tell that story. Everybody in the world knows the best and strongest economy and workforce in the world is ours, if we just do the right thing. And the right thing is not that hard to figure out.

The Senator from Tennessee was telling me one of the former Prime Ministers had just returned to the government after some time away. What about his comment about what it takes for our country to reassert itself as the economic place to watch and place to be and want to be. When the Senator reminded me about that story, I thought it was very telling. People all over the world understand what it is we ought to do, but we are just not doing it.

Mr. ALEXANDER. I would be happy to do that. Actually, Bob Zoellick, the retiring head of the World Bank, reported this story to 35 or 40 of us—both parties—to find out how to do what we are talking about, which is to deal with the fiscal cliff issues coming at the end of the year. He repeated Bob Carr, the new Foreign Minister in Australia, who said in a speech in Washington that the United States is one budget agreement away from reasserting its global preeminence.

All of us believe the United States is the preeminent country in the world. That statement comes from a great friend of the United States who wants us to succeed and who knows we can.

If we want to get our economy moving again and help the world get its economy moving again, the main thing we need to do is make this fiscal agreement, deal with the debt, deal with tax reform, deal with the payroll taxes, deal with the sequester, and deal with the appropriations bills. This is the single most important thing we can do to get our economy moving again instead of heading into a depression. He put it that way to reassert, establish, claim, renew—whatever adjective or verb we want to use. The way to maintain America's global preeminence is to get a budget agreement at the end of the year. We were off to such a promising start this year and now we slid backwards.

I will let the Senator from Missouri make the final remarks in the colloquy. It is my hope the majority leader will decide to use the rest of our time this week and next week to deal with appropriations bills, and then when we come back in September we could deal with more. It doesn't take long. Let's just put them on the Senate floor and get to work. We can agree on a reasonable number of amendments. We showed we could do that before, and the American people would appreciate us doing our job.

Remember, 9 of the 12 are ready to go. It affects 38 percent of the budget. That is more than \$1 trillion in spending. That would be one more indication we are capable of governing ourselves, which is the single most important signal that those who invest and create jobs in America need to see and hear from Washington, DC.

I thank the Senator from Missouri for his leadership and for coming to the Senate floor.

Mr. BLUNT. My only thought, as we are standing here finishing up this discussion, is that as people hear this, they may wonder if Senator ALEXANDER and Senator BLUNT are talking about how the Federal Government can spend the money, and that being the most important thing. If we are going to get spending under control, of course, it is the most important thing. It is not a desire to spend money, it is a desire to debate how we spend the money, to plan how we spend the money, and give as much notice as we can to the country, to the States, and to the people who are trying to make job-creating decisions. We want to show them the American government is going to do the right thing and is going to plan for a future that makes sense rather than fail to plan and stumble into a future that continues to just do the wrong things.

We have seen the debt of the country almost double in 6 years. Surely, that is enough indication that what we are doing is not working and more of the same is not the answer. Getting back to the real responsibility of the Senate to do its job—the House is doing its job. They are going to take some criticism about the programs they said should be cut or redefined. We need to

do our job. That is the way this process has to work. It is disappointing that it is not working.

We are going to come back in all likelihood in September with bad choices that will be made. One is to shut the government down. One is to just somehow continue to spend money as we have been spending it as the debt of the United States of America doubled in about 6 years.

I yield back to my friend from Tennessee.

Mr. ALEXANDER. Mr. President, we yield back the remainder of our time.

I see the Senator from Nebraska is here. I wonder if he is here to be a part of our colloquy or to make another statement.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I am here to make another statement, but I do want to associate myself with what the two Senators had to say, the Senator from Missouri and the Senator from Tennessee. I look at our assignment between now and the end of the year, and we have some monumental issues to tackle. In fact, they are so monumental that many are referring to the work that needs to be done as a fiscal cliff. Some are talking in the vein that we are going to cause another recession unless we come to grips with these issues.

I look at this week and so many weeks that have passed this year and nothing has been done. I am going to guess when this week is all said and done, we will probably take three votes. That seems unbelievable for the Senate. It doesn't have to be this way at all. We could be addressing the important issues that face our Nation. There isn't any reason we should not be addressing those issues. Let's debate bills, vote on them, and do the right thing for our country.

I thank the two Senators for their comments and I am pleased to be able to associate myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise this morning in strong support of the Middle Class Tax Cut Relief Act that would extend tax cuts for 98 percent of the American people while letting the Bush tax breaks for the wealthiest 2 percent expire at the end of this year.

I also want to express my strong opposition to the McConnell-Hatch bill that would provide tens of billions of dollars in tax breaks next year to millionaires and billionaires who today are doing phenomenally well.

Really, this is not a complicated issue. The United States now is seeing growing wealth and income inequality. The middle class is disappearing, poverty is increasing, the people at the top are doing very well at the same time that the effective tax rate of the millionaires and billionaires is the lowest it has been for many decades.

This country has a \$16 trillion national debt. We have a \$1 trillion def-

icit this year. I believe to give huge tax breaks to millionaires and billionaires makes no sense, and I believe it makes no sense to the American people.

Our Republican friends have made it very clear that when they say they don't want to raise taxes on anyone, that is just code for saying they don't want to raise taxes on millionaires and billionaires. I should add that if Governor Mitt Romney becomes President, he has proposed even more tax breaks for the wealthiest people in this country while at the same time cutting Social Security, ending Medicare as we know it, and slashing investments in education, transportation, child care, nutrition, and a variety of other programs that benefit working families and the middle class.

#### SOCIAL SECURITY

This morning I want to say a few words about Social Security. Let me be very clear. When we talk about Social Security, it is imperative that we understand that Social Security has not contributed one nickel to our deficit or our national debt. So when people say we have a national debt problem and that we have Social Security and they fuse the two together, that is simply incorrect.

As all Americans know, Social Security is independently funded through payroll tax contributions from workers and employers. Up until last year, it has received no funding from the Federal Treasury.

Despite the rhetoric we hear from Republicans and those on Wall Street, Social Security is not in financial crisis. Social Security has a \$2.7 trillion surplus. According to the Social Security Administration, Social Security will be able to pay out 100 percent of promised benefits to every eligible recipient for the next 21 years.

Although the American people now take Social Security for granted, we should never underestimate the incredibly positive impact Social Security has had on our country. Sometimes we do forget it, especially when those people come up and say: Let's cut Social Security. Let's cut Social Security. But let's talk about what Social Security has accomplished.

Since its inception over 75 years ago, through good economic times and bad, through terrible recessions, Social Security has paid out every nickel owed to every eligible beneficiary with minimal administrative cost. This is an extraordinary accomplishment. Nobody has ever received a letter from the Social Security Administration saying: Sorry. We are in the middle of a recession. We have had to cut your benefits in half. Every eligible beneficiary has received 100 percent of the benefits owed to him or her.

During this 75-year period, Social Security has succeeded in keeping millions of senior citizens, widows, orphans, and persons with disability out of poverty. Before Social Security existed, almost half of America's senior citizens lived in poverty. Today, that

number is still too high, but it is 10 percent not 50 percent.

More than 55 million Americans now receive Social Security benefits. I would contrast that record to the situation we recently saw on Wall Street when millions of Americans lost significant or all of their retirement savings because of the collapse of Wall Street and the financial crisis we went through. Despite this success, despite this incredibly strong record, my Republican friends, and too many Democratic friends, are calling for cuts in Social Security.

For example, we know where Mitt Romney stands on Social Security. Mr. Romney wants to begin the process of privatizing Social Security. I disagree with him because I think that would benefit primarily his friends on Wall Street, because if we privatize Social Security, where are people going to get their retirement benefits? From Wall Street. Those guys on Wall Street will end up making huge amounts of money by charging the average American a significant commission for their service.

Mr. Romney wants to gradually increase the retirement age to 68 or 69. I don't agree with that. At a time when 23 million Americans remain unemployed or underemployed and when the long-term unemployment for senior citizens is skyrocketing, tell me how many employers out there are going to say to a 68-year-old person or a 69-year-old person: We have a great job for you, especially if someone is in the construction trades or is a nurse or is somebody who stands on their feet 8 or 9 hours a day, such as a waiter or a waitress. I don't think those jobs are going to be there if we raise the Social Security retirement age. I don't know what those folks are going to be doing for income.

Finally, the Romney campaign has put on his Web site the following:

Mitt believes that [Social Security] benefits should continue to grow but that the growth rate should be lower for those with higher incomes.

What does that mean in English? While Mr. Romney has been somewhat vague about his intentions and has not spelled out the exact details of this proposal, some of my Republican friends in the Senate have provided what I believe is the roadmap Mr. Romney is talking about. Last year, Senators LINDSEY GRAHAM, RAND PAUL, and MIKE LEE introduced a bill that would, among other things, reduce the future growth rate of Social Security benefits for the top 60 percent of earners—60 percent of earners—by establishing what they call a progressive price index.

Who are these so-called higher income individuals whom my Republican friends are talking about? Under this Republican bill, a worker making about \$45,000 a year today, retiring in 2050, would receive 32 percent less in annual Social Security benefits than under the current formula. How much

is a 32-percent cut for this middle-class wage earner? It is about \$7,500 a year, and that, my friends, is a lot of money for a retiree.

It should come as no surprise that Republicans in Washington and Governor Romney want to slash Social Security. The truth is, Republicans have never liked Social Security, and they have been attacking Social Security since its inception. That is not news. The question that millions of Americans are asking themselves today, however, is where President Obama stands on Social Security. Unfortunately, he has been largely silent on this issue since he has been in the White House and during the current 2012 campaign. He made a very strong statement recently, incorrectly attacking the Republican proposal—the so-called Ryan proposal—to move Medicare toward a voucher program. But unless I am mistaken, I did not hear a word from him on the future of Social Security, and that is a shame.

That is a shame because candidate Barack Obama, when he was running for President in 2008, made it very clear to the American people he would be a strong defender of Social Security. Let me remind the American people exactly what Barack Obama said on the campaign trail in 2008.

On September 6, 2008, Barack Obama told the AARP the following:

John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost of living adjustments or raise the retirement age. Let me be clear: I will not do either.

That was then-candidate Senator Barack Obama. On April 16, 2008, Senator Barack Obama said:

The alternatives, like raising the retirement age, or cutting benefits, or raising the payroll tax on everybody, including people making less than \$97,000 a year—

Which today would be \$110,000 a year—those are not good policy options.

On November 11, 2007, candidate Barack Obama said:

I believe that cutting [Social Security] benefits is not the right answer; and that raising the retirement age is not the best option.

In order to address the long-term financial challenges of Social Security, candidate Barack Obama came up with an idea that I believe hit the nail on the head. It was exactly the right approach, and I have applauded him for coming up with that idea. What he said is that he would apply the Social Security payroll tax on income above \$250,000 a year to make sure a millionaire and a billionaire pay the same percentage of their income into Social Security as someone who today makes \$110,000 a year.

The bottom line is we lift the cap on taxable income so billionaires and millionaires and those making above \$250,000 a year start contributing into the Social Security trust fund. Recent reports have confirmed this would ensure Social Security would remain solvent for the next 75 years.

In 2008, candidate Barack Obama was exactly right. That is the solution to the long-term financial needs of Social Security, and that is why I introduced candidate Obama's concept into legislation. It was the right approach. I have introduced it into legislation and it now has 10 cosponsors.

Here is how the Economic Times reported on the subject back on June 14, 2008:

Barack Obama would apply the Social Security payroll tax to all annual incomes above \$250,000, which would affect the wealthiest 3 percent of Americans. The Presidential candidate told senior citizens in Ohio that it is unfair for middle-class earners to pay the Social Security tax "on every dime they make," while millionaires and billionaires pay it on only "a very small percentage of their income."

That is what Barack Obama said when he was running for President in 2008. I agreed with him. He was very clear. I suspect millions of Americans voted for Barack Obama because of the strong stand he made in defending Social Security. Unfortunately, since he has been in office, he has been much less clear about his position on Social Security. There were reports last year he was considering cutting Social Security as part of a grand bargain with the Speaker of the House JOHN BOEHNER.

What I simply want to know, and I think what the American people want to know, is where does the President stand on Social Security? Is he going to keep faith with the American people? Does he continue to believe what he believed when he ran for President? Is he going to say to the millions and millions of seniors out there who are struggling every single day to keep their heads above water that we are not going to balance the budget on the backs of the elderly and the children and the sick and the poor; that we are not going to continue to give tax breaks to millionaires and billionaires who are doing phenomenally well and cut Social Security as part of some grand bargain when, in fact, Social Security has not contributed a nickel to the deficit situation?

As the Presiding Officer well knows, in terms of Social Security, there is a lot of discussion in the Senate about moving toward a chained CPI—a chained CPI. Nobody outside this room understands what a chained CPI is, but I will tell you what it is. A chained CPI is significant cuts in Social Security COLAs, and it rests on the theory, if we can believe it, that COLAs for seniors on Social Security are too generous.

When I tell this to the seniors in Vermont, I say: Please, don't laugh, but they always laugh. They say: Bernie, in the last 2 out of 3 years, while our health care costs have been going up, while our prescription drug costs have been going up, we haven't gotten a COLA at all. How could they possibly believe the formulation for coming up with these COLAs is too generous?

But that is what the billionaires and the millionaires want, that is what our

Republican friends want, and that is what some Democrats want. They want to come up with a formulation which will cut Social Security benefits. It will mean, if someone is 65 today, that when they become 75, they will receive \$500 a year less; and when they are 85 and are trying to get by on \$15,000, \$16,000 a year, they are going to cut \$1,000 from their Social Security benefits.

I think—when this country has the most unequal distribution of income and wealth, when the top 1 percent owns 40 percent of the wealth of this country, when in the last study I saw 93 percent of all new income in 2010 went to the top 1 percent—we shouldn't balance the budget by cutting Social Security for people who are trying to survive on \$14,000 or \$15,000 a year. That is not the right formulation or the way we should go.

I wish to conclude my remarks by simply saying I am going to do everything I can to defend Social Security. I am going to do everything I can—given the fact our deficit is largely caused by unpaid wars and tax breaks for the rich and the recession, which was created by Wall Street greed—to fight any effort to cut Social Security, Medicare, and Medicaid.

Today, I think the American people know where the Republicans stand on Social Security. They know where Governor Romney stands on Social Security. But now is the time for the President of the United States to tell us where he stands on Social Security. Is he going to keep faith with the promises he made in 2008? Is he going to stand with the senior citizens of this country and say: No, we are not going to balance the budget by cutting Social Security?

I look forward to hearing what the President has to say. This is an enormously important issue to the seniors and the veterans of Vermont, and I am going to continue dealing with it.

With that, I suggest the absence of a quorum.

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

Mr. SCHUMER. Mr. President.

The PRESIDING OFFICER. The Senator from New York.

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

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

Mr. SCHUMER. Mr. President, today I wish to talk about a bill that will reduce taxes for 97 percent of all small business owners. I wish to talk about a bill that will keep \$2,200 in the pockets of the middle class next year. I wish to talk about a bill that will extend tax cuts for those making less than \$250,000 per year. I wish to talk about the Middle Class Tax Cut Act and why it should pass with overwhelming and bipartisan support.

My colleagues across the aisle have said they want to get our country back

on its feet. Well, I know our prosperity has always stemmed from and been measured by the success of the middle class. They are the ones who get in early and stay late. They take on a second job to make it just a little bit easier to pay for college. They wait to retire to save more to help their children and grandchildren. Under no circumstances should middle-class people be worried about their taxes going up, particularly at a time when median income, middle-class income is declining in America.

To raise taxes at a time when the middle class is struggling makes no sense whatsoever. Under no circumstances—no circumstances—should the middle class have to worry about their taxes going up.

So we are proposing a 1-year extension of the Bush-era tax cuts on all Americans on the first \$250,000 of income they make. Let it be known that tax break will go to everybody. A person could be making \$10 million and they will get the same tax break on the first \$250,000 as someone making \$200,000 or \$220,000 or someone making \$80,000. So it does not discriminate.

By the way, we are lucky in America that we have people who have made a whole lot of money by starting businesses and employing people. We revel in the fact that America does that, and we admire well-to-do people. The difference is we don't think they need a tax break when that money could go to deficit reduction instead. Well, we can't say that for the middle class because the middle class, obviously, has less money and is struggling. So that is why we choose \$250,000 as the line.

In addition, there were three more very important tax cuts signed into law by President Obama that working families across America rely on. They are the American opportunity tax credit, the expanded child tax credit, and the earned-income tax credit. Our proposal would extend these tax cuts as well. So under our plan the middle class will be secure in the knowledge that their taxes aren't going to go up over the next 5 months while we all debate the fiscal cliff and all the things we have to do to prevent our deficit from growing. This should be priority No. 1—to secure the middle class while we have this debate.

I wish to focus for a moment on a glaring difference between our plan and the Republican plan. We all know how hard it is to pay for college. We all know how important a college degree is. Study after study after study has shown if a person gets a college degree, they will make more income and a person will have a better life. Some of the recent studies show people even live longer. Having a college degree is so important to American families. Yet, at the same time, the cost of college is rising. Whether a person goes to a private school, a religious school, or a public university, the cost is going up and up and up. So it has been a passion of mine since I have come to the Sen-

ate, and even before, that we give middle-class people a tax break to go to college.

We help the poor already with Pell grants and things such as that. That is a very good thing, and I am proud we do it. But a person or a family can be making \$50,000, \$70,000, \$90,000, \$110,000, and if a kid is going to college and it costs \$10,000 or \$20,000 or \$30,000 or \$40,000 a year, they can't afford it. As a result, we have millions of parents stretching and stretching and stretching to help their kids, and millions more students are taking on huge debt loads because they know college is so important. It is vital for us to help them.

When a young man or a young woman who deserves to go to college doesn't because they can't afford it, they lose, their family loses, and our country loses as well. When a young person goes to the college they shouldn't go to because they can't afford the college they deserve to go to and want to go to, they lose, their family loses, and America loses. So it has been a passion of mine that we give the middle class—not just the poor but the middle class as well—help in paying for college because it is so expensive but it is also so important.

So we have a law now called the American opportunity tax credit. It is legislation I wrote. It helped 9.1 million families get a tax break on their children's college tuition last year. Because of the American opportunity tax credit, more parents and students now qualify for tax relief to pay for college expenses not just for 2 years but for a whole 4 years of study. It gives a \$2,500 tax credit right off a family's taxes to families whose income is up to \$180,000 a year. So it goes well into the middle class and even a little higher in many States. But it is needed. It is vital.

If this tax credit expires, families who rejoiced—I have talked to them across my State of New York in every corner of the State. Moms and dads are sitting around the kitchen tables Friday night after dinner, the kids are out, saying: How are we going to pay for college for Mary or Jane or Tom or Bill? They have sleepless nights about it. So why, why would our colleagues on the other side of the aisle let this tax break expire? Why does their proposal, which continues tax breaks for the wealthiest of Americans, kick these tax incentives to the curb? To let this tax break expire is a dagger to the heart of the middle class, and that is just what our colleagues on the other side of the aisle are doing.

It is more than clear Republicans are going to hold up the middle-class tax cuts, including this needed and significant help to pay for college, to insist that we provide those at the highest income levels—people who make over \$250,000 a year—with a tax cut at the same time. They are holding the middle-class tax cuts hostage.

Now, I will be the first to congratulate people who are very wealthy, as I

mentioned. They have been successful. They are living the American dream. God bless them. They create jobs. They do. But today's debate is not about them or their taxes. We can have a rigorous debate about whether they deserve another tax break or whether that money should go to deficit reduction or maybe for education or infrastructure or scientific research. That is a debate for another day, and I look forward to it.

Today's debate is about the middle class. Letting these tax cuts expire would generate serious problems for our middle-class families and businesses.

It could prevent them from being able to pay for their kids' education or buy a new house or a new car. It could mean they put off retirement a little bit longer or cancel a vacation. That would have repercussions across the entire economy. So extending the tax cuts for the middle class is a no-brainer and the American people are on our side.

I hope, I pray, I beseech our friends on the other side of the aisle to listen to the middle class, saying: Look, you guys fight over what you should do for the highest income people but come together on helping us.

That is what we can do. If our colleagues on the other side of the aisle want to get this country back on track, they will join us in supporting this critical legislation, including the tax credit to help pay for college education, to help the families and businesses that are the real job creators and prosperity makers.

With that, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Good afternoon, Mr. President.

The PRESIDING OFFICER. Good afternoon.

#### REMEMBERING SALLY RIDE

Ms. MIKULSKI. Mr. President, I rise today to honor the life and legacy of a dear friend, someone whom I admire, and someone whom the whole world cheered on, Dr. Sally Ride.

Dr. Ride was the first American woman in space. When she went out there, she blazed a trail out into the stars for women in science and women in technology, inspiring not only American girls but girls around the world.

Last night, we got the very sad news that Dr. Ride passed away after a brave fight against pancreatic cancer.

I wanted to come to the floor to speak about her. We all know the biography. Dr. Ride became an astronaut after answering an ad in her college newspaper. She had earned a Ph.D. in physics from Stanford. She also earned a graduate degree in Shakespeare. She joined the first group of women in the astronaut corps and trained to be a mission specialist.

I knew Sally Ride both professionally and personally. I have had the great

honor in my years in the Senate to be on the committee that funds the American space program. I have important space assets in my own State of Maryland: the great Goddard Space Flight Center and Wallops Island, from where we hope to do some new launches later this summer.

But for me, my journey into space, my love for space began not only when John Glenn went into space, and when we walked on the Moon, but I will never forget that day Sally Ride, in 1983, boarded that shuttle, strapped herself in, put on her helmet, the rockets roared, and out she went. The whole world had signs, cheers saying: Go Sally. Go Sally. Wow, I will never forget it.

I was in the House of Representatives. I was down there. We were waiting. We were excited. There was nothing like it. Mr. President, if you have not seen a shuttle launch, it is the most amazing thing. The ground shakes. You feel it. You feel it in your body. You feel it in your heart. Then, as that rocket took off, we cheered her on. It was an enormously patriotic moment. Once again, our shuttle flew high into the sky. It was the Challenger, and later on it would have its own rendezvous with destiny.

I was so proud of Dr. Ride. But I was proud of my country. I was proud of its vision, of its innovation, and I was proud of the fact that we live in a country where women can follow their dreams, to take the talents God has given them and be able to pursue them.

When I saw Dr. Ride go into space, another barrier was broken for women. Even though Sally was the first, she did not want to be the only. When she launched into space, yes, she broke a barrier; yes, she took with her the hopes and dreams of many girls, but she wanted more to come. She had a characteristic of many of us who are the first. She said though she was the first American woman, she did not want to be the only American woman. She devoted her career to encouraging young women to go into science and to also come into the space program. Now more than 50 women have gone into space, and it has been an astounding—an astounding—accomplishment.

Dr. Ride and I talked about what it is like to be the first. When I was elected to the Senate, I became the first Democratic woman elected to the Senate in her own right. Among the first 10 phone calls I got was from Sally Ride, congratulating me. She said: Hey, you broke a barrier and you are going to go into new space. It is called Senate space. After we joked and laughed, and so on, we said: Gee, we "firstees" ought to have a club that should meet on the first Monday of the first month, the first of the year. We had Sandra Day O'Connor. There was Sally Ride. President George Bush was to go on to appoint Bernadine Healy as the first woman to head NIH.

As we talked about it, she said: We who are the first cannot be the only.

Another characteristic of "we the first" was where she said—and we would agree—that you do not get to be a "me" without a whole lot of "we." She was a firm believer in public schools, public education, public libraries—those opportunities that enable you to go to school, that enable you to go get a Ph.D. at Stanford, that enable you to get out there and compete, to be an astronaut, that when we think about ourselves, we think about our families, we think about our teachers, we think about our coaches.

We are so indebted to them, and she was too. She was so indebted that that is the way she wanted to devote her life. Sally Ride knew she was famous, but she had no desire to get rich. She did not capitalize on her big name, her big iconic international brand. She wanted to use her name, her reputation, the Sally Ride brand, to be inspirational and motivational. She did not seek profit. She sought to inspire others.

After retiring from NASA, she dedicated her entire life to encouraging young women to study science, math, and technology, to love that which she loved and wanted to do. She continued to do that all the way up to the last months of her life.

I recall in 2008 I invited her to Baltimore to celebrate the 25th anniversary of her going into space. We had this great afternoon. After a wonderful lunch of crab cakes and talking things over, we went to the Maryland Science Center. There were these girls there, Girl Scouts working on badges about science and technology. There was this great globe that showed planet Earth, and she talked about what it is like to study the planet. She talked about what it is like to go into space. What she said was, when you are busy looking out there in space, and you look back, you see this great planet, and you want to do all you can to help it and save it.

Those young girls were mesmerized. Well, wow, that was 4 years ago. Many of them have now finished their Girl Scout badges, many have finished middle school and are in high school. But, hopefully, they are not finished their great interest in science.

That is what her work was.

She also had a great impact on the space program itself.

When Al Gore was here as a Senator, he was on the authorizing committee, and I, of course, was an appropriator. She worked with NASA and us on a new strategic vision for NASA. Then, what did she say about what we should study? Planets, galaxies, asteroids, you name it; rings around Saturn, yes. But you know what else she said? She said: Let's study this planet where we suspect there is intelligent life. She had a great sense of humor. Al Gore and I leaned forward in our chairs and said: What would that be? What did Sally know that had been dreamt about for ages—intelligent life? She said: Yes, it is called planet Earth. Let's see if we can find it.

Dr. Ride, after we had our laughs that day, suggested that we study our own planet as if it were a distant star so that we would get to know it, we would know its climate, we would know its weather, and also we would take the time to know its people, and that we would do it to save the planet and save the people who are on the planet.

I regret that our own science is not yet advanced to have saved Dr. Ride. She died of pancreatic cancer. I know the gifted and talented people at NIH and those who benefit from the funding of NIH are working all over this great country to find cures for that dread "C" word. Pancreatic cancer is deadly and it is fast and it is painful. She died steadfast and true to herself and true to her mission.

I think the entire world owes a debt of gratitude to her. The way we can honor her memory is to encourage students to search for the stars, but let's search here for the problems that hurt our own people. Let's find a cure for pancreatic cancer. And let's continue to be a great country that innovates and also educates and believes in educating its women and girls in the same way.

God bless Sally Ride. And God bless America, the kind of country that made Dr. Ride's life possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

DR. SHAKIL ALFRIDI

Mr. PAUL. Mr. President, Dr. Shakil Afridi is a physician in Pakistan. He has been put in prison for the rest of his life for the crime, basically, of helping the United States get bin Laden. I think it is a travesty of justice that Pakistan is holding this man for the crime of helping America, and I think we should not tolerate it.

We send Pakistan \$2 billion a year, and recently, instead of withholding that, President Obama has given them an additional \$1 billion—exactly the wrong thing to do. I have a bill that will withhold all further foreign aid to Pakistan unless this doctor is released.

There are reports now that his life has been threatened. There are reports coming from the Information Minister in the province where he is being held that his life has been threatened by fellow inmates and throughout the community.

My concern is that Dr. Afridi may well be killed before he comes to trial. He was scheduled for an appeal on July 19. They have rescheduled this, and it will be on August 30.

I have a bill, and I have the votes necessary to demand a vote in the Senate. No matter what the leadership wants, we will have a vote on ending all of Pakistan's aid if this political prisoner, Dr. Shakil Afridi, is not released. We will have this vote. I had threatened to have the vote this week, but I am going to delay it for one month to see if the appeal works, to see if he is still safe in 1 month. But I

hate to think of what might happen to him while we are waiting here and that we have not used every bit of the leverage of this money that we give to Pakistan. It is our money, it is your money, and we should not be sending it to a country that disrespects us.

If Pakistan wants to be our ally, they should act like it. If Pakistan wants to work with us in the war on terrorism, they should act like it. And imprisoning the man who helped us get one of the world's worst mass murderers is not a way to encourage cooperation between our countries.

This episode of imprisoning this man is driving a wedge between America and Pakistan. So if Pakistan wants to help us, good. Can we cooperate with them? Yes. But we should not continue to send good money after bad while they are imprisoning this man. This doctor deserves our respect.

I have also introduced legislation that would allow him to come to the United States if there is a threat to his safety in Pakistan and if he wishes to come here as a reward for helping us get bin Laden.

This vote will happen either in early September or late August, depending on what happens with his appeal. I hope some common sense will intervene and they will let him go. But at the very least, Americans need to know that Pakistan needs to cooperate with us, Pakistan needs to help this man, and that we all should be proud of what he did to help us get bin Laden. I will do everything possible, everything I have within my limits, to get this vote to occur, and this will happen within the next month when his trial comes forward on August 30.

Mr. President, I yield back my time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### MIDDLE CLASS TAX CUT ACT— MOTION TO PROCEED—Continued

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, I wish to speak about the tax issues the Senate is facing this week. There is clearly a tremendous need for comprehensive tax reform. Americans worked from January 1 to April 17 this year, 107 days, to earn enough money to pay their share of Federal, State, and local

taxes. Americans also spent nearly 8 billion hours preparing their tax returns this spring. This amounts to 1 million people working full time for an entire year. There is no reason that paying taxes should be so confusing and so complicated, so time-consuming.

The burden this process places on individuals and small businesses must be relieved. According to the nonpartisan Tax Foundation, the average American taxpayer will spend more on taxes in 2012 than they spend on food, clothing, and housing combined.

It is time for tax freedom. We need to replace our deeply flawed tax system with a commonsense system that is simpler and more growth oriented. The Tax Code matters when it comes to growing the economy. It is for these reasons that I am a sponsor of S. 13 and a long time supporter of the Fair Tax, which I see as a step in the direction of liberty and prosperity. The Fair Tax eliminates payroll, estate, and many other taxes, to be replaced with a national sales tax levied on purchased goods, placing all Americans on equal footing. The Fair Tax allows our businesses to thrive while generating tax revenues to be similar to our current 3-million-word-long Tax Code.

The process of tax reform has major consequences for every citizen of our country. But it is a process that must be started because the consequences of inaction are too costly. The truth remains that Americans want and need some sort of tax-filing relief. The need for commonsense reform becomes more obvious each and every tax season.

Over the course of the last several years, American taxpayers have become much more attentive to what is and is not happening in the Nation's Capital, and they have made their choices clearly heard. They have a message Congress should be willing to listen to, and that message is: Simplify the Tax Code.

In doing so, we will create an opportunity for economic growth and new prosperity while increasing personal freedom and liberty. By reforming this broken process, the Tax Code we have today, Americans will once again be more in charge of their lives and their money.

This coming January, as we know, our Nation faces a fiscal cliff. On top of the tax increases included in President Obama's health care law, if the Bush tax cuts are allowed to expire, a tax increase of \$494 billion will strike the economy. For Kansans, that is an average tax increase of \$3,000 per tax return, money they should be using to put food on their family's table, save for their children's education, and prepare for their own retirement. It is estimated that 70 percent of the looming tax increases will fall directly on low- and middle-income families.

This week, Congress will consider a tax proposal from the majority leader that increases taxes, unfortunately, the exact opposite of what our economy needs. S. 3412 that we are debating

this week raises the death tax on family farms, small businesses and ranches and estates to a level over a decade old, when they were brought down in a bipartisan basis.

This proposal would increase the death tax from its current rate of 35 percent to 55 percent. According to the nonpartisan Joint Committee on Taxation, the number of estates hit by this tax will rise from 3,600 to nearly 47,000.

Nothing hinders the transfer of a family farm to the next generation more than the estate tax. It is an unfair, unjust burden on our economy, and it punishes Kansans who want to continue their family business. I have long sought a permanent repeal of the estate tax and have pursued opportunities to increase the size of the estate tax exemption and lower the rates. Now we have a proposal to increase the burden of this tax. That will only create less certainty for farmers and small business owners as they plan for their future.

Under this massive tax increase, 20 times more family farming estates will be hit by the death tax and 9 times more small businesses. This tax increase comes on top of significant small business tax increases already in the legislation. According to Ernst & Young, these tax increases on the top two marginal rates would shrink the economy by 1.3 percent and reduce by over 700,000—reduce by over 700,000—jobs from the American workforce.

This tax increase legislation will only add more uncertainty to our Nation's convoluted, ever-changing tax system. Common sense tells us it does not have to be Republicans and Democrats, common sense tells us a simplified Tax Code will help boost the economy.

The revenues we need to balance our books are not increases in taxes; in fact, the United States has the highest corporate tax rate in the world. Revenues we need to balance our books will come from a strong and growing economy, where more Americans are working and therefore paying taxes.

Government must get out of the way and reduce the drag on the private sector so entrepreneurs and small business owners can put Americans back to work. Americans know that when our economy is strong, when our tax laws are fair, simple, and certain, they can provide for their families. We will have the opportunity to see once again our children and grandchildren pursuing the American dream.

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.

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

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

#### GUN VIOLENCE

Mr. LAUTENBERG. Mr. President, it is a terrible time in our country. The

entire country is in mourning for the 12 innocent people who were gunned down in Aurora, CO, last week. Our thoughts and our prayers are with dozens more still recovering from their wounds. We are mourning with people we never knew, with unfamiliar names, but we have seen pictures of grief-stricken parents, friends, neighbors, and our hearts break with them. We wish we could reach across the country and offer them some comfort while we mourn.

We know our mourning alone will not be enough to prevent a future tragedy unless we do something. We in Congress have an obligation to turn grief into action, as we have often done when faced with tragedy. So I come to the floor today to ask a question: When will we wake up? How many of our sons and daughters have to die before we go to work? It is time to sound the alarm on gun violence in our country. It is time for us to gather to talk about commonsense solutions. And I am talking about all of us—all 100. It should not matter which side of the aisle we are on. All of us who serve here have someone we love, someone we know, someone with whom we are in contact, whether it is our child, our sister, our brother, our father, or our mother. The lives of our loved ones depend on us and we should not let them down.

Right now, our Nation's lax gun laws make it far too easy for murderers to commit incomprehensible acts of violence and terror. Very early last Friday morning, we witnessed a massacre, and it has become something we have seen far too often. A tragedy with even less deaths, with less wounded, with less hurt is a tragedy of enormous proportion when something like this happens in this great country of ours. There is so much to live for, so much to enjoy, but here innocent people died.

This guy arrived at a movie theater in Aurora, CO, and he had an assault rifle with a 100-round magazine, a shotgun, and two handguns. He unleashed a barrage of bullets murdering 12 innocent people and injuring 58 more in a matter of minutes. In the theater at the time there was a total population of 200 people, and 70 of them were wounded or killed in a matter of minutes. Even though the police responded rapidly—within 90 seconds—with his high-capacity magazine, the gunman had more than enough time to carry out his reign of terror.

Among those who lost their lives were parents, mothers, fathers, servicemen, a veteran, a recent high school graduate, a college student, and a 6-year-old-girl named Veronica Moser Sullivan. She was the youngest to be murdered in Colorado that night and someone whose tragic death reminds us all too well of the time 9-year-old Christina Taylor Green was murdered in Tucson last year because she wanted to know more about her government. She was part of a group who greeted Representative Giffords.

The victims of these horrible tragedies deserve more than words of soli-

arity and mourning. They deserve our attention, our action. What we do to prevent these tragedies in the future will be the real test of character of this body. The best way to prove we are concerned is to take the action necessary to protect young lives because on that score now we lose.

I have been in the Senate a long time, and I have seen too many Americans murdered by guns, too many lives cut short because of the easy availability of guns, and too many times Congress has sat back, cowered before the gun lobby and done nothing to prevent these tragedies from happening in the future. We can't wait any longer, Mr. President, without the public at large challenging our effectiveness, wanting to know what it is we are doing to protect the next group of children and parents and loved ones.

The murderers in Colorado and Arizona both had something that enabled them to bring about the mayhem they did. They had a mega-magazine capable of shooting dozens of rounds without having to reload. They bought them legally. Here we see a picture of what this man had—a semiautomatic rifle and a 100-round drum magazine.

These magazines were originally designed for law enforcement and military people. These magazines were banned from 1994 to 2004, a period of 10 years, but under pressure from the gun lobby, Congress let that ban expire in 2004. It wasn't an accident. It didn't happen without complicity.

Just think about it. The Colorado shooter carried a 100-round magazine, and if he hadn't had that magazine, maybe the shooting toll would have been substantially lower. Maybe more lives would have been saved. Maybe more loved ones—husbands, wives, and children—would be alive today. Maybe there would be fewer people suffering from bullet wounds.

In the Arizona shooting, the shooter was only subdued when he paused to change his 30-round magazine, and if he had to stop sooner, obviously precious lives could have been saved.

These magazines are the tools of mass murderers. No matter what the gun lobby would have you believe, nobody needs a mega-magazine to go duck hunting. These high-capacity magazines put all of our families in danger, and they endanger our law enforcement officers as well. We send them into the line of fire to defend us against mass murderers such as the Colorado shooter, who legally bought 6,000 bullets and a gun magazine that holds 100 bullets over the Internet. The safety of our families is too important to let this continue. There are too many bullets, too many deaths, and too many funerals. But not enough people are saying: Stop it. Do your job. Protect my family. Protect my kids. Protect my parents.

Here are the facts. Guns have murdered more Americans here at home in recent years than have died on the battlefields of Iraq and Afghanistan. More



have been murdered on the grounds of the United States than have died in far-off battlefields. It is shocking. More than 6,500 American soldiers have died in the service of our country in support of the wars in Afghanistan and Iraq. During the same period, guns here were used to murder about 100,000 people.

Americans deserve a Congress that makes the safety of our families a priority. That is why I urge my colleagues today to help our people. Bring back the ban on high-capacity ammunition magazines such as the one used in Colorado on Friday and the one used in Arizona last year. That was the law from 1994 to 2004. This shouldn't be a partisan issue. Even former Vice President Dick Cheney has suggested that it may be appropriate to reinstate this ban. It is time to work together, all of us, to ban high-capacity magazines. Don't do it for me. Do it for your family. Do it for your constituents. Stand and say: I don't want your family hurt. I don't want your children to fall prey to a gunman.

It is time to begin a national conversation once more about taking commonsense measures to prevent gun violence in America. And to those who are fearful about the power of the NRA, understand that we bested them before and we will do it again. We beat them in 1996 when an effort that I began to ban the sale of guns to domestic abusers passed, we have stopped over 200,000 of those people from getting gun permits since that time, and a lot of lives could have been saved in there. We stood up to them again in 1999 when the Senate came together after Columbine and passed legislation to close the gun show loophole. Unfortunately, after passing in the Senate, the House refused to do anything about it. If we show resolve and if we stand with courage, I know we can do the right thing once more. There are no more excuses for inaction.

I say to my colleagues, look at your children. Look at the pictures that may be on your mantelpiece. Think about the happy days with your kids, think about the enjoyment you share together, and think about what we want to do to be able to continue those lives we enjoy so much. The stakes are just too high. We have to intervene while the memory, unfortunately, is still fresh.

Mr. 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.

The PRESIDING OFFICER. The Senator from Texas.

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

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

Mr. CORNYN. Mr. President, I am still trying to wrap my head around President Obama's recent remarks that small business job creators somehow

owe their success to the Federal Government. His comment wasn't just wrong, it was actually kind of embarrassing. It showed that the President does not understand the enormous challenges and financial risks entrepreneurs and job creators deal with every day. It also affirmed that the President is going to continue pushing the same misguided big-government economic policies that have helped keep our unemployment rate well above 8 percent for some 41 consecutive months.

I wish to highlight a few of the success stories from my home State of Texas that epitomize what the American dream is all about and to reassure my listeners that the American dream is still alive and well and thriving in the great State of Texas. But first I would like to make a brief point about tax policy because as mundane and boring as tax policy may seem to a lot of people, it actually has a very real impact on the people I am talking about.

There is now an emerging bipartisan consensus that tax reform should involve lowering rates and broadening the base so that our tax system becomes simpler, fairer, and more conducive to strong economic growth. Don't just take my word for it. Look at the President's own bipartisan fiscal commission, the Simpson-Bowles Commission, which reached that same conclusion.

Unfortunately, the President's own fiscal commission's report is inconsistent with the President's current demand that we have to raise taxes. That would mean a large tax increase for many people who are the people we are depending upon to create those jobs. The reason is that many small businesses pay their business income on individual tax returns. They are not major Forbes 500, multinational corporations; they are the mom-and-pop operations that are sole proprietorships, they are partnerships, and they are even sometimes subchapter S corporations. That is just a reference to the Tax Code that means you don't pay corporate taxes, you pay flowthrough business income on your individual tax return. So many people who are small businesses who may reach that threshold of \$250,000 or above are businesspeople paying on an individual tax return. If this is an effort to soak the rich, well, the middle class and small businesses are part of the collateral damage.

I would like to remind the President that Americans will spend about \$350 billion this year alone just to comply with the Tax Code. That means hiring accountants and that means hiring lawyers just to try to figure out what they owe to the Federal Government. Small business owners face a particularly heavy burden because they can't afford the army of lawyers and accountants to help them figure out what their tax obligations are. Yet these are the folks we are depending upon to get America back to work and to get our

economy growing again. But we effectively have a tax system that punishes them for their success. We can and we should do better.

When it comes to dealing with the IRS, small businesses don't enjoy the same resources that large multinational corporations do. According to the World Bank, it is now more difficult to pay business taxes in the United States than in many Western European countries. When heavily taxed, heavily bureaucratic countries such as France make it easier to comply with their tax code than America does, we know we have a problem.

If the President doesn't believe me, perhaps he should spend some time chatting with some of my constituents, people such as Steve Mayo, the owner of Mayo Furniture in Texarkana, TX. Steve's company is a family business that was established about a half century ago. It now employs 130 full-time workers and sells furniture in 25 different States. When I visited with Steve and his employees last year, they were worried about how in the world they were going to comply with the financial burdens of the new health care law, along with other taxes and regulations. They told me it would affect their business and their ability to create jobs and stay competitive. These are the same concerns I have heard about from countless constituents and small business owners all across my State.

We are one of the lucky States. About half the jobs in America have been created in my State in the last 5 years or so. We are fortunate because when it comes to small businesses we are depending upon to create jobs, we asked this very simple question: How can we make it easier for them to create jobs? How can we make it easier for them to start a business? Unfortunately, the message emanating from Washington seems to be—in so many words—how can we make it harder? How can we increase the unpredictability of their investment?

After talking to Steve Mayo, maybe President Obama would like to talk to Diane LaBleu. Diane is a breast cancer survivor in Austin, TX. Diane was creative enough to invent a clothing accessory to help women recovering from a mastectomy. The accessory is known as a Pink Pocket, and it is now being used by women around the world from Austin to Australia.

The story of Pink Pockets demonstrates the power of a great idea. Diane identified a problem facing breast cancer survivors. She came up with a brilliant solution, something nobody else had thought of before. The remarkable success of her invention is a testament to her creativity and her hard work.

The government was not responsible for the success of Pink Pockets or Mayo Furniture. Far from it. Many times all these small businesses want is for government to get out of their way, off their back, and out of their

pocket so they can do what they do best.

The government was also not responsible for the success of STS Coatings, a construction company based in the San Antonio area. The founder of STS Coatings, Cayce Kovacs, reports that she and her husband cashed in their savings to launch their business, which now has annual sales totaling more than \$3 million. As Ms. Kovacs recently said:

We were the ones sweating bullets over processing orders and paying our bills, making payroll—not the government. The government did nothing to help my business.

You know who else can say that? Another extraordinary Texan named Frank Scantlin, who founded Sunbelt Machine Works in Stafford, TX, near Houston, some 34 years ago. Frank tells a story that as a child he was so poor he sometimes couldn't even afford to buy shoes, and he had to quit school in the ninth grade in order to support his family. This is a quintessential American success story. Frank persevered and went on to create a business that now has almost 60,000 square feet of workspace and employs 90 people.

All these stories epitomize the American dream that has enticed immigrants from around the world to take a risk, leave everything they had behind, and come and make America their home. We were the one place in the world where they knew if they were willing to work hard and save, that hard work could be rewarded by success.

In the meantime, those of us who depend on those small businesses to create those jobs and prosperity could benefit as well. The owners of Sunbelt, STS Coatings, Pink Pockets, and Mayo Furniture understand their success was not inevitable, and it sure was not guaranteed by the Federal Government. They had to take the hard risks, they had to work overtime, and they had to overcome challenges that many times the government put in their way. In the end, as in so many great American success stories, their hard work and ingenuity paid off. They can, not government, declare with confidence that "I built this."

My office has received more than 250 of these stories since President Obama gave his speech in Roanoke. They are the type of stories that have made our country the beacon of prosperity and entrepreneurial energy for so many years. As one Texas business owner put it: "Rugged individualism is alive and well in the United States." I hope we remember that, and I hope the President of the United States remembers that as well.

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

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

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

(The remarks of Mr. KOHL pertaining to the introduction of S. 3427 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

#### MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the U.S. Capitol Police.

(Moment of silence.)

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

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

#### MIDDLE CLASS TAX CUT ACT—MOTION TO PROCEED—Continued

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak for up to 10 minutes, and that following my remarks the Senator from Rhode Island be recognized to speak.

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

Mr. MANCHIN. Mr. President, I rise today to express my indescribable frustration and genuine disbelief that we are looking at two proposals that do not do enough to fix this Nation's financial problems—and both have been predicted by both respective sides to fail. I speak of the Bush tax cuts and how those of us in the responsible middle find ourselves caught between a rock and a hard place, with a vote that offers, truly, no real solutions.

It is no secret that I prefer fixing the problems this country faces, like most of my colleagues, and we all have different approaches. We are hurling toward \$16 trillions in debt, and for the first time since the World War II era our debt exceeds the output of our economy. Even our generals say the greatest threat this Nation faces is not a foreign power or a terrorist organization but the debt we have created ourselves.

We are staring down the barrel of insurmountable obligations for decades to come, and we are passing up a key opportunity to put this country in better shape for the next generation.

As you can see, and as West Virginians know, we urgently need to put our country's financial house back in order, and the people of West Virginia are tired of temporary solutions to our long-term problems.

As I have said so many times, I will work with both sides of the aisle, Democrats and Republicans, on a comprehensive solution that lowers tax rates, broadens our revenue base, closes loopholes, cuts spending, and reduces our debt, like the framework proposed by the Bowles-Simpson plan.

Unfortunately, neither of the proposals on the Bush tax cuts will solve our long-term debt and fiscal problems. At the same time, with our debt problems getting worse every year, we must come together to take responsible action and fair steps toward reducing our debt, even if they are only temporary.

Let's look at the two proposals that have been offered, one from my Republican colleagues in the House that, unfortunately, kicks the can down the road entirely and extends these tax cuts at a cost of \$400 billion. What people do not know is that even though it would extend tax cuts for the wealthiest—and this is what they do not know—it would actually get rid of some tax reductions for middle- and low-income Americans, such as the expanded child tax credit. That is tremendously unfair.

Another proposal from the Democrats here in the Senate, our side, would cost about \$250 billion, which is at least starting to move in the right direction to reduce our deficit, and it keeps the tax cut for more than 99 percent of all West Virginians and a high percentage in every State such as the Presiding Officer's.

When considering these two proposals, I kept two priorities in mind—putting our fiscal house back in order and restoring fairness to the Tax Code. So while I would prefer a bipartisan comprehensive solution, I will support the plan to keep taxes low on families that make less than \$250,000. According to the latest available figures from the West Virginia Department of Revenue, more than 99 percent of all West Virginians will get a break on their taxes under this proposal. And the wealthiest among us will pay the rates they did during Bill Clinton's Presidency, which was the greatest era of prosperity I can remember in my lifetime.

On the other hand, the proposal that includes extending the tax cuts for the wealthiest Americans carries a heavy price for this Nation. It is about \$150 billion more than the Democrats' proposal. Given our dire budget situation, this country cannot afford that. We simply have to prioritize and close the gap. The fact is we cannot keep trying temporary solutions to our serious budget problems. And the truth is,

these tax cuts will not restore confidence in our government or our economy to create good jobs or keep the ones we have. They certainly do not put our fiscal house back in order. What they will do is be used as fodder in political ads in the next 100 days against both sides. I cannot understand why we continue to take votes that are more about making one side look bad or worse than the other, or taking cheap shots, than actually solving the problems we have before us.

I will continue to work across the aisle on a comprehensive bipartisan plan, because when it comes right down to it these tax cuts simply will not fix the financial problems our country faces. I have talked to countless business leaders and laborers all over the State of West Virginia and all over the country. When I asked them what will encourage them not only to create the good jobs we need but to keep the jobs we already have, the answer is simple: Certainty. They need to be able to plan their next steps. They need to know their government is working as a partner, an ally, not as an adversary.

We did not pull these stunts in West Virginia when I was Governor. We were willing to get our hands dirty, to come to the table, to have a genuine and respectful discussion on the right direction for our State, and sometimes that led to respectful agreement to disagree. But in the least, we moved forward and made a decision. It has been nearly 2 years since the bipartisan commission on reducing our debt recommended a plan that people of all political stripes support. It is time to go back to that framework and provide this country with an honest solution.

In fact, the only thing that seems to be holding our feet to the fire right now is the sequester, which is becoming quite the scary term around here. For people who do not live and work in the Beltway, here is what the sequester is: If those of us in Congress cannot agree on a real, substantial plan to fix our finances, we will have to make some very painful cuts in some very important areas—our Department of Defense, our schools, and our domestic priorities such as veterans services and Head Start. Both Democrats and Republicans care about those issues.

So both Democrats and Republicans have some skin in the game when it comes to finding an agreement, because, let me tell you, the reason the sequester was put in place almost a year ago was in case we could not come up with an agreement on a big fix, one the so-called supercommittee was tasked to put forward. Well, they did not agree on the superfix and this is our penalty. I believe the greatest mistake we could make would be to walk away before the end of the year and not vote on a clear direction to fulfill the commitment and promises we made to the American people, which were that we would fix the country's financial problems or the sequester would go into effect. That is the biggest mistake

we can make as a Nation, letting the American people down.

So now a year after Congress has failed to reach an agreement, I am surprised to find some of my colleagues who voted for the sequester, knowing full well that Congress needs the threat of painful cuts before we can get anything done, are complaining about something they supported. I stand with those, including the President, who are drawing a hard line in the sand on our finances.

Like it or not, this painful sequester is the linchpin to a better government and a better agreement. It is the only way we are going to get something bigger. A better agreement will look a lot like the bipartisan comprehensive Bowles-Simpson framework, not the Bush tax cuts, because this country needs a real solution, because this country needs to come together on that solution, because if we cannot come together, there will be dire consequences for this country with or without the cuts in the sequester.

I sincerely hope and pray and will work for a compromise. But I believe the threat of a sequester might be the only thing that will force Congress to get its job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

TRIBUTE TO OFFICER CHESTNUT AND DETECTIVE GIBSON

Mr. REED. Mr. President, before I begin my remarks with respect to the current debate, let me pay tribute to Officer Jacob J. Chestnut and Detective John M. Gibson of the Capitol Police, and to all of the Capitol Police officers, men and women who protect us each day.

I was here on that somber day when these gentlemen sacrificed their lives to protect innocent people in this building. Their example continues to sustain us and inspire us. They continue to sustain and inspire the Capitol Police officers who today are protecting us. We thank them all.

As my colleague from West Virginia commented, we are in the midst of a very serious debate with huge consequences for our country, our economy, our future. That is why I rise today in support of the Middle Class Tax Cut Act. This bill will extend the 2001, 2003, and 2009 tax cuts for the middle class through 2013. It will provide tax relief to every American, especially to those families who have struggled through this recession and this weak recovery, and restore some fairness to the Tax Code by letting the top marginal tax rates return to the Clinton-era levels.

If we do not extend these tax cuts for the middle class, the typical Rhode Island family of four could see their taxes raised by an average of \$2,200 in 2013. This is not fair to middle-income Rhode Islanders, middle-income Americans.

Unfortunately, I fear many, if not all, of my Republican colleagues will

block this bill because it does not extend additional tax cuts for taxpayers who make over a quarter of a million dollars. Instead, they will continue to press for a proposal that doubles down on the failed economic policies of the Bush era for a plan that gives more tax cuts to the wealthy, while eliminating middle-class tax breaks for families with children. Indeed, one of the astounding things about the Republican proposal is it will, if you look closely, actually increase the tax burden on middle-income Americans.

In contrast, the bill Democrats propose will benefit every single taxpayer in America. It is only when someone exceeds a quarter of a million dollars in income that their income in excess of the quarter of a million dollar threshold will be subject to the top two Clinton-era rates.

The Democratic plan will extend tax cuts for the vast majority of Americans. Only the top 2 percent of earners, approximately 2.1 million out of more than 100 million households, households that have disproportionately benefited from the Bush tax cuts for more than a decade, will see their top rates revert to Clinton era levels. They will get to maintain their benefits up to \$250,000, but after that, they will see an increase. This is the nature of our progressive tax system, one which for generations has spread the burden across income levels, making sure that middle-income Americans do not shoulder a disproportionate burden of the taxes that support this government.

One of the key facts we have observed, now for more than a decade, is that these Bush tax cuts have been very costly. They have been a primary driver of this deficit, in addition to unpaid conflicts in Afghanistan and Iraq and a prescription drug program that was not paid for.

At least with this proposal, we are beginning to try to reverse that trend in a principled way. The wealthiest, those who enjoy the greatest economic privilege in the country should shoulder some of the responsibility, and should shoulder some of the effort in order to help us begin to repair the deficit, which has grown as a result of these massively costly and ineffective tax breaks the wealthiest have enjoyed since 2001.

The Democratic bill will cost the Federal Government \$249 billion in lost revenue for a 1-year extension. The Republican bill will cost \$405 billion. So, again, if you are talking about trying to get a handle on the deficit, compare a bill for \$249 billion, which is expensive but significantly less than \$405 billion Republican plan that would do virtually nothing to restore fairness to our tax code or create jobs. I do not think our Nation can afford this \$405 billion Republican alternative. There has been a promise or a mantra that has been offered over the last decade that these Republican tax cuts create jobs, and that they would contribute to our prosperity. But what we have seen,

particularly over the 8 years of the Bush administration, is that these tax cuts for the wealthy did not create jobs. I believe the evidence we have shows that there is very little correlation between these tax cuts for the wealthy and job creation or economic prosperity.

Additionally, tax cuts for the wealthiest Americans constrain our ability to pursue policies that will boost growth in the near-term.

Indeed, if we do not have the resources to invest in the country, in our infrastructure, in our education, in the health of our people, we will not have the economic dynamism needed to be competitive and give our children the future they deserve. Frankly, like the future our parents gave to us. A future that previous generations were able to provide for because of Federal tax policies which were fairer, which were more progressive, and which allowed for significant investment and job growth.

In my State, with a 10.9-percent unemployment rate and a national unemployment rate above 8 percent, it is imperative that we embrace fiscal policy that creates jobs in the short-term but also recognizes the need for long-term deficit reduction.

Democrats have offered plan after plan that would preserve and create jobs in a fair and fiscally responsible manner. We press for policies that will provide more of an economic bang for the buck, policies such as the continuation of unemployment benefits and policies that provide relief to middle-class households. What we have to do is go forward, support this effort, begin the hard and difficult task of not only continuing to support middle-income families but begin to address the issue of long-term deficit reduction.

I hope my colleagues do not block this effort. I hope my colleagues do not once again decide that doing nothing is a viable alternative to helping middle-income Americans and helping our economy overall. Unfortunately, they have done that in the past. Earlier this month, the Republicans blocked a bill that cut taxes for small businesses that hired new workers. The bill was estimated to create 1 million jobs nationally and could have created about 3,500 jobs in my State, but Republicans filibustered.

Just last week, the Republicans blocked a bill that would have given tax cuts to businesses that brought jobs to the United States and closed tax loopholes for companies that send jobs overseas. Republicans blocked that also. I believe the record is clear. Democrats have been trying week in and week out to create jobs here at home, to make our tax system fairer, to give middle-income families a break, and to do so in a fiscally responsible manner. The vote on the Middle Class Tax Cut Act will be upon us shortly. I hope it will be a vote on which we prevail and go forward together and provide tax relief to middle-class Ameri-

cans. I think it will be a first step toward the larger issues that were alluded to by my colleague from West Virginia dealing with the potential of sequestration at the end of this year, advancing policies that will grow our economy while beginning to restrain our deficit and provide a more stable, more sustainable economic environment for all Americans.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it has been more than 30 years since I was in medical school, but I still remember the day my classmates and I stood to recite the Hippocratic Oath. That is an oath which has guided doctors for centuries. At its simplest, it can be boiled down to a single phrase: First, do no harm.

I was reminded of that last week when Federal Reserve Chairman Ben Bernanke testified before the Senate Banking Committee, speaking about the approach Washington should take toward healing our sick economy. He said: Do no harm. Well, that is good advice for Senators and for Presidents, just as it is good advice for doctors. The problem is that we have a President in the White House and Democrats in Congress who don't believe it and don't act that way.

Day after day, as the President makes one policy decision after another, his policies do harm to the American economy and to the American people. Just look at how sick our economy has gotten since President Obama took office. The Federal Reserve projects that the gross domestic product will grow by as little as 1.6 percent this year. That is not nearly good enough to give us the healthy economy we need.

The other night, "CBS Evening News" opened with this summary: "This is the worst economic recovery America has ever had." That is what they said—the worst.

Every other President has been able to bounce back from tough economic times. Not President Obama. Why is that? Why is our private sector economy sicker today than it was when the President took his oath of office? The Economist magazine put it this way. It gave a characterization of the President as someone "who has regulated to death a private sector he neither likes nor understands." And I agree. Look at the President's own words. He said that while government bureaucrats were struggling, the private sector is doing just fine. Doing just fine? It has gotten worse. Because of President Obama's failed economic policies, more than 23 million Americans are now either unemployed or underemployed. I think those 23 million people would say to President Obama: Do no harm. We have now had 41 straight months of unemployment above 8 percent. Our economy created just 80,000 jobs last month—just 80,000 jobs. More people

last month signed up for Social Security disability benefits than got a job. That is not doing just fine.

Look at what else the President said recently about small business owners. He said:

If you've got a business, you didn't build that. Somebody else made that happen.

I know a lot of small business owners who would say they worked extremely hard to build their own businesses. Farmers and ranchers work from sunup to past sundown, and everyone in the family works to keep the operation going. The corner drycleaner is trying to keep his doors open in tough economic times. The florist is trying to avoid laying off another salesperson in the shop.

Where I live, in Casper, WY, most of the businesses we have are small businesses. They were started by men and women with dreams and with determination. These people aren't looking for a government handout, but they don't think their government should be hostile toward them. They work hard every day. They have worked hard to build their businesses and have tried to expand and create jobs in the community. President Obama doesn't seem to grasp that. That is why, instead of doing all he can to help small businesses, he is burying them under more regulations, under more redtape, and under threats of increased taxes.

Democrats here in Washington like to say they are in favor of creating jobs, but then they turn around and do the very things that hurt the people who create the jobs in this country. Washington has already put out more than 36,000 pages of new regulations just since January of this year. If small business owners could talk to the President, I think they would tell him they do not need more paperwork. They would tell him: Mr. President, do no harm.

The damage President Obama's policies have done to our economy so far is terrible, and it is likely to get worse. We know the President's policies are holding back our economy from the type of normal recovery we have had from other recessions in the past. Even worse, he is paying for his failed policies by piling an unprecedented amount of debt on future generations. Today, our national debt is \$16 trillion. In just 3½ years, President Obama has managed to waste more taxpayer money than any other President, in my opinion, in American history.

Previous Presidents understood the danger of spending more than we can afford. President John Kennedy said: Persistently large deficits would endanger our economic growth and our military and defense commitments abroad. President Kennedy made that statement 50 years ago—in 1962. At the time he made that statement 50 years ago, Washington's budget deficit that year was \$7 billion. So we have gone from \$7 billion 50 years ago to a projected deficit of \$1,200 billion this year—from \$7 billion to \$1,200 billion.

That is 170 times greater. Has anything else increased that fast in the past 50 years in terms of expenses on anything—a daily newspaper or a bottle of Coke, which would have cost 10 cents in 1962? Using this multiplier of 170 times, that would be \$17 today if it had increased at the same rate as our Nation's deficit. And gasoline was about 30 cents a gallon back then. It would have to be more than \$50 a gallon today.

Look at it a different way. The share of Washington's total debt that is owed by every man woman and child in America today is almost \$51,000. The President is saddling our children with debt to pay bills we can't afford for policies that don't work and for goals the American people don't support.

The President demonstrates no sincere interest in cutting government spending, even as the Federal Government has grown less efficient, less effective, and less accountable. The American people look at Washington's out-of-control spending and debt, and their message to President Obama is this: Please, Mr. President, stop doing harm.

Remember, President Obama has been quite clear. He doesn't respect small businesses, and he thinks the private sector is doing fine. He has increased redtape, increased bureaucracy, and he has mortgaged America's future to give taxpayer dollars to his campaign contributors—to companies such as Solyndra.

When he has borrowed all he can—lots of it from China—he still doesn't slow down his spending. He says he needs to raise taxes to spend even more. The President already raised taxes through his health care plan. He pushed through \$½ trillion in taxes and fees. He pushed his individual mandate tax to force people to buy insurance. Now he is pushing again to impose massive new tax hikes on millions of successful families and small businesses.

The additional damage President Obama would do to our economy with his proposals to raise additional taxes would be enormous.

Now, that is not only my opinion; others agree. The accounting firm of Ernst & Young did a study of the President's plan and found it would wipe out 710,000 jobs. Middle-class workers who keep their jobs would see their wages go down. And 2.1 million business owners would be hit with higher taxes. That means less money left to expand and less money left to hire additional workers. Again, you can't be for jobs and against the people who create the jobs.

In short, as weak as our economic recovery has been these past 3 years—the worst ever, as reported in the news—the President's tax increases would make matters worse. Just look again at the difference between President Obama and a different Democratic President—John Kennedy. John Kennedy said:

The largest single barrier to full employment of our manpower and resources, and to a higher rate of economic growth, is the unrealistically heavy drag of Federal income taxes on private purchasing power, initiative, and incentive.

This lesson from President Kennedy is lost on President Obama. The only solution President Obama seems to see is to raise taxes and to raise them most on the very people and businesses we need to lead us to prosperity and economic recovery. Remember the words President Obama used when he was running for President in 2008. He said that even if his tax increases led to less revenue for the government—that is what he said, even if his tax increases led to less revenue for the government—he would raise taxes anyway as a matter of fairness. Fairness? Fairness? What about doing what is best for the country? As an orthopedic surgeon, when someone came to me with a broken leg, I would try to fix it. You don't break someone else's leg so the two people would then be equal and both would have broken legs. The President is promoting his vision of fairness over good common sense.

The American people know those who work hard and take risks should be free to enjoy the fruits of their labor. They should not have to suffer more angry attacks by the President and by Democrats in Washington. The American way should be to promote success, not to punish it.

President Obama should abandon his misguided agenda to replace the long-held American value of equal opportunity with the President's own desire for equal outcomes regardless of effort. Before he makes things even worse, he should stop and he should do no harm.

Finally, I would like to address one last issue where I think the Democrats in Congress and the White House need to reverse course. Our country faces what has been called a fiscal cliff. Unless Washington acts in January, taxes will increase across the board—not just on small businesses but on middle-class families and even low-income people. Republicans in the House have already voted to approve long-term spending cuts. This month they will vote to stop the tax increases. And Republicans have a plan to create a healthier economy by making our Tax Code simpler, flatter, and fairer for all Americans. What happens next is in the hands of the Democrats in the Senate.

Financial experts have warned that if Senate Democrats do not act by the end of this year, they could create a worldwide recession. This is very serious harm. Democrats appear to be ready to do it. The Senate Democratic leadership has made clear that they would let the country go over the fiscal cliff rather than compromise on tax hikes. President Obama recently said the same thing. He said that if Congress passes reasonable regulation that keeps tax rates where they are—even temporarily, he said, while we sort out long-term tax reform—he would veto

that. He would raise everyone's taxes and risk another worldwide recession. I ask the President to look at what he is saying and stop threatening grave damage to America in reckless pursuit of his political agenda.

Mr. President, do no harm.

Those words that sum up the Hippocratic Oath ring true for so many people across America today, for people who believe, as Ronald Reagan said, that government should stand by our side, not ride on our back.

It is time for Washington to change direction, to lower taxes, not raise them; to reduce redtape, not increase it; to control our spending, not rack up more debt; to free the entrepreneurial spirit, not stifle it.

First, before all else, if we are to heal our sick economy, it is a time for Washington to do no harm.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as if in morning business for up to 10 minutes.

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

Mr. BROWN of Ohio. Madam President, I rise to speak about the need to extend middle-class tax cuts.

We have a broad bipartisan consensus that middle-class families should not see their taxes increase on January 1. We know that if Congress does nothing, then the taxes will increase for the broad middle class on that date. We have a broad bipartisan consensus that should not happen.

So while we have this moment of agreement, we should act swiftly to extend tax cuts for 98 percent of American families—about 99 percent of the people in my State—right now, today, this week, soon. But we will not because special interests and their allies in Congress are holding middle-class tax cuts hostage. Why? It is the same old song: In order to protect the interests of millionaires and billionaires. It seems the default button—certainly in the majority of the House of Representatives and far too many in the Senate—is, no matter what, protect the interests of millionaires and protect the interests of billionaires.

Let's be clear. Whether it is our plan where we immediately—today, this week, as soon as possible—grant tax relief for people who are middle class, every American will get a tax cut on their first \$250,000 worth of income. If someone is making \$1 million a year, they still get a tax cut on their first \$250,000. If someone makes \$10 million a year, they still get a tax cut on their first \$250,000. They are only paying

roughly 4 percent on every \$1 above \$250,000. So we have bipartisan agreement. Let's lock that in so the middle class will get a tax cut.

There is an old cliché that the definition of insanity is doing the same thing over and over, expecting different results. We have been in this policy shop before, when they sold us the same flawed economic policies based upon tax cuts to the wealthy trickling down to the middle class. I was in the House of Representatives in the first part of the last decade when President Bush came to us. We had a huge budget surplus. In fact, in 2001, we had the largest budget surplus in American history—surplus, not deficit. Look what we are dealing with now.

So what happened? Two wars, Iraq and Afghanistan. It was a bad idea to go into Iraq, a contentious issue. The intelligence wasn't right that Congress was given. Many of us voted against it.

But put that aside. Nobody paid for the war in Iraq. Then there were the tax cuts that went overwhelmingly to the wealthiest people in our society. Nobody paid for those tax cuts. Then there was the Medicare partial privatization prescription drug bill. Nobody paid for that. So we went from the biggest budget surplus in American history to the biggest budget deficit. At the same time, the economic geniuses of the time that were running the government didn't use the words "trickle down," but that is what it is. They said: If we cut taxes on the richest people of our country, all that wealth will trickle down to the middle class and to working families and the poor and everybody will get richer and the economy will take off.

We had 8 years of that experiment. What happened? Between 2000 and 2010, we lost 5 million manufacturing jobs under those economic policies of giving huge tax breaks to the rich. The fundamental tenet and central core of that policy was huge tax cuts for the rich. What happened? We lost one-third of our manufacturing jobs. It is only since we have begun to bring some more fairness with the Recovery Act, with Wall Street reform, with the auto rescue—especially important in my State—and other things we have done did we see the economy grow from 2010. The unemployment rate in my State in 2009 was 10.6 percent. Now it is 7.3 percent. That is not good enough, but it is certainly progress. There were 5 million manufacturing jobs lost between 2000 and 2010. Since 2010, almost every single month we have gained, in the aggregate, some 450,000 to 500,000 manufacturing jobs.

So this policy of cutting taxes on the wealthy was going to create prosperity. It didn't work that way. We went from a surplus at the end of the Clinton years to massive deficits at the end of the Bush years.

Let's be clear. We are talking about returning the tax rates for the top 2 percent of the Americans to the 1993 level, the same year President Clinton

balanced the budget. Opposition to our bill to extend the middle-class tax cuts says that if millionaires have to pay the same top marginal tax rate they did in the Clinton years, then job creation will suffer. But it doesn't make sense. We want to go back to tax rates for the richest people in our country to what they were under President Clinton. During that 8 years, jobs increased by 22 million in this country. During the Bush years, with low tax rates for the rich, we lost 5 million manufacturing jobs and had absolutely anemic economic growth. One doesn't have to be an economist to make this comparison. Look at tax rates during the Clinton years and the Bush years.

I don't want to blame everything on President Bush. That doesn't get us anywhere. It makes people quit listening. But I do want to learn from history. Look at the tax system we had during the Clinton years and the tax system we had during the Bush years and make the contrast about what happened: 22 million jobs created; not so good during the Bush years, with very anemic job creation.

For too many people in my home State, the recession didn't mean they had to delay buying a new yacht. Workers in Steubenville, in Norwood, and Norwalk were struggling to stay afloat. They struggled to make ends meet. Too many are still struggling. That is why we have a responsibility to the people in New Hampshire and the people of Ohio and all over to pass the Middle Class Tax Cut Act of 2012.

The median household income in Ohio is \$47,358. For those families, a \$2,000 tax cut means a whole lot. We know that 98 percent of Americans who would benefit from this tax cut are going to put that money back into the economy. This isn't trickle down. This is, someone gets a tax cut like that and maybe they can put a downpayment on a car, maybe they can help pay their son or daughter's way to community college, maybe they can do some remodeling in their house, maybe they can do some things around the house that they need to do or take their kids to a movie or go out to dinner once in a while. But that \$2,000 truly means a lot for a family with an income of \$47,000. That is why this legislation is so important.

We can't afford to stall on this important middle-class tax cut for the Americans who need it most. The middle class in our society has been beat up long enough, for 10 years, where wages have been stagnant, where people are too anxious about layoffs, where people simply haven't had the opportunity to do what they need to do to build this great country.

I ask my colleagues to support this legislation.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, tomorrow we will have the opportunity to deliver a little bit of tax cer-

tainty to the American people by advancing the Middle Class Tax Cut Act. This legislation would prevent tax rates from increasing for the vast majority of American families and would preserve an important tax credit that currently helps millions of students and families afford the costs of a higher education.

The Middle Class Tax Cut Act is the right thing to do for the middle class, and I intend to vote for it. The question is, Will it be filibustered—a tax cut for millions of hard-working Americans, filibustered simply to protect the wealthiest Americans from paying a fair share? We will find out.

This is not a new story. In 2001, when President George W. Bush decided to spend a large portion of the surpluses he inherited from President Clinton to cut tax rates across the board, many Democrats opposed it because the tax cuts were unfairly weighted toward the highest income Americans. As a result of this opposition, Republicans were forced to set the tax cuts to expire at the end of 2010.

As 2010 drew to a close, President Obama and many Democrats in Congress, including myself, supported extending the tax cuts for middle-class families but letting the lower rates on income above \$200,000 for an individual and \$250,000 for a family revert to the Clinton-era levels as was scheduled. Senate Republicans filibustered that effort, refusing to allow the middle-class tax cut without a tax cut for America's wealthiest. Not wanting tax rates to go up on middle-class families still struggling during the recovery, the President and Senate Democrats reluctantly agreed to extend all the tax cuts through this year, which brings us to now. Once again, these tax rates are set to expire.

I would like to keep rates low for middle-class families. Families in Rhode Island are still struggling in the aftermath of the mortgage meltdown on Wall Street, and this is not the time to raise their taxes. But I agree with President Obama that for reasons of fairness and to begin to address our deficit, it would be wise not to extend the Bush tax cuts for high levels of income.

Bear in mind in this discussion that the Middle Class Tax Cut Act would benefit even high-end taxpayers. When we protect the rates for the first \$250,000 in income, it is the first \$250,000 for somebody making \$1 million; it is not just the first \$250,000 for a family who makes \$100,000 or \$185,000. Whether someone makes \$100 million or \$185 million, they still get the first \$250,000 tax cut. If a family, for instance, makes \$255,000, they would only see an increase on the \$5,000 and only to the Clinton-era rates that were in effect during the 1990s when our economy was thriving. A family earning \$255,000 would pay an extra \$150 as a result of this bill. Extending the lower tax rates for income above \$250,000 for 1 year, as the Republicans have proposed, would

add over \$49 billion to our deficit. Even in Washington \$49 billion is significant money, money that would have to be borrowed and would add to our deficit problem.

Many of the same Republicans who voted in the name of deficit reduction to end Medicare as we know it—deficit reduction was so important to them that they voted on the Ryan budget to end Medicare as we know it and would put thousands of dollars in costs on our seniors—would support deepening the deficit with high-end tax cuts. There is a double standard here, and for most Rhode Islanders these are exactly the wrong priorities when it comes to deficit reduction.

In addition to the deficit concerns, we should let the tax cuts at the top expire just for fairness reasons. Loopholes and special provisions allow many super high-income earners to pay lower tax rates than many middle-class families. According to the nonpartisan Congressional Research Service, 65 percent of individuals earning \$1 million or more annually pay taxes at a lower rate than median-income taxpayers making \$100,000 or less.

Let me say that again so it sinks in. Sixty-five percent, nearly two-thirds, of individuals earning \$1 million or more a year—the vast majority of individuals earning \$1 million or more annually—pay taxes at a lower rate than median-income taxpayers making \$100,000 or less. Because of the loopholes, because of what the special interests have done, our supposedly progressive tax system is upside down to the point where 65 percent of those earning over \$1 million pay a lower tax rate than the median-income taxpayer making \$100,000 or less.

Earlier this year we voted on my Paying a Fair Share Act, legislation that would implement the so-called Buffett rule and ensure that multimillion-dollar earners paid at least a 30-percent overall effective tax rate. During debate on my Buffett rule bill, I cited an IRS statistic that the top 400 taxpayers in America in 2008 who earned an average of \$270 million each in that 1 year paid the same 18.2-percent effective tax rate on average that is paid by a truckdriver in Providence, RI.

The single biggest factor driving this inequality is the special low rate for capital gains, 15 percent under the Bush tax cuts. The special capital gains rate allows hedge fund billionaires to avail themselves of that so-called carried interest loophole and pay taxes at lower rates than their doormen, secretaries, or chauffeurs. If we let the tax cuts at the top expire, these rates revert to 20 percent instead of 15 percent. Now 20 percent is still a pretty low rate for someone making \$100 million a year, but more like what a family making \$100,000 a year pays.

Let's also be very clear about one thing: The proposal that Republicans prefer, the tax cut bill introduced by Finance Committee ranking member

ORRIN HATCH, would raise taxes. It would raise taxes on 25 million lower and middle-income Americans. It would raise taxes on those 25 million Americans still struggling in these challenging economic times. Republicans claim not to want to raise taxes, but the Republican tax bill would let very popular lower and middle-income provisions expire that would cost 25 million Americans an average of \$1,000 each. Under the Republican bill, 12 million families would lose part or all of their child tax credit, 6 million families would lose part or all of their earned income tax credit, and 11 million families would lose their American opportunity tax credit which helps pay for college. It provides a \$2,500 tax credit for higher education. That popular tax credit has already helped millions of students and their parents pay for college, along with Pell grants, another subject of Republican attack.

Extending the American opportunity tax credit, the college tax credit, through 2013 would cost about \$3.2 billion. Republicans believe we cannot afford a \$3.2 billion investment in higher education for middle-class Americans, but we can afford \$49 billion in continued tax cuts for ultra high-income earners. A \$2,500 tax credit might seem pretty small in comparison to the \$92,000 average tax break that millionaires, or people earning \$1 million a year, would receive from another year of high-end tax cuts, but that \$2,500 may make a much bigger difference in the life of that middle-class family with that child trying to get into a college they can afford than that \$92,000 would make in the life of somebody earning well over \$1 million a year.

Once again, look at the priorities here. Republicans fought to protect the tax loopholes and taxpayer subsidies for big oil. They fought to protect the carried interest tax loophole that lets hedge fund billionaires pay lower tax rates than their chauffeurs and doormen. They want to go after the child tax credit, they want to go after the earned income tax credit, and they want to go after the college tuition tax credit. Those are priorities that, like our Tax Code, for too many Americans are upside down.

I hope Republicans will join us tomorrow in voting to advance a measure that would keep taxes low for the vast majority of Americans, and I urge them to reexamine their proposal to raise taxes on 25 million low- and middle-income Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, many of our Republican colleagues argue that we can't extend tax relief for middle-class families unless we also extend tax cuts for the wealthiest. They argue without tax cuts for the wealthiest 2 percent, we will harm job creators and slow the economy. Their arguments rely on faulty assumptions, mistaken

beliefs, and misleading statements. Let's get to the facts.

It is a fact that every American taxpayer would receive a tax cut under our bill on the first \$250,000 of their income. It is a fact that compared to the middle-class tax cut act now before us, the plan the Republicans have put forward would increase the deficit by \$155 billion. It is a fact that the bill Republicans have put forward, despite their professed support for tax cuts, would raise taxes on the middle class by failing to extend the 2009 tax cuts for middle-class families, including the American opportunity tax credit and credits that help families with children.

What is unfolding on the Senate floor now is the culmination of a rigid Republican adherence to tax cuts for the wealthy as the supreme goal of public policy. Republicans have demonstrated a willingness to risk government shut-downs. They have demonstrated a willingness to risk grave economic damage, to risk rising taxes on the vast majority of Americans in pursuit of their highest priority: lower taxes on the wealthiest 2 percent of us. They want to risk all of that in service to an idea that has already proved a failure.

When historians look back at the Republican dedication to the tax cuts for the wealthy, they will find it remarkable that so many fought so long and so hard to go back to a failed policy. Income for the typical American family peaked in the year 2000, not coincidentally just before the Republican tax-cuts-for-the-wealthy mania reached its zenith.

A June study by the Federal Reserve found that the average middle-class family's net worth had fallen by 40 percent from 2007 to 2010. In 2010, the bottom 99 percent of income earners reaped just 7 percent of total income growth while 93 percent of all growth flowed to the top 1 percent.

As David Leonhardt of the New York Times reported on Monday:

The top-earning 1 percent of households now bring home about 20 percent of total income, up from less than 10 percent 40 years ago. The top earning 1/10,000th of households—each earning at least \$7.8 million a year, many of them working in finance—bring home almost 5 percent of income, up from 1 percent 40 years ago.

Perhaps this vast accumulation of wealth would arguably be acceptable if it had resulted in faster economic growth that produced new jobs and helped average Americans prosper. Indeed, since the time of President Reagan, America has been told that the rising tide lifting up the wealthy would lift all boats, and that the benefits would trickle down to all Americans. Our Republican colleagues today argue that we must continue the President Bush tax cuts for the wealthy or risk harm to the "job creators."

But the Republican emphasis on policies that are more and more generous to the wealthiest have utterly failed to spark economic growth or create the jobs we need. Their experiment failed.

The Bush tax cuts coincided with the slowest rate of job growth in American history. Economic growth, even before the financial crisis, nearly sent our economy into depression and was woe-filled short by historic standards.

The failure of the Bush policies to spur economic growth and job creation underlies the failure of another promise from supporters of tax cuts for the wealthy, the promise that those cuts would pay for themselves. Republicans backing the tax cuts of 2001 and 2003 painted those grand scenarios that grow so rapidly that it would yield increased tax revenue. But instead of growing Federal coffers, we got a flood of red ink.

So the policy of tax cuts for the wealthy failed as a fiscal policy. It added to our deficit. It failed as an economic policy, coinciding with weak growth and economic output and job creation, and it failed as a vital test of public policy in a democratic society because it failed the fairness test. Instead, it facilitated massive accumulations of wealth for a fortunate few while most Americans have struggled just to tread water.

Yet our Republican colleagues persist in their pursuit of their failed policy—persist, in fact, to the point that they are willing to force a tax increase on more than 90 percent of taxpayers and potentially send our economy tumbling back into recession in adherence to that failed policy.

We are not arguing against this policy of tax cuts for the wealthiest because we seek to denigrate success or to stoke class warfare, as some Republicans allege. We are arguing against these policies because they are broken, they have failed, and they are unfair. We should reject them lest they do even more harm. We should reject the Republican pursuit of tax cuts for the wealthy at all costs, every other consideration be damned. We should allow middle-class families to keep a few of their hard-earned dollars and pass the Middle Class Tax Cut Act. At a minimum we should vote tomorrow to overcome the filibuster threat and proceed to debate this singularly important issue.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### VIOLENCE AGAINST WOMEN ACT

Mrs. MURRAY. Thank you, Madam President. I come to the floor this afternoon to talk about a very important bill, the Violence Against Women Act. It is hard for me to believe it has actually been months now since we first came to the floor to talk about this important legislation, which is why we are here again this afternoon: to try and pass a bill into law that has consistently received broad bipartisan approval. It is a bill that passed the Senate now almost 3 months ago by a vote of 68 to 31.

The Violence Against Women Act has successfully helped provide lifesaving assistance to hundreds of thousands of

women and their families. Every time we have reauthorized this bill we have included bipartisan provisions to address those who are not being protected by it. But here we are back on the Senate floor urging support for a bill that should not be controversial.

So, today, the women of the Senate and the men who support the Violence Against Women Act have come to the floor with a simple, straightforward message for our friends in the House of Representatives: Stop the games and pass the inclusive, bipartisan Senate bill without delay.

In the coming weeks we are going to be making sure this message resonates loudly and clearly both in the Nation's Capital and back home in our States because we are not going to back down, not while there are thousands of women across our country who are currently excluded from the law. In fact, for Native and immigrant women and LGBT individuals, every moment our inclusive legislation to reauthorize the Violence Against Women Act is delayed is another moment they are left without the resources and protection they deserve.

The numbers are staggering: 1 in 3 Native women will be raped in their lifetimes—1 in 3—and 2 in 5 of them are victims of domestic violence. They are killed at 10 times the rate of the national average.

These shocking statistics aren't isolated to one group of women: 25 to 35 percent of women in the LGBT community experience domestic violence in their relationships, and 3 in 4 abused immigrant women never entered the process to obtain legal status, even though they were eligible, because their abuser husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America who are affected by violence—women such as Deborah Parker.

Deborah is the vice-chairwoman of the Tulalip Tribe in my home State of Washington. Deborah was repeatedly abused starting at a very young age by a nontribal man who lived on her reservation. Not until the abuse stopped around the fourth grade did Deborah realize she wasn't the only child suffering at the hands of that assailant. At least a dozen other young girls had fallen victim to that same man.

He was a man who was never arrested for his crimes, never brought to justice, and still walks free today, all because he committed these heinous acts on the reservation and is someone who is not a member of the tribe. It is an unfortunate reality that he is unlikely to be held liable for his crimes.

Reauthorizing an inclusive VAWA is a matter of fairness. Deborah's experience and the experience of other victims of this man do not represent an isolated incident. For the narrow set of domestic violence crimes laid out in the Violence Against Women Act, trib-

al governments should be able to hold accountable defendants who have a strong tie to the tribal community.

I was very glad to see Republican Congresswoman JUDY BIGGERT and several of her Republican colleagues echo these very same sentiments last week. In a letter to Speaker BOEHNER and Leader CANTOR, the Republican Members explicitly called on their party leadership to end this gridlock and accept "Senate-endorsed provisions that would protect all women of domestic violence, including college students, LGBT individuals, Native Americans, and immigrants."

So today we are here to urge Speaker BOEHNER to listen to the members of his own caucus and join us in taking a major step to uphold our government's promise to protect its people. I was so proud to have served in the Senate back in 1994 with Senator BOXER, who is here with me today, when we first passed this bill. Since we took that historic step, VAWA has been a great success in coordinating victims' advocates, social service providers, and law enforcement professionals to meet the challenges of combating domestic violence. Along with this bipartisan support, it has received praise from law enforcement officers, prosecutors, judges, victim service providers, faith leaders, health care professionals, advocates, and survivors.

VAWA has attained such broad support because it works. Where a person lives, their immigration status, or whom they love should not determine whether perpetrators of domestic violence are brought to justice. These women across this country cannot afford any further delay—not on this bill.

Today the New York Times ran an editorial on this bill that gets to the heart of where we are. It began by saying:

House Republicans have to decide which is more important: Protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.

But the editorial pointed out, it doesn't have to be that way. It pointed out:

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill.

Finally, it ends with what we all know we need to take this bill forward: Leadership from Congressman BOEHNER.

Madam President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 2012]

#### DELAY ON DOMESTIC VIOLENCE

With Congress just days away from its August break, House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.



At issue is reauthorizing the Violence Against Women Act, the landmark 1994 law central to the nation's efforts against domestic violence, sexual assault and stalking.

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill. Instead of embracing the Senate's good work, House Republicans passed their own regressive version, ignoring President Obama's veto threat. The bill did not include new protections for gay, immigrant, American Indian and student victims contained in the Senate measure. It also rolled back protections for immigrant women, including for undocumented immigrants who report abuse and cooperate with law enforcement.

Negotiations on a final bill are in limbo. Complicating matters, there is a procedural glitch. The Senate bill imposes a fee to pay for special visas that go to immigrant victims of domestic abuse. This runs afoul of the rule that revenue-raising measures must begin in the House. Mr. BOEHNER's leadership could break the logjam—but that, of course, would also require his Republican colleagues to drop their narrow-minded opposition to stronger protections for all victims of abuse.

Unless something changes, Republicans will bear responsibility for blocking renewal of a popular, lifesaving initiative. This seems an odd way to cultivate moderate voters, especially women, going into the fall campaign.

Mrs. MURRAY. Today the effort we are beginning in the Senate is an effort that will continue for as long as it takes. It is a call for the same thing: Leadership. It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again and again has been supported and expanded by Republicans and Democrats. It is time for him to do the right thing and pass our inclusive, bipartisan Violence Against Women Act because the lives of women across the country literally depend on it.

I am delighted my colleague from California is here with me. She has been with us every step of the way in this bipartisan bill that we have moved forward. With the women and men who support us, we are going to continue to be loud and strong. We need to pass the bill, and Speaker BOEHNER needs to take it up for the women who are watching and waiting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I am proud to follow Senator MURRAY in her call to pass the bipartisan Senate bill which would reauthorize the Violence Against Women Act. The Leahy-Crapo bill is the only bill that will protect all of the women in our country.

I will remember when Vice President BIDEN was then-Senator BIDEN, and in 1990 he wrote the Violence Against Women Act. I was in the House at the time. He asked if I would carry the House version of his bill. I was ex-

tremely honored to do that. We were able to pass small portions of the bill early in the 1990s.

But it wasn't until I came to the Senate that we actually passed the entire bill, and I think it was Senator SCHUMER, who was then in the House, who picked up the ball on the bill in the House. It got passed. Since then we have seen a decline in domestic violence of 53 percent. But even so, even while the law is working, we have to strengthen it because, as the Presiding Officer knows because she is a leader in this cause, every day three women are killed by their abusive partners. Let me say that again. Every single day, three women are killed by their abusive partners.

So in order to change this terrible statistic, we need to reauthorize the Violence Against Women Act, and we need to improve it to protect more victims of domestic violence. That is what the Senate did. I am very proud of the Senate. We passed the bipartisan bill with a vote of 68 to 31, with 15 Republicans voting in favor.

The Presiding Officer also worked hard to get the Transportation bill done. It was a very similar situation. The Senate had a bipartisan bill; it was a very popular bill. It had over 70 votes. The House was very slow to take up the measure, and we kept saying: Pass the Senate bill. Finally, they passed a small bill, and we got to conference, and we hammered it out.

But here is the thing: We don't have time on this bill. We need to ask the House to take a look at our bill and to understand how important it is that everybody be included in the Violence Against Women Act.

I am going to put up a chart that shows us how many people are left out of the House Violence Against Women Act.

(Mr. CASEY assumed the chair.)

Mrs. BOXER. Now, I say Mr. President, we can see that 30 million people are left out of the House Violence Against Women Act. That is why we have seen a number of colleagues in the House call for passage of a bill such as the Senate's bill, because we include everybody. It isn't fair to leave entire groups out of the protections of the Violence Against Women Act, and that is exactly what they do in the House.

The House bill ignores the wishes of law enforcement and excludes key protections for 4 million immigrants. It excludes 16 million LGBT persons from critical legal protections and services. More than 44 percent of LGBT victims who seek shelter are turned away.

The House bill would also prevent Indian tribes from protecting almost 2 million Native American women from their abusers. This is outrageous. It is an extremely outrageous omission, given that nearly half of all Native American women have been victims of domestic violence. Let me repeat that: Almost half of all Native American women have been victims of domestic violence. Yet among the 30 million left

out of the House Violence Against Women Act, we see the exclusion of the Native American community.

Despite the epidemic of sexual assault and dating violence on our college campuses, the House bill leaves out improved protections for more than 11 million college women.

The House bill would deny vital protections to women such as an immigrant woman who is my constituent who had been stabbed by her boyfriend 19 times while she was 3 months pregnant. During her ordeal, her boyfriend drove her from one part of town to the other, refusing to take her to the emergency room, even though she was losing consciousness and bleeding profusely.

Thankfully, the woman received medical attention, the baby was not lost, and she made a full recovery. This brave woman, despite her physical and emotional scars, fully cooperated with police and the prosecutor to eventually bring her abuser to justice. A women's shelter helped her get a U visa based on her cooperation with law enforcement, and she and her child were able to move on with a new life.

If we look at some of the most vulnerable people living in America today, in addition to our children—and I know what the Presiding Officer is dealing with in Pennsylvania, with an unbelievable, horrific, violent crime that took place on a college campus over a period of years—we know our children are vulnerable, and our immigrant women are extremely vulnerable, too, because they are scared they are going to be kicked out of the country and, therefore, their abuser knows that and puts them in a horrific situation, where if they go to the police to report the abuse on themselves and their kids, they may be kicked out of the country.

That is why we have the U visas. The U visas say: If someone cooperates with law enforcement, they will not be kicked out. So we have to include immigrant women and, by extension, their children in the 30 million who are left out. We have to add them back in.

The House bill fails to ensure that people such as Jonathon, a gay man who was abused by his partner of 13 years, receives full protection under the law and cannot be discriminated against.

When Jonathon did seek shelter from his abuser, he was refused by three L.A. area domestic violence shelters, none of which could give him a reason for excluding him. But he was left out because this community was not mentioned in the Violence Against Women Act. It is not mentioned in the House act, and Jonathon falls among the 30 million who are left out of the House act.

The House bill also leaves out students such as Mika, who was physically assaulted by her ex-boyfriend while she was in college in San Francisco. Her ex-boyfriend broke her phone, broke into her home, stole her belongings, stalked her at school, and severely beat her.

She got a restraining order against him but struggled to get her school to enforce that restraining order. She should not have had to struggle. She should have had the school on her side.

Sadly, only the Senate bill would help her, not the House bill. The House bill does not protect these women. Only the Senate bill ensures that all women, LGBT individuals, and college students are protected equally under the law, as well as Native American women.

The consequences of denying anyone the critical protections in the Violence Against Women Act are too great. When someone is bleeding on the floor, we need to help them in this great country. We do not want to start asking them questions. Are you gay? Are you straight? Are you an immigrant? Are you a college student? Are you a Native American? If someone is bleeding on the floor, we help them in this country. That is what America is about.

We see the compassion and the love every day in our country, and we saw it pour out in Aurora, CO, for an unspeakable situation. When there is violence, we have to help the victims. Only the Senate bill, the Senate Violence Against Women Act, the Leahy-Crapo bipartisan Senate bill, affords protection to all our people.

So what we are saying to Speaker BOEHNER is: Please hear our plea. This is not about the Senate saying it is any better than the House. What we are saying is, in a bipartisan way, we figured out a bill that will protect everybody, and we are asking Members to pick up that bill and pass it.

There are some technical issues—a blue-slip question. We have studied that. What did we find out? Those technical problems can be overcome in 5 seconds. So there is no reason why the House cannot pick up and pass the Senate bill.

The safety of women across the country, the safety of all our communities, is at stake, and it is time we pass it.

In closing, I would say this: Vice President BIDEN is a wonderful human being, and he could not sit back when he was in the Senate and see violence against women go on and on and on without any way to ensure that women could get into shelters, that women could get counseling, that law enforcement could be trained, that doctors could be trained, that nurses could be trained, and that we enhance the penalties for those who would harm another in a domestic violence situation.

He had tremendous foresight. In this bill, Senator LEAHY and Senator CRAPO have amazing foresight because they have strengthened this. We have cut back domestic violence by 53 percent. But we have a long way to go when three women a day are killed—killed—by their abuser.

Again, we have a very clear message for the House: Please join hands with us. Please, with all the politics and all the fighting and all the problems, there

are certain times when we should reach out to one another and protect the American people. This is one of those times. We have the bill. It is bipartisan. It works. Please accept it, and let's get on with our work.

Thank you very much.  
I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, let me begin by thanking my colleague from California for her leadership over many years and her steadfast courage and vision on this issue; likewise, my colleague from the State of Washington who spoke before her, Senator MURRAY, for her leadership, as well and others in this body who passed VAWA, the Senate's version of that measure, S. 1925, by an overwhelming bipartisan margin, in fact, 68 to 31, back in April.

This measure truly is bipartisan, and it has commanded overwhelming support in this body and, more important, from across the American public.

In Connecticut, I hear again and again from men and women, members of all communities, that the Violence Against Women Act is an idea whose time came 18 years ago but continues to demand the kind of respect and support the Senate has given it.

Now is the time for the House to adopt the Senate bill because it is more inclusive and more effective. For a bill that works, as this measure truly does, to include more potential victims, to provide more tools of enforcement is absolutely appropriate and necessary at this point in our history.

Of course, I hear from Connecticut constituents such as Hillary from Fairfield, who tells me:

One in four women, worldwide and in the U.S. is at risk for violence at some point in her life. Men are at risk too, and VAWA supports provisions for men to be safe and healthy in their relationships as well. VAWA supports programs for both men and women perpetrators of abuse to get the help they need to stop the violence, and it ensures that women and their children have a safe place to go when in danger.

Susan from New Haven:

Reauthorizing VAWA sends the message that survivors of sexual assault, domestic violence, dating violence and stalking must have the tools to heal and reclaim their lives; that women and girls, our communities and our families, must be safe; that the next generation must be engaged in this effort—and that the evolution of our collective thinking on how to break the cycle of violence is a national priority. To send any other message is unconscionable. Congress must act swiftly. Renew VAWA now.

Renew VAWA is the message we carry to the House: Renew VAWA with the improvements and reforms we have wisely adopted in this body and continue a measure that has benefited 54,000—let me repeat that, 54,000—domestic violence victims in Connecticut alone, millions across the country, and has provided organizations in Connecticut nearly \$5 million in just the last fiscal year from VAWA programs.

These measures make a difference in people's lives. So often we can speak

and think in this Chamber without the kind of connection to individual lives, where we see legislation, our acts here, making a difference. This measure offers us the opportunity to make a difference by broadening and making more inclusive this measure.

It makes it more effective. I am proud it makes it more effective with an amendment I offered to prosecute criminals who use the Internet to intimidate, threaten, harass, and incite violence against women and children.

The use of the Internet is increasingly prevalent for these kinds of crimes. The legislation I introduced, included in the Senate's bill, enhances current law for the Internet age. That section of the bill is not in the House version. It should be. That is a reason I am urging the House to adopt the Senate version.

But it is also more inclusive in including lesbian, gay, bisexual, and transgender constituents—whom all of us have—in these protections.

LGBT Americans experience domestic violence at the same rate as the general population, but they often face discrimination in accessing services. In fact, a survey found that 45 percent of LGBT victims were turned away when they sought help from a domestic violence shelter. There is a real need—an unquestionable and immediate need—to improve the access and availability of services for LGBT victims, and our measure does it; the House version does not.

Over 800 constituents—and I welcome them in contacting me—have written me to urge that we preserve the LGBT provisions of the Senate bill as VAWA moves forward.

S. 1925 also includes protections for Native Americans that are absolutely vital. One of the invisible, unknown, unrealized, unacknowledged facts about this community is that nearly three out of five Native American women are assaulted by their spouses or intimate partners. One-third of all American Indian women will be raped during their lifetime. Those numbers alone should dictate the result. The members of the Tribal Council of the Mashantucket Pequot Tribal Nation and others across the country—the Mashantucket Pequots happen to be from Connecticut—have appealed to me to protect the tribal provisions in the Senate measure, not to waiver, not to relent to the House version.

Again, I urge the House to adopt our measure.

Protecting immigrant populations ought to be a given for the Senate. The House version of VAWA would “endanger the safety of noncitizen victims and society as a whole.” That is a quote from the International Institute of Connecticut, which has urged me to hold firm to support the provisions of the Senate bill and not surrender to the House and relent on protecting immigrants who need this help.

Again, I quote. The House version would “endanger the safety of noncitizen victims and society as a whole.”

VAWA symbolizes for our immigrants, those who come to this country, what makes America great. We protect everyone who needs it. We enforce the laws equally without discriminating against people as to their national heritage or origin or ethnicity or race or other background. Equal protection of the law is one of the unique constitutional principles of the American democracy and the American Constitution. Our landmark measure enhances and enforces equal protection of the law.

I hope this body stands firm. I hope the House understands that it is not one body being better than another. We are way beyond that kind of comparison at this point. It is one version of the same legislation, one set of provisions seeking a common goal, doing it better, more inclusively, and more effectively in the great tradition of the legislative process.

I urge the House of Representatives to put partisanship aside, to put aside any kind of cameral personal differences and take immediate action to support all in America who are victims of domestic violence and sexual abuse.

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

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

Mr. THUNE. Mr. President, I rise today to talk about the need to extend the current tax rates and to reject the tens of billions of dollars in higher taxes the President and Senate Democrats want to impose next year. I believe the upcoming vote or votes will be some of the most important votes the Senate holds this year.

As early as tomorrow, we will hopefully vote on tax plans that represent two competing philosophies. One plan, introduced by Majority Leader REID and supported by Senate Democrats and the President, proposes higher taxes on American entrepreneurs, investors, and small business owners.

The Democratic plan represents the philosophy that if only the government could raise enough money, Congress could somehow spend our way to prosperity. It is a viewpoint that holds that the Federal Government can spend hard-working American tax dollars better than they can. Rather than leaving the money in the private economy where it can be invested or spent by private citizens, this view holds that the government should instead bring these dollars here to Washington, DC, to redistribute them through the Federal bureaucracy. This philosophy was probably best articulated by the President recently when he said, "If you've got a business—you didn't build that. Someone else made that happen." In other words, no one is extraordinary by

virtue of their hard work and accomplishments. When someone works hard and succeeds, we should not celebrate that person as an example to others, we should instead take from him or her in order—again, as the President said—to "spread the wealth," to quote another of his lines.

I am hopeful that the tax-and-spend philosophy of the Reid tax plan, however, will not be our only option. I hope we will also have the opportunity to vote on legislation introduced recently by Senator HATCH and Minority Leader MCCONNELL. This plan takes a very different approach by following the view that now is not the time to raise anyone's taxes. This view holds that our American free enterprise system works best when government gets out of the way, leaving Americans free to pursue their hopes and dreams. One way we can leave Americans free to pursue their dreams is by not raising their taxes next year. And we especially should not raise taxes when Americans are struggling to get by.

Ironically, the view that we should extend current tax policy at a time when the economy is weak was articulated, interestingly enough, by the President just 2 years ago when he signed an extension of all of the tax rates. At that time, President Obama said that raising taxes would have "been a blow to our economy just as we're climbing out of a recession." Interestingly enough, real GDP growth when he made that statement was around 3.1 percent. That was the average when the President made the statement that if we raised taxes, it would have "been a blow to our economy." Well, real GDP growth this year is on a pace to average 2 percent and possibly less. Those numbers are consistently being revised and being revised downward. If it did not make sense to raise taxes when our economy was recovering, why does it make sense now to raise taxes as our economy is slowing? How does it make sense to raise taxes in an environment where over 23 million Americans are out of work or underemployed, when the unemployment rate has been stuck at over 8 percent now for 41 consecutive months?

The votes tomorrow are incredibly important—not because either plan is likely to become law immediately but because Americans deserve to know where their Senators stand when they go to vote this November. Do you stand for stable tax rates that encourage work and investment or do you stand for increasing taxes on the very businesses we rely on for job creation? Do you stand for a free enterprise system that rewards hard work and innovation or do you stand for making it more difficult for small businesses to grow and succeed? These are the important choices that will have a real impact on hard-working Americans and on our economy at large.

Consider the Reid tax plan. According to the Joint Committee on Taxation, this plan will impose a tax in-

crease on nearly 1 million business owners. Proponents of this increase are going to argue that it will only affect a small segment of our economy. Yet the Joint Tax Committee estimates that the President's tax increase in the Reid plan will hit more than 50 percent of all income earned by businesses that pay their taxes at individual rates. These are so-called passthrough businesses, and they apply to S corporations, partnerships, sole proprietorships, and LLCs. They are the ones who are going to see their cost of business go up next year for no other reason than the desire by the Senate Democrats to "tax the rich."

Small businesses, which accounted for two-thirds of the net new jobs over the last decade, will be particularly impacted by these tax increases. According to a survey of small businesses by the National Federation of Independent Business, 75 percent of small businesses are organized as passthrough businesses. NFIB also found that the businesses most likely to be hit by the Reid tax increases are those businesses employing between 20 and 250 employees. According to the U.S. census, the data that they collect, these businesses employ more than 25 percent of the workforce. So the million small businesses that, according to the Joint Committee on Taxation, will see their taxes go up under this proposal employ 25 percent of the American workforce and account for over 50 percent of all passthrough income. So you are going to see taxes go up dramatically on over 50 percent of passthrough income and on small businesses that employ 25 percent of the American workforce.

Does that make sense in this economy? It should be no wonder that the political party advocating this kind of tax policy has also presided over the weakest economic recovery literally since the end of World War II.

The impact of the Reid tax increase on small business will be bad enough, but unfortunately these tax increases will have significant ramifications for our entire economy. According to a study released earlier this month by Ernst & Young, the Reid tax plan would hurt our economy in the long term. According to Ernst & Young, the tax increases in the Reid plan would reduce economic output by 1.3 percent. This would mean \$200 billion less in economic activity if translated into today's economy. The Ernst & Young study estimates that the tax policies in the Reid plan would reduce employment by one-half percent, meaning roughly 710,000 fewer jobs.

The study estimates the Senate Democrats' approach will reduce the Nation's capital stock by 1.4 percent and investment by 2.4 percent, and this approach will reduce aftertax wages by 1.8 percent. So we will be reducing investment, costing the economy over 700,000 jobs, and reducing aftertax wages for hard-working Americans in this country. Yet here we are talking

about a tax increase that would do dangerous damage and harm to our economy.

I would say, these aren't partisan statistics compiled by Senate Republicans. These are the estimates by a respected accounting firm as to what will happen if we follow the tax policies proposed by Senate Democrats and the President. We will have less economic growth, fewer jobs, and a lower standard of living in the long run. These numbers simply confirm common sense. If we want individuals and businesses to spend and invest more, we shouldn't raise the amount of the income they have to pay to the Federal Government, and that is what this does.

We have major tax policy decisions to make, decisions reflected in the votes we will take tomorrow. Do we want to encourage capital formation in this country? In other words, do we want to encourage investors to put their capital at risk so that businesses will have money to make new investments? Well, by raising the capital gains tax rate from 15 percent to 20 percent for some investors, the Reid bill will make it less attractive to invest in our economy. According to an Ernst & Young study from February of this year, the top rate of capital gains will rise from 56.7 percent on January 1 of next year, after taking into account corporate, investor, and State taxes. This will be the second highest combined capital gains tax rate in the world among OECD and BRIC nations. America already has the highest corporate tax rate in the developed world. It appears as if the Senate Democrats are going for No. 1 when it comes to capital gains taxes as well.

If there is anything I can say that is positive about the Democrats' tax increase plan, it is that at least they rejected the President's proposal to nearly triple the tax on dividends paid by upper income Americans. Even Senate Democrats, who are not shy about raising taxes, understand the President's proposal to impose a top rate of over 40 percent on dividend income would be terrible for millions of seniors who rely on dividend-paying stocks and for those American companies that rely on dividends to raise capital.

Instead, the Reid bill would increase the top rate on dividends from 15 percent to 20 percent. I believe this tax increase is bad policy, but it won't be nearly as harmful as the President's approach would have been.

On another issue of critical importance, however, the Senate Democrats have decided to run to the left of this liberal administration, and this is on the issue of the estate tax, better known as the death tax. The Reid plan would impose a huge new death tax on family farms and businesses next year. Under current law, businesses and farms are exempted from the death tax on the first \$5 million of the value of an estate. Values above this amount are taxed at a top rate of 35 percent.

I believe we ought to completely eliminate the death tax, and I have introduced legislation, with 37 of my colleagues, to do so. But the current death tax treatment exempts the large majority of family farms and businesses from the tax. The Reid plan, however, would allow the death tax to revert to the provisions in effect before 2001.

This means, under the Reid plan, that family farms and businesses will face a top death tax rate of 55 percent on estates above \$1 million in value.

This is a massive death tax increase on tens of thousands of small businesses and family farms across America. In fact, according to the Joint Committee on Taxation, the Reid plan will increase the number of estates subject to the death tax in 2013 from 3,600 estates under current law to 50,300 estates under the Reid proposal.

According to the Joint Committee on Taxation, the Reid plan will subject 20 times more farming estates to the death tax in 2013—a 2,000-percent increase. The Reid plan will subject 9 times more small businesses to the death tax—a 900-percent increase.

If the death tax policy in the Reid plan were made permanent over the next 10 years, the number of small businesses subject to the death tax will increase from 1,800 to 23,700, and the number of family farms subject to the death tax would increase from 900 to 25,200. That is all data put together and reported out by the Joint Committee on Taxation.

The reason for this massive expansion of the death tax is because the \$1 million exemption amount is much too low, given the value of successful farms and small businesses today. I will use my State of South Dakota as a good example. Take family farms in South Dakota. According to the Department of Agriculture, the average size of a farm in my State is 1,374 acres. According to the USDA, the average value per acre of cropland in South Dakota is about \$1,810. This means the average value of a farm in my State is nearly \$2.5 million. So if you have a death tax law that only exempts \$1 million and has a 55-percent top rate on everything above that, imagine what that is going to do to the average farm in a State such as South Dakota. And South Dakota is not unique in that regard. We have seen land values rise across America's heartland, from Nebraska to Missouri to Montana.

Let's be clear: The Reid bill would subject many more families to a punitive double tax—the death tax—when a loved one passes away. It will make it much more difficult to pass family farms and businesses from one generation to the next. And we should never forget that most family farms are land rich and cash poor. Lots of assets, land values, and those sorts of things, but what you don't want to see happen is a family farm that can be passed on to the next generation have to be liquidated to pay the IRS because of a punitive death tax. That is precisely what

this policy, as proposed by the Democrats' plan, would do.

The USDA estimates 84 percent of farm assets are comprised of farm real estate. That is where most farm and ranch families have their assets. That means family farms don't have extra cash on hand to pay the death tax. Instead, they will have to sell off land or take on additional debt in order to pay these higher taxes. That is exactly what we don't want to see happen in this country.

I don't believe the President's proposal—which is a \$3.5 million exemption and a 45-percent top rate—is adequate, but it is much better than what Senate Democrats in the Reid plan have proposed.

Let me summarize, if I might. Tomorrow we are going to vote on the Reid proposal to raise taxes at a time when Americans are hurting and our economy is fragile. The Reid proposal will impose higher taxes of more than \$50 billion on successful small business owners and families. It will hurt our economy, reducing economic growth and job creation at the same time it lowers wages for hard-working American families. It will impose a new death tax of \$31 billion on 43,100 family farmers, ranchers, and small businesses.

We will also vote, I hope—I hope—on the Hatch-McConnell alternative plan to keep tax rates where they are, to prevent a tax increase on any American next year. In addition to keeping tax rates where they are, the Hatch-McConnell proposal provides instructions to the Finance Committee to report out fundamental tax reform legislation by 12 months from the date of enactment of the bill. The Hatch-McConnell approach is the correct approach: Prevent a tax increase now and move to fundamental tax reform next year.

Of course, extending current tax law temporarily is only a short-term fix. What is needed is comprehensive tax reform, much like the Tax Reform Act of 1986. Real tax reform will drive economic growth higher, will lead to robust job creation, and will result in more revenue to the Federal Government.

But real tax reform is going to require Presidential leadership, something that has, unfortunately, been lacking over the past 3½ years. Perhaps next year we will have a President truly willing to commit to tax reform, a President who is not content with simply releasing a 23-page framework for corporate tax reform.

But until we get to comprehensive tax reform, the least we can do now is to ensure Americans do not face a massive new tax hike during a weak economy. I hope we will get that vote tomorrow. I hope Senate Democrats will find their way to give us a vote on extending the tax rates for all Americans so that small businesses aren't whacked with a big tax increase next year, so that our economy doesn't get

plunged perhaps into a recession, and we don't see that unemployment rate tick even higher.

Those are the results, those are the outcomes, those are the types of things that are going to happen, according to all the independent analysis, with the tax proposal that is before us today.

Remember, there is always this idea that somehow, if we raise more taxes, we will be able to pay down more of the debt. Well, I have to say, it has been my experience that when there is money around Washington, DC, it gets sucked up and it gets spent. I think a lot of Americans would welcome the idea of seeing their taxes going to pay down the debt, but what we will see is a massive tax increase on Americans used to grow government here in Washington, DC. That is not what the American people want, and that is not what we in the Senate should be for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, Abraham Lincoln is quoted as saying:

I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts.

There have been a number of inaccurate claims over the past several weeks accusing Democrats of proposing tax hikes. Nothing could be further from the truth. So let me set the record straight, as Lincoln said, and bring them the real facts.

Democrats are proposing to extend a tax cut for 100 percent of taxpayers. Under the Democratic proposal, all taxpayers get a tax cut. Those lower income, those middle income, and those upper income all get a tax cut. Everyone does. Millionaires get a tax cut under the Democratic proposal, billionaires get a tax cut under the Democratic proposal, and all taxpayers who pay ordinary income tax are going to get a tax cut.

Why is that? It is very simple. Because even if your income is above \$200,000 for an individual or \$250,000 for a family, you are still getting a tax cut for your first \$200,000 of income or the first \$250,000 of income. So you are getting a tax cut. Everybody is getting a tax cut. I want to make that clear: All Americans get a tax cut under the Democratic proposal.

Even though the most wealthy are also getting a tax cut under the Democratic proposal, those on the other side of the aisle want to give an even greater tax cut to those earning above \$200,000 as individuals or \$250,000 as a couple. So let me repeat: Everyone gets a tax cut under the Reid bill. The other side of the aisle says: Okay, maybe that is so, but they want to give an even greater tax cut to those earning over \$250,000. That is the fact.

An awful lot of people think the Democratic bill does not cut taxes for those above \$200,000 and \$250,000. It does. It does. The facts are clear. The numbers don't lie. It does. Everyone

gets a tax cut. So there should be no question about that.

As I said, my colleagues on the other side of the aisle are threatening to oppose a middle-income tax cut, which actually is a tax cut for everybody. They say, oh, no, don't do that. They say, do that, but then add a greater tax cut for those top 2 percent of the wealthiest of Americans.

But let's go back and ask ourselves why are we here, in part? These tax reductions were instituted in 2001, at a time when our country had record surpluses. I think the total tax cut in 2001 was projected to be about—I may be off a little here—\$1.5 or \$1.6 trillion over 10 years, at a time when our Nation had a projected surplus of about \$3 trillion or up to \$5 trillion. I have forgotten exactly, but it was way above the 2001 tax cut. That is why, in large part, the 2001 Congress decided, well, we have these big projected surpluses, so let's give some of it back to the people. I voted for it.

That is why I voted for it. It made sense to me—with the great projected surpluses—to take a little less than half of that and give it back to people in terms of tax cuts.

But times have changed. In the wake of two wars that have cost over \$1 trillion, unpaid for—Iraq and Afghanistan—and also the 2008 financial collapse that very much hurt our economy, times have changed since 2001. As a consequence, our Nation now is faced with record debt, and we cannot continue to spend money we don't have. We have to put our Nation back on solid fiscal ground. So a lot has happened since 2001.

In addition, something else has happened, regrettably. Today, the average household income indexed for inflation is lower than it was when the tax cuts for the wealthy were put into effect. This means more people are making less money now than they were when these cuts were signed into law. Today, American families have less money to spend on their mortgages, gasoline, and groceries, for example. Actually, including benefits, Americans are not as well off as they were 10, 15 years ago.

These cuts were enacted in 2001 for all Americans. Those top two rates for the wealthiest 2 percent of Americans has cost future generations nearly \$1 trillion. I think it is bad economics to continue these highest income tax cuts without evidence they actually solve America's economic woes. They don't. It is especially bad economics when our Nation's debt has increased by \$10 trillion since they were first enacted.

Hard choices need to be made as we work to get our debt back to sustainable levels. We are all going to be asked to contribute. We need to make sure the most fortunate pay their fair share to deficit reduction as well. Again, they are already getting a tax break under the Democratic proposal. Everyone gets a tax cut under the Democratic proposal, but it is wrong to go further and say those making above

\$250,000 should be getting an even greater tax cut.

With a greater contribution from them, we could more easily work to get our Nation's debt down to manageable levels.

Some have argued we cannot let the tax rates expire for the wealthiest Americans—the top 2 percent—because they are “small business owners.” Let me address that and marshal the facts, as Abraham Lincoln would ask us to do.

Being wealthy is not the same as being a small business owner. One can be very wealthy in America but not be a small business owner. Some might have us believe there are 1 million small business owners earning over \$200,000 a year. How do they get that number? They get that number from an estimate prepared by the Joint Committee on Taxation, a bipartisan group that gives us accurate data—both Republicans and Democrats, Senators and House Members.

The Joint Committee predicts that in 2013 there will be about 940,000 taxpayers with some business income in the upper two tax rates. But that Joint Committee estimate isn't the number of small businesses. That is a different number. Instead, it is the number of all individuals in the top two rates who receive any amount of income, from a passthrough business or from rental real estate, royalties, estates or trusts. That number of 940,000 taxpayers does not tell us whether the taxpayer spent any amount of time actually working in the business or if that taxpayer is merely an investor sitting on the sidelines. In addition, that number does not tell us whether the income is from a large business or from a small business. It can be a large business passthrough. So that number of 940,000 doesn't tell us is it large or is it small. It does not tell us if the business actually even employs anybody. We don't know that. There are a lot of taxpayers at that bracket who don't employ anybody. They are not small businesspeople.

So that 1 million number being thrown around includes taxpayers who, for example, invest in publicly traded partnerships which can be purchased on the New York Stock Exchange similar to any other stock. They are not small businesses as ordinary Americans think them to be. The 1 million number also includes celebrities and sport stars who receive income from speaking engagements. They are not small businesspeople, but yet they are lumped into that same number. Americans wouldn't regard sports celebrities as a small businessperson. That is not right.

That 1 million number also includes best-selling authors receiving royalties for book sales. That 1 million number includes partners in law firms and hedge funds who receive their income as a share of a partnership distribution. They are not a small business. The 1 million number also includes

wealthy individuals who rent out their vacation homes for just a few weeks a year.

Both President Obama and Governor Romney would be considered small business owners in 2011 under this definition. I wouldn't think they are small businesspeople, Americans don't think they are small businesspeople, but they would be included in the definition the other side bandies about.

In reality, only a very small fraction of the top earners actually own or control or manage a business that is small and has hired anyone. I have forgotten the exact number, but it is a small number. It isn't sound fiscal policy to extend tax cuts for the wealthiest 2 percent of Americans just because a small portion of them have income from a business and a tiny portion of them manage a small business. But that is what some would have us believe. I don't have the number with me, but it is very small. There aren't very many at all.

Finally, the argument that higher taxes on the wealthiest hinders job creation is tenuous at best. Why do I say that? I say that because even the non-partisan Congressional Budget Office found that extending the high income tax cuts for those in the top two rates was the least effective way of creating jobs among a list of alternatives commented on by the Congressional Budget Office. As I recall, the top of the list were items such as payroll tax. If we cut the payroll tax, that is a big job creator. If we extend unemployment insurance benefits, that is a big job creator. Down at the bottom of the list of job creation on a dollar-for-dollar basis is extending the 2 percent top rates. That creates very few jobs, according to the Congressional Budget Office.

Actually, it hurts job creation, according to the Congressional Budget Office. Why? It found that extending the high income tax cuts actually reduces the gross domestic product and the number of jobs over 10 years. Why? Because doing so increases the deficit. The CBO said that actually extending the top two rates is a job reducer, not a job creator—a job reducer—because it would add to the deficit and, in doing so, all things being equal, would lose jobs.

So despite efforts to hide behind small businesses, the fundamental question is, What is fair? What is best for our country? Should we drive up deficits further, reducing growth as a result by extending the tax cuts for the top 2 percent? Don't forget, we are already reducing their taxes under the Reid bill. Should we tame our deficits by ending Medicare as we know it and cutting important social programs to the bone? The more those top two rates are extended, the more we have to cut someplace else. It is just mathematics. It is a choice we have to make in our country. There is no free lunch. We know that. We can't have our cake and eat it. Life is choices. Our fiscal situation needs choices. We have to decide

what makes the most sense or should we control our deficits through a balanced approach that thoughtfully cuts spending and ask the wealthiest 2 percent to contribute no more than they did 11 years ago? Clearly, as we reduce our debt and try to cut spending, there is no question about that. There is also no question that there has to be some combined income tax increase along with the spending cuts to be able to reduce our budget deficit.

The answer is clear: We should vote for Leader REID's bill and continue down the path toward responsible deficit reduction. I wish to make the point again, if it wasn't clear. The Reid bill reduces tax rates for all Americans, middle income and upper income, because we have a marginal rate system. The most wealthy have to pay in the 10-percent bracket, then they pay in the 15-percent bracket, then they pay in the 25-percent bracket, then they pay in the 28-percent bracket, all the way up to the top bracket today which is 35 percent. They pay in all brackets. So what we are saying is we are going to reduce your taxes; we are going to make sure you stay at those low rates for the next year so you, therefore, are going to pay less in income taxes, even if one is a billionaire.

Let's go with the Reid bill. It is fair. It is the right course. I hope the Senate adopts it and we get enough votes—60 votes—to get this passed.

I yield the floor.

Ms. COLLINS. Mr. President, today I have filed an amendment to extend for 1 year the individual income tax provisions of the 2001 and 2003 tax relief acts for all Americans, but with a surtax of two percent on those earning \$1 million or more, coupled with a "carve-out" to protect our nation's small businesses.

The Congressional Budget Office has warned us that the "fiscal cliff" created by the expiration of current tax rates on December 31, coupled with ill-advised and deep cuts in defense spending that would result from "sequestration," would likely result in a recession in the first half of next year. It makes no sense and should be unacceptable to all of us to allow our country to go over this "fiscal cliff."

I have long urged that we begin the debate on comprehensive tax reform aimed at creating a simpler, fairer, pro-growth tax code. I also believe that multimillionaires and billionaires can afford to pay more to help us deal with our unsustainable deficit.

My amendment would, therefore, impose a 2 percent surtax on millionaires, with a carve-out to protect small business owners who pay taxes through the individual income tax system. Our Nation's small businesses must not be lumped-in with millionaires and billionaires. The "carve-out" I am proposing would shield small businesses owners from tax increases intended to fall on the very wealthy.

These small business owner-operators are on the front lines of our economy, and of the communities in which they

live. The income that shows up on their tax returns is critical to their ability to create jobs, finance investment, and grow their businesses. Left in their hands, this income will lead to more jobs and buy the tools that help American workers compete.

Congress still could tackle tax reform this year but, unfortunately, this is not likely. That is why, in my amendment, I propose extending the current individual tax rates for all Americans through 2013, to give us the time we need to consider and adopt comprehensive reform that results in a simpler, fairer, pro-growth Tax Code. The surtax on the very wealthy, combined with protection for small businesses, will help us begin to deal with the deficit without harming the job creation engine of our economy—small business.

The PRESIDING OFFICER. The Senator from Georgia.

HONORING GHANA'S PRESIDENT JOHN ATTA

Mr. ISAKSON. Mr. President, I rise for a moment to express my sympathy and condolences to the people of Ghana and to the family of its President, John Adam Mills.

President Mills died in a military hospital today in Accra, Ghana, of throat cancer. Four hours after his death, the Vice President was sworn in as the new President of Ghana, a testimony to the democratization of that country and its leadership on the continent of Africa.

Ghana has been one of the shining beacons of light in Africa for its transition to business, trade, prosperity, and economic development. John Adam Mills deserves the credit for taking Ghana to the height it has gone to today.

Senator COONS from Delaware and I traveled to Ghana last year to meet with President Mills. We saw firsthand how he has developed a large-scale oil-producing country in Ghana, making that wealth come back to be reinvested in the people of that country. We visited the Millennium Challenge Compact that Ghana made with the United States of America to help her pineapple plantation producers be able to extend the life of their pineapple and export them into Europe for increased trade and agriculture in Ghana. We visited hospitals, where money from the oil and petroleum the country has discovered is now being reinvested in that country and in her people.

Today, with his tragic death, we also saw the light of democracy as the government made its transition, the Vice President ascended to the Presidency, and elections will be held later in the year for the next President of Ghana.

But it is important to pause as a tribute to President Bush and Condoleezza Rice, to President Obama and Hillary Clinton, our Secretary of State, who have worked tirelessly during the past decade and a half to work with the countries of Africa to develop. Americans have invested in PEPFAR, and we have reduced the growth of

AIDS. We have invested in malaria prevention, and we have reduced the growth of malaria. Nigeria is the last place on Earth where polio exists, and it is about to be eradicated because of the investment of the American people.

I have said oftentimes as the ranking member of the African Subcommittee that Africa is the continent of the 21st century for our country, and I think it is. I think the investment our taxpayers have made and the investment our last President and our current President and both Secretaries of State have made are paying great dividends.

But it is important for us to pay tribute to those bold, brave African leaders who ran for office to promote democracy, who served and reinvested the profits they made in their country's wealth and their people and shine as beacons of light for hope on what has been known in the past as the Dark Continent.

In this sad moment for the people of Africa, and particularly the people of Ghana, it is time for us also to rejoice on what democracy has made in that country, and what John Adam Mills did to produce that democracy and to make it work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to speak as if in morning business.

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

HONORING THE LIFE AND LEGACY OF DR. SALLY RIDE

Ms. SNOWE. Mr. President, I rise to pay tribute to the life and legacy of Dr. Sally Ride, the first American woman to enter space and who passed away, sadly, this week.

A truly extraordinary woman and an American icon and hero, Sally was a trailblazer who, with a steadfast fortitude and an insatiable spirit of exploration, accomplished what no other female in American history had before. When she rocketed into the heavens aboard the Space Shuttle Challenger on June 18, 1983, she also soared into the hearts of millions of Americans, including myself. Indeed, we recognized in her landmark achievement the realization of the quintessential American dream—that anyone, regardless of their gender, can succeed to even the greatest of heights, even if it is the stars.

I was fortunate enough to have been present at Cape Canaveral—along with my good friend and colleague then-Congresswoman BARBARA MIKULSKI—on that historic June morning when Sally took to the skies. I can vividly recall the palpable optimism and unabated excitement that saturated the air. At that point, I had been a member of the House of Representatives for 4 years and was 1 of only 23 women in Congress. You can imagine the tremendous amount of pride we all felt in witnessing such a watershed moment.

Indeed, it was a triumphant pinnacle in the fight to topple gender barriers and a progressive stride in the movement to shatter oppressive social norms. It was a bold response to those who could only see so far as to ask her before the flight, “Will you wear make-up in space? Do you cry on the job?” It was a bright beacon of hope to millions of young girls across the country, and indeed the world, who would come to recognize Sally Ride as the embodiment of their most fervent hopes and dreams.

I was very proud to be able to participate in a tribute at the Air and Space Museum as cochair of the Congressional Caucus on Women's Issues a month later to pay tribute to Dr. Sally Ride and the entire Challenger crew, where I expressed to them that “their achievement is America's achievement.”

In fact, in a testament to the depth of her remarkable character, Sally Ride lamented the unprecedented nature of her trip when she said:

It's too bad this is such a big deal. It's too bad our society isn't further along. It's time people in this country realized that women can do any job they want to.

She recognized rightly that while her excursion was extraordinary, it should not have been. Today, we nonetheless recognize that through her words she gave voice to countless women, and through her actions she gave the vision and courage to seize their dreams. That is the message Sally Ride engendered as an astronaut, as a professor, and as the founder of Sally Ride Science, her namesake company which strives tirelessly to inspire and inform students by providing them with innovative science programs and resources.

I had the opportunity to see Sally Ride last year. She was recounting with enthusiasm the work she was doing in working with so many young people across this country and sharing her commitment and her passion for education and for space. I was also privileged to have Sally as a neighbor of mine during her time working in Washington, DC.

Indeed, she was a pioneer and a true American icon whose inspirational journey into space will long serve as an example that we can accomplish anything we put our minds to. Perhaps even more importantly, she bequeaths to future generations a legacy that transcends her time unbounded by earthly ties. She leaves to us the omnipotent notion that we can and will do what is hard and that we will achieve what is great, regardless of who we are, and it will indisputably resonate for generations to come.

Leonardo da Vinci once observed:

When once you have tasted flight, you will forever walk the Earth with your eyes turned skyward, for there you have been, and there you will always long to return.

Well, today we fondly remember a woman who had her eyes turned skyward not only for herself but for the women of future generations who

would follow in her example and in her footsteps. We take comfort in knowing that the stars are now indeed where she rests, and we continue to firmly keep her family and friends in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from New Hampshire.

VIOLENCE AGAINST WOMEN ACT

Mrs. SHAHEEN. Mr. President, I rise today to join my colleagues who have been to the Senate floor earlier this afternoon to emphasize the importance of getting the House to act to pass the Violence Against Women Act. We have passed a bipartisan reauthorization in the Senate and now it is time for the House to do the same.

There are provisions in the Senate version of the bill that offer critical protections for survivors, Native Americans, immigrants, the LGBT community, and for students, young women on college campuses. It is that importance of protecting those victims on college campuses that I want to specifically address this afternoon.

According to the Department of Justice, 25 percent of college women—that is 1 in 4—will be victims of rape or attempted rape before they graduate within their 4-year college period. The Rape, Abuse, and Incest National Network reports that college-aged women are four times more likely than any other age group to face sexual assault. In addition, experts believe that rape and sexual assault are among the most underreported crimes, so that one in four could be even greater.

In the Senate-passed legislation, the Leahy-Crapo bill, there are provisions to address the challenges that young women face on college campuses. The legislation we passed here in the Senate requires schools that receive VAWA funds to do the following: State the policies and procedures that are in place to protect victims and provide prevention education for all incoming students. Many young girls arrive on a college campus to live on their own for the very first time. They are struggling to orient themselves in a new environment, and this makes them vulnerable. They need to be given clear guidance about what to do in case they become victims.

The legislation also requires institutions to implement a coordinated response both internal and external to the campus. This means that survivors are helped if they want to hold their attackers accountable, whether through a process that the university has set up or by bringing criminal charges and working with the police. This provision tells young women they are not alone; they are supported and their school will help them.

The third part of the provision that is very important in the Senate-passed bill is that it would require schools to provide training on domestic violence, dating violence, sexual assault, and stalking for campus law enforcement

and to members of the campus judicial boards.

Last week in New Hampshire my office spoke with Forrest Seymour, the sexual assault prevention coordinator at Keene State College, which is a small college with about 6,000 students in the western part of New Hampshire. Forrest said that all of these provisions in the Senate-passed bill are very important and necessary because universities need more guidance about how to best serve students who are victims of rape, dating violence, and stalking. This is especially important at small universities such as Keene where they have limited resources.

Training for campus law enforcement is critical because they are the first responders. School administrators who serve on campus judicial boards also need special training because word spreads very fast on college campuses about whether survivors should feel comfortable going forward. These processes need to be handled with appropriate sensitivity, and the training that is required by the Senate Violence Against Women Act will help make sure these young women feel safe.

The Senate-passed version of the bill will help young women like Harmony, who began her first year in college at Plymouth State University in New Hampshire in 2006. She was excited to be there. She made new friends, and she quickly became comfortable in her new surroundings.

Unfortunately, one night someone she thought was a friend took advantage of that trust and sexually assaulted Harmony. Harmony was ashamed and confused. She felt violated. She began to question all of her new relationships. She was scared all of the time, and she was sure everyone could tell she was a victim, so Harmony didn't tell anyone. She didn't know where to turn. She was scared that she would not be believed, and she even considered dropping out of school.

Fortunately, Harmony did finally reach out and found support. She graduated from Plymouth and now she works as a case manager for survivors of domestic violence in an emergency shelter helping other survivors through the most difficult periods in their lives. Harmony shares her story all over the country, encouraging victims to come forward, promising them they will be believed, they will be supported.

If Harmony has the bravery and the courage to make these promises to survivors, so should we. We owe it to the young and vulnerable women on college campuses across this country to pass the Violence Against Women Act now. It is time for the House to act. The session is running out. We need to see this legislation reauthorized. We need to see the Senate version reauthorized so we can guarantee to young women such as Harmony across this country that they will get the support they need.

I yield the floor and 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. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AURORA, COLORADO SHOOTINGS

Mr. UDALL of Colorado. Mr. President, as does the Presiding Officer, I come to the floor this evening with a heavy heart. I know that as Senators and leaders we are expected to have words for every occasion, but what happened last Friday morning makes it very difficult to bring forth words that are appropriate. However, as I think of the Coloradans who were there whom we are so lucky to represent, their actions spoke louder than words. Their actions spoke very loudly on Friday morning in the city of Aurora.

I wish to focus on the actions of those brave, decent Coloradans who were victims in a variety of ways at the horrific movie theater shooting that took place there in Aurora. It cut short the lives of 12 people. It injured approximately 58 others. I rise to pay tribute to all of those people as well as to their families and their loved ones. I think I know the Presiding Officer, my colleague and my fellow Senator from Colorado, knows that, most importantly, we are here to state emphatically that Aurora will triumph over adversity in our State of Colorado to emerge stronger than ever.

From the time I awoke to the news of the movie theater shootings in Aurora early Friday morning, July 20, I, along with the rest of Colorado and our country, have experienced emotions ranging from deep, profound sadness to, frankly, utter outrage. Our State was just starting to recover from the devastating wildfires that destroyed hundreds of homes, forced tens of thousands to evacuate their communities, and scorched thousands of acres in our beautiful State of Colorado. With that in mind, none of us could have been prepared for the news of these mass shootings in one of our communities.

I know the Presiding Officer has three beautiful daughters. I have two children. I know that having loved ones stolen from us in such a tragic and violent fashion is something for which one can never be prepared. But it is during these times we are also reminded to cherish those all-too-brief moments we have with the people we love.

Although this heinous crime may have shaken us, it did not break us, and it will not break us. We will mourn those we have lost and those who were injured, and with them in mind we will heal and we will become stronger.

Sadly, this kind of tragedy is not new to Colorado. It was 13 short years ago that we learned of another mass shooting at Columbine High School on the western side of Denver. As a nation, we are reminded of more recent shootings at Virginia Tech; Fort Hood, TX; and

Tucson, AZ. These incidents may occur in one city or in one State, but they are national tragedies that tear at us all and then cause us all to tear up and cry together.

Like all Americans, my heart goes out to the victims and their families. I also remain hopeful—the Presiding Officer and I went to one of the hospitals—that the survivors are going to defy the odds on their road to recovery. We have been truly inspired by their stories.

I wish to take a moment and applaud the leadership shown by Colorado's public servants, from Governor John Hickenlooper, Aurora Mayor Steve Hogan, and especially Chief of Police Dan Oates and the Aurora Police Department. There are also other metro area law enforcement professionals who came to the scene almost immediately, including first responders, and medical professionals on site and at the number of hospitals where the victims were taken.

I think what is most notable is that they worked seamlessly to carry out the city's disaster plan and protect the victims from further harm. The police and firefighters arrived a mere 90 seconds after the first 9-1-1 call was placed. There is no question that lives were saved by the swift and coordinated action of Aurora's first responders.

I have to say that this incident shows that similar tragedies have before: that America shines brightest when the night is darkest, and that was literally the situation at midnight on Friday morning in Aurora.

We had the uplifting experience of hearing the stories of bravery coming out of Aurora. We marveled at those stories on Sunday. We start with the fact that at least four young men demonstrated the heights of heroism when they sacrificed their lives to protect their girlfriends from the hail of this gunman's bullets. One young woman had the courage to remain by the side of her wounded friend, calmly applying pressure to her friend's bleeding neck wound while dialing 9-1-1 with her other hand as the gunfire continued around her. Let me put it this way: Lives were saved Friday morning by those who did not let fear override their capacity to care for one another.

These experiences have underlined for me and our entire Nation that what makes us great and will help us endure this tragedy is our people. I saw that Sunday night, as did the Presiding Officer, while participating in a moving vigil in Aurora where our community not only mourned together but also held together during this most difficult time. Although the West is known for its rugged individuals, Colorado is also known for its rugged cooperators—people who help their neighbors in times of adversity. We saw that after the recent wildfires, and we see it again now.

President Obama's visit with victims and families on July 22—just Sunday—2 days ago in Aurora, provided comfort



and support to those in need and again reminded us that the sanctity and strength of family and community is what unites us in the face of adversity. Coloradans have seen that in the wake of this tragedy, our Nation has come together for Aurora and our State, and to my colleagues and anyone listening today, let me say humbly that we are grateful.

I wish to take a moment to say the names of the 12 people who were taken from us too soon. I know that later my colleague will share even more of their stories with us and with the Nation. Their families and friends have my commitment that we will, to honor these good people, these Coloradans, never forget them as the healing process goes on.

The 12 Coloradans, the Americans whom we lost Friday morning are Jonathan T. Blunk, Alexander J. Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, Micayla Medek, Matthew McQuinn, John Larimer, Alex M. Sullivan, Alexander Teves, Rebecca Wingo, and I think the hardest name for all of us to say is that of 6-year-old Veronica Moser-Sullivan. I smile in my sadness because I think the Presiding Officer has seen the photo of her with an ice cream cone in hand, delight on her face, ice cream on her nose. I guess maybe what we could do is take the time to enjoy an ice cream cone, maybe leave that ice cream on our nose for a little bit, and remember her.

In honor of these victims, I have submitted a resolution—S. Con. Res. 53—along with my colleague, the Presiding Officer, Senator BENNET. Congressman PERLMUTTER has filed an identical resolution in the House of Representatives. The resolution, among many things, strongly condemns the atrocities which occurred in Aurora; offers condolences to the families, friends, and loved ones of those who were killed in the attack and expresses hope for the rapid and complete recovery of the wounded; applauds the hard work and dedication exhibited by the hundreds of local, State, and Federal officials and others who offered their support and assistance; and last but certainly not least, honors the resilience of the community of the city of Aurora and the State of Colorado in the face of such adversity. I ask all of my colleagues in the Senate to support Aurora and support this resolution.

As we pay tribute to our fallen fellow Americans and the heroes around them, here is what I hope will come out of what can only be described as a senseless tragedy: We must harness the sense of community we feel this week and use it to create a lasting sense of collaboration in America and use it to solve our shared challenges in a measured, respectful, and thoughtful way. We can truly learn from those who selflessly gave of themselves during the chaos of the Aurora shootings and draw from it the strength to be better people, better family members, and, yes, even better legislators.

In Roman mythology, Aurora is the goddess of the dawn who renews herself each morning. At dawn on Friday, the chaos and the pain and the tragedy of the night before still lingered over that wonderful city of Aurora, but by dawn on the second day, signs of heroism, of recovery, of community began to shine through the darkness of the great Colorado city called Aurora.

As each dawn signals a new day, we owe it to the victims to rise to the occasion and renew our commitment to make this a better, stronger, and more perfect Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. 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.

Mr. BENNET. Mr. President, I would like to first thank my friend—and I do not mean that in the political sense, I mean it in the real sense—the senior Senator from Colorado, the Presiding Officer from Colorado, for his incredibly thoughtful remarks about the tragedy last week in Colorado. I cannot think of any more fitting place to be than here with the Senator tonight to have this conversation. So I thank the Senator very much for his words.

In just a few dark moments last week, in Aurora, CO, 12 innocent lives were taken from us—12 people, full of life and aspirations, loved by family and friends, and now 12 people remembered by an entire nation.

As the Presiding Officer said, thousands of Coloradans attended a vigil hosted by the city of Aurora on Sunday evening. We shared tears and prayers. We also resolved to support one another, to heal, and to always remember those who lost their lives on July 20, 2012. It is for that purpose that the Presiding Officer and I come to the floor this evening.

The first is Jonathan Blunk, age 26. Jon was a father of two who moved to Colorado in 2009, after three tours in the Persian Gulf and North Arabian Sea for the U.S. Navy. He was a certified firefighter and EMT. Jon lost his life protecting his friend Jansen Young from the gunman's line of fire. Jon shielded her from gunfire by pushing her to the ground while shots were fired. He was supposed to fly on Saturday to Nevada to see his wife Chantel Blunk and his 4-year-old daughter and 2-year-old son. Instead, his wife had to put up the dress her daughter had picked out to wear to the airport. She told her daughter that they would not see their dad anymore but that he would still love them and look over them. His daughter Hailey is comforted by calling her father's cell phone and hearing him on voice mail.

This is Alexander Jonathan "A.J." Boik, age 18. A.J. recently graduated from Gateway High School. He enjoyed baseball, music, and making pottery. A.J. was to start art classes at the Rocky Mountain College of Art and Design in the fall. He was described "as being the life of the party. AJ could bring a smile to anybody's face." He was a young man with a warm and loving heart.

This is Jesse Childress, age 29. Jesse was an Air Force cyber systems operator based at Buckley Air Force Base. He loved to play flag football, softball, and bowl. He was a devoted fan of the Denver Broncos, for which he secured season tickets. He was described by his superior officer as an invaluable part of the 310th family who touched everyone with whom he worked.

This is Gordon Cowden, age 51. Gordon was originally from Texas and lived in Aurora with his family. He was "a quick witted world traveler with a keen sense of humor, he will be remembered for his devotion to his children and for always trying to do the right thing, no matter the obstacle." Gordon took his two teenage children to the theater the night of the shooting, both of whom, thankfully, made it out unharmed.

This is Jessica Ghawi, age 24. Jessica was an aspiring journalist, most recently interning with Mile High Sports Radio in Denver, and went by the nickname "Redfield." She was hard working and ambitious, with a generous spirit and kind heart. When numerous homes were recently destroyed by Colorado wildfires, Jessica decided to start collecting hockey equipment to donate to the kids affected because she wanted to help.

This is John Thomas Larimer, age 27. John was a cryptologic technician with the Navy based also at Buckley Air Force Base—a job that requires "exceptionally good character and skills." Originally from Chicago, he was the youngest of five siblings and had joined the service just over a year ago. Like his father and grandfather, John chose to serve in the U.S. Navy. John's superior officer called him "an outstanding shipmate, a valued member of the Navy and an extremely dedicated sailor." Colleagues were drawn to his calming demeanor and exceptional work ethic. He was also known as an extremely competent professional.

This is Matthew McQuinn, age 27. Matt died while protecting his girlfriend Samantha Yowler by jumping in front of her during the shooting. Matt and Samantha moved to Colorado from Ohio last fall and worked at Target. He and Samantha were very much in love and planning their life together. Because of Matt's bravery, Samantha was only wounded in the knee and is expected to make a full recovery.

This is Micayla "Cayla" Medek, age 23. Cayla was a graduate of William C. Hinkley High School in Aurora and a resident of Westminster. She worked at Subway and was a huge Green Bay

Packers fan. Cayla would plan weekend activities around watching the games with her brother and father. She is remembered as a loving and gentle young woman.

This is Veronica Moser-Sullivan, age 6. Veronica had just learned to swim and attended Holly Ridge Elementary School in Denver, CO. She was a good student who loved to play dress-up and read. Veronica's mother Ashley Moser remains in critical condition at Aurora Medical Center. She was shot in the neck and abdomen. We pray for Ashley's recovery and strength in working through the passing of her daughter Veronica.

This is Alex Sullivan, age 27. Alex was at the movie celebrating his 27th birthday and first wedding anniversary. He loved comic books, the New York Mets, and movies. Alex was such a big movie fan that he took jobs at theaters just to see the movies. Alex stood 6 feet 4 inches and weighed about 280 pounds. He played football and wrestled before graduating high school in 2003 and later went to culinary school. Alex was known as a gentle giant and loved by many.

This is Alexander C. Teves, age 24. Alex received an M.A. in counseling psychology from the University of Denver in June and was planning on becoming a psychiatrist. He also competed in the Tough Mudder, an intense endurance challenge, and helped students with special needs. Alex was at the theater on the night of the shooting with his girlfriend Amanda Lindgren. When the gunman opened fire, Alex immediately lunged to block Amanda from the gunfire, held her down, and covered her head.

This is Rebecca Wingo, age 32. Rebecca, originally from Texas and a resident of Aurora, joined the Air Force after high school, where she became fluent in Mandarin Chinese and served as a translator. She was a single mother of two girls and worked as a customer relations representative at a mobile medical imaging company. Rebecca was also enrolled at the Community College of Aurora since the fall of 2009 and had been working toward an associate of arts degree. She was known to family and friends as a "gentle, sweet, beautiful soul."

Here is a photo of the gathering we had last Sunday night in Aurora. I believe, like you, Mr. President, that the early morning hours of July 20, 2012, will not be remembered for the evil that happened.

Scripture tells us "not to be overcome by evil, but overcome evil with good." That is what the people of Aurora and Colorado have been doing since the first moment of this tragedy, and that is what we will continue to do.

In time, we will not remember the morning of July 20 for the evil that killed 12 innocent and precious people. Instead, we will remember the bright lives of those we lost and the families they leave behind. We will remember

the 58 wounded survivors, whose recovery bears witness to humanity's strength and resolve. And tonight, knowing that some are still in critical condition, we pray for their recovery. We will remember the heroic acts of everyday citizens, our first responders, and medical personnel who saved lives that otherwise surely would have been lost. We will remember the continuing generosity of those Coloradans and Americans who are donating blood in record numbers and raising funds to support the families in this trying time. And in time, because we are all Aurora, we will draw strength from the example set by one great American city and the faith of her people in one another.

Thank you, Mr. President.

I 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.

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

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

#### MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### HONORING OUR ARMED FORCES

##### TRIBUTE TO LANCE CORPORAL HUNTER HOGAN

Mr. JOHANNIS. Mr. President, I rise today to remember a fallen hero, U.S. Marine Corps LCpl Hunter H.D. Hogan. Lance Corporal Hogan was killed in action while supporting combat operations in Afghanistan on June 23, 2012.

Lance Corporal Hogan cultivated a desire to serve our Nation at an early age, and he followed in his father's footsteps when he enlisted in the Marine Corps on October 26, 2009. He, like so many young marines, could have pursued other opportunities outside of the military, but he instead chose to take an oath of service to our great country. He was rightfully proud of this oath and remained faithful to the mission and to his brothers in arms.

The Hogan family laid their marine to rest in York, NE, on July 6, 2012. Lance Corporal Hogan served with honor and valor having been awarded the Purple Heart, Combat Action Ribbon, Sea Service Deployment Ribbon, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, and the National Defense Service Medal.

Hunter is mourned by his wife Brittney, his father, mother, grandparents, and so many others. I know his family is proud of him and will always remember his spirit and his quick

wit. His sense of adventure and his enthusiasm for rodeo, hunting, and fishing will also be fondly remembered. Hunter's passion for life and those around him allowed him to be the best marine he could be.

Strong marines are not possible without the support of family. Hunter's family chose a quote by Senator Paul H. Douglas to describe their young marine's passion for the Corps.

Those of us who have had the privilege of serving in the Marine Corps value our experience as among the most precious of our lives. The fellowship of shared hardships and dangers in worthy cause creates a close bond of comradeship. It is the basic reason for the cohesiveness of Marines and for the pride we have in our Corps and our loyalty to each other.

We hold our heads high when we speak of the strong tradition of military service in our great State of Nebraska. We are honored to call him one of our own, and I know Nebraskans across the State will provide his family with care and love during this very difficult time.

May God bless the Hogan family and all of our service men and women both home and abroad. LCpl Hunter Hogan, forever a marine, forever a cowboy, Semper Fidelis.

#### REMEMBERING OFFICER CHESTNUT AND DETECTIVE GIBSON

Ms. MIKULSKI. Mr. President, the nation is mourning the senseless loss of 12 people in Aurora CO, and the wounding of 58 people.

Today, we mark the sad anniversary of another tragedy that took place in the Capitol on July 27, 1998.

We remember Officer Jacob J.J. Chestnut, from Ft. Washington in my home State of Maryland and Special Agent John Gibson, of Woodbridge, VA, who gave their lives to protect the U.S. Capitol, all the people who work at and visit the Capitol, and to protect this building that is the symbol of freedom and democracy the world over.

Today, we honor the lives and heroism of Officer Chestnut and Detective Gibson. We also commend all the Capitol Hill police officers who put their lives on the line to protect democracy.

These two fine men were part of one of the most unique police forces in the country. They are excellent Federal law-enforcement officials who protect Members of Congress from crooks, terrorists, or anyone else who would want to harm us, and they also protect all the people in the building, whether it is a foreign dignitary or a Girl Scout troop from Iowa.

Second, they are also "Officer Friendly"—welcoming people and answering questions; and many have taken special language training to help visitors from around the world.

Third, many are also trained for other possible emergencies: to provide basic paramedic help in the case of an ill tourist, or to provide basic firefighting and help evacuate buildings in the case of fires.

These police are like our own “Cops on the Beat.”

Finally, so many of the Capitol Hill Police Officers are my Maryland constituents, just like J.J. Chestnut.

Officer Chestnut was always one of the stars: trained as an MP in the military, he was with the Capitol Police for 18 years and was known for having a unique touch with tourists and constituents. We were very proud of him, and he was even nominated at one time for Capitol Police Officer of the Year.

And I know how proud we were of Detective Gibson as well: he was from just across the river in Virginia. He was a true hero—stopping the gunman from entering the building.

Mr. President, I join my colleagues in the Senate in marking this sad anniversary and in paying respect to the families of Officer Chestnut and Detective Gibson. They were heroes that sad day in 1998, and they are heroes for today and all eternity.

#### FDA SAFETY AND INNOVATION ACT

Mr. BLUMENTHAL. Mr. President, today I rise to say a few words about the Food and Drug Administration Safety and Innovation Act, legislation Congress passed with strong bipartisan support just before we returned home to our States for the Fourth of July.

This bill was a big one. It was a big bill with complex provisions and an essential purpose: to safeguard the public, to protect patients and encourage innovation and invention, which are so important to treating and curing diseases in this country as well as other problems. And this measure was revolutionary in many ways. It contained complex, new provisions, provisions that we must make sure are implemented as Congress intended.

I was proud to work on many parts of this bill with my colleagues, including title VIII of this legislation, to generate new antibiotics to treat emerging serious and life threatening superbug infections. I want to clarify two points for the record on this legislation: I want to be clear that pathogens identified in this title are illustrative, not all-inclusive. There are many deadly pathogens that we may not even know of yet; title VIII is intended to spur innovation against all superbug infections as soon as they arise. And, I want to be clear, language in section 801(b) is not intended to prohibit or preclude innovative drug products that will spur the antibiotic pipeline, so long as they meet the definition for a qualified infectious disease product.

FDA approval of new antibiotics has decreased by 70 percent since the mid-1980s, yet reports from the CDC suggest that resistant MRSA infection deaths are now at more than 17,000 lives lost in the United States each year—more than AIDS. Resistant infections have now been elevated to one of the World Health Organization's top three threats to human health. It is my sincere hope

that title VIII will spur production of the weapons we need to fight this threat.

#### FISCAL YEAR 2013 APPROPRIATIONS

Ms. COLLINS. Mr. President, I am pleased to join my colleagues in support of Senate debate and passage of the fiscal year 2013 appropriations bills.

I want to begin by commending both Chairman INOUE and Vice-Chair COCHRAN for their leadership on the Appropriations Committee. In what has been largely a bipartisan process, the Senate Appropriations Committee has approved 9 of the 12 funding bills so far. A lot of hard work on both sides has gone into putting these bills together.

As ranking member of the Appropriations Subcommittee on Transportation and Housing and Urban Development, Senator MURRAY and I worked closely together to craft a truly bipartisan fiscal year 2013 appropriations bill. The T-HUD bill strikes a balance between thoughtful investment and fiscal restraint. In fact, this bill honors an allocation that is nearly \$14.5 billion below fiscal year 2010 levels, a 22-percent reduction. These deep cuts reflect an even deeper commitment to getting our fiscal house in order.

I am proud of the work that went into this bill and the strong bipartisan vote this past April to report it out of committee. Like the T-HUD bill, the Agriculture; Commerce, Justice, and Science; Energy and Water; Military Construction and Veterans Affairs; State and Foreign Operations; and Department of Homeland Security bills have all been reported with overwhelming bipartisan support. In putting together these bills, the Appropriations Committee functioned the way committees are supposed to: we worked together to develop thoughtful and responsible bills that could be recommended for the full Senate for consideration.

As such, I was very disappointed to hear the majority leader's recent announcement that not one of the 12 appropriations bills would be brought to the Senate floor until after the election, virtually guaranteeing that we end up with a continuing resolution or catch-all omnibus that the full Senate has not had an opportunity to properly vet. I hope he will reconsider in light of our commitment to work with him to develop a workable and fair process for considering these bills.

Given the immense workload that we have before the end of the year—including enacting appropriations bills and preventing the so-called fiscal cliff, when enormous tax hikes and indiscriminate cuts to defense spending are set to kick in—I am disappointed that we have spent much of July haggling over proposals that never really stood a chance of going anywhere.

I understand that the majority leader has said that he doesn't want to bring the bills to the floor because the House

is writing its bills to a lower level, but we have a process to deal with disagreements. It is called a conference. The Senate Appropriations Committee has reported several bipartisan bills that are ready for floor consideration. Why not bring them to the floor, allow Senators to offer amendments, and let the Senate work its will on this important constitutional responsibility?

As our Nation's economy struggles to recover, it is important that we complete appropriations bills on time and through regular order. It is important for the Senate as an institution that we proceed. It is also important for the American people to see that we can work together in an open and bipartisan manner to establish priorities, make hard decisions, and complete the work that the Constitution requires of us.

Last November, I joined Chairman MURRAY as well as Chairmen KOHL and MIKULSKI and Ranking Members BLUNT and HUTCHISON to usher the first group of fiscal year 2012 spending bills to final passage, avoiding a long-term continuing resolution for fiscal year 2012. It is my hope that we will build on last year's success and bring the fiscal year 2013 appropriations bill to the floor to be considered through a similarly open and transparent process.

These bills make investments that not only create jobs now when they are needed most but also establish the foundations for future growth. Just as important to our economic future, however, is reigning in Federal spending; we must strike the right balance between thoughtful investments and fiscal restraint, thereby setting the stage for future economic growth. Uncertainty only makes matters worse.

#### CHRIS BOHJALIAN

Mr. LEAHY. Mr. President, Vermont boasts many talented artists, creators, composers and authors. Not least among them is Chris Bohjalian of Lincoln, an accomplished writer whose recent novel, *The Sandcastle Girls*, is drawing the praise and accolades of critics and readers alike. Marcelle and I were inspired by the story Chris has committed to the printed page; it is a novel that I believe will secure his place among the most accomplished writers of the 21st Century.

I read with interest an interview with Chris published in Vermont's Burlington Free Press on July 15. Like many artists and authors, Chris drew from his own heritage in his case, Armenian—to pen a moving story of compassion and perseverance amid horror and tragedy. Perhaps this is why he has called *The Sandcastle Girls* the “most important book” he will ever write.

Chris is a longtime friend, and I have always enjoyed reading his works. *The Sandcastle Girls* is an achievement that stands apart and will deeply affect its readers.

I ask unanimous consent to have printed in the RECORD the article, “The

Most Important Book I Will Ever Write.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, July 15, 2012]

“THE MOST IMPORTANT BOOK I WILL EVER WRITE”—BOHJALIAN TALKS ABOUT ‘THE SANDCASTLE GIRLS’

(By Sally Pollak)

Chris Bohjalian is a novelist who lives in Lincoln. Bohjalian, 51, writes a Sunday column for the Burlington Free Press. “The Sandcastle Girls,” his 14th novel, comes out Tuesday. In a recent conversation with Free Press reporter Sally Pollak, Bohjalian said “The Sandcastle Girls” is the most important novel he will ever write. He said, as well, he thinks it’s the best book he’s ever written.

“The Sandcastle Girls” is set in Aleppo, Syria, during the Armenian genocide, nearly a century in the past. The story centers around a young American woman, Elizabeth Endicott, who travels to the Middle East to assist Armenian refugees. She befriends (and aids) a group of interesting people, and falls in love with an Armenian engineer who has suffered devastating losses.

The book is narrated by a contemporary American novelist of Armenian heritage, Laura Petrosian. Bohjalian says Petrosian is a female version of himself.

BFP: What compelled you to write this book?

CB: This is the second time I’ve tried to write about the Armenian genocide. I tried to write about it when I finished “Water Witches,” prior to writing “Midwives.” I wrote an entire novel called “Sugar Daddy.” Terrible book, never published.

Not only was it a terrible, terrible book, but about this time Carol Edgarian wrote “Rise the Euphrates” about the Armenian genocide.

And I remember thinking to myself, Why does the world need my book when it has “Rise the Euphrates?”

Rather than try to save the novel I went onto my next project, a novel about a midwife who dies in childbirth, and wrote that book instead.

I was about 100 pages into the manuscript about the Sandcastle girls when Mark Mustian published his interesting and marvelous novel about the genocide, “The Gardame.” Once again I thought the world doesn’t need my novel.

But I was so emotionally invested in these characters, I cared so much about the story, that I soldiered on and finished it. I’m really glad I did. I love this novel. Elizabeth Endicott, Nevart and Hatoun are my three favorite female characters, along with Sibyl Danfroth in “Midwives,” that I’ve ever written.

BFP: “The Sandcastle Girls” is a mystery, a love story and a narrative of war. How do you approach writing a novel that weaves together these themes?

CB: Those elements are woven together through the characters. I know when I read a novel, I’m interested in characters I care about. And so when I began this book I began with the people, I began with the characters. And I do care so deeply about the characters in this book, especially those women.

BFP: How did you come up with “the compound” in your novel, the setting for much of the action and the place where many of your characters live?

CB: Partly, I was simply after historical authenticity: Where would Elizabeth Endicott, an American, be living? Then, however, I saw the importance of the juxtaposition of

where Elizabeth lays her head at night compared to where the refugees who are coming from the desert are sleeping. The square of the citadel is an innermost ring of Dante’s inferno, compared to the compound.

BFP: Did you know when you started writing the book how you were going to resolve it?

CB: I never know where my books are going when I begin them. I depend upon my characters to take me by the hand and lead me through the dark of the story. I didn’t know this novel was even going to have a component that was mysterious when I began it. All I knew was that I wanted to examine what my narrator calls the “Slaughter You Know Next to Nothing About.”

BFP: Can you describe the sense of responsibility or obligation you might have felt writing a novel that would tell people something about this mass killing, now a century in the past?

CB: I know in my heart this is the most important book I’m ever going to write. I’m telling a story that is not known but was precedent-setting for some of the most horrific tragedies and crimes of the last century. There’s a direct line between the Armenian genocide, the Holocaust, the killing fields of Cambodia, Bosnia, Rwanda. It’s a long list.

In 1915, there were roughly two million Armenians living in the Ottoman empire. By the end of the First World War, 1.5 million would be dead, three out of every four of them. In 1915, I had four Armenian great-grandparents. By the end of that year, at least one would be dead. Both of my Armenian grandparents are genocide survivors.

My family history is a part of that horrific global narrative. So when I started this book, I began with the personal. My narrator, Laura Petrosian, is a female version of me. That’s my grandparents’ house in the novel.

Elizabeth Endicott and Armen Petrosian (central characters in the book) are not my grandparents. They are completely fictional.

BFP: When did your grandparents, Leo and Haigoohi Bohjalian, come to this country?

CB: There were two points of arrival. I believe my grandfather, Leo, first arrived here in 1920 but he didn’t stay. He went back to get my grandmother and they lived in Paris until late 1927, or very early 1928.

BFP: What do you know about your own Armenian ancestors? And how does your family’s history figure into this work?

CB: I know almost nothing about my Armenian ancestry; I know even less about my (maternal) Swedish ancestry.

I don’t know what demons dogged my mother and father, but they never talked to me about their childhoods. That’s why perhaps “The Sandcastle Girls” is a novel and not a memoir. I couldn’t tell you enough about my Armenian and Swedish ancestors to write a memoir. I have wondered if I am going to learn a lot about my (Armenian) ancestors when this book comes out, which would be great.

My aunt believes that Haigoohi’s father (Bohjalian’s great-grandfather) was murdered by Turkish soldiers because he supplied horses to the army. They killed the Armenian and took the horses.

The history of “The Sandcastle Girls” is accurate. I did my research and I did my homework. I believe that Aleppo of 1915 (where the novel is set) is the real thing.

I knew so little about the Armenian genocide as a child, and what my grandparents must have endured, that I saw no irony in the fact that my first serious girlfriend when I was 13 and 14 years old was Turkish. I understood as a child that my grandparents were from Armenia and were magnificently exotic, by the standards of both grand-

parents. My mother really did call their house the Ottoman Annex of the Metropolitan Museum of Art. Their English, up to as late as 1970, was heavily accented.

BFP: Your father, Aram Bohjalian, died last summer, about a year before the publication of “The Sandcastle Girls.” Did you get a chance to talk to him about the book? What were his feelings about the novel?

CB: My father’s eyesight had been diminished by macular degeneration for so long, he was not able to read even large-print books. That photograph (of Bohjalian’s father and grandparents) is one of many photographs that my dad and I pored over the last two years of his life. Because he was so ill, I was visiting him a lot. The way I would try to take his mind off the pain he was in was to get out family photo albums and ask him to tell me stories, ask him to tell me about the different people in the photographs. A lot of it he didn’t know.

My father, as a first generation son of immigrants, in many ways distanced himself as much as he could from his Armenian ancestry. He grew up in a house in Westchester County in which everyone spoke Armenian or Turkish. When he started kindergarten, he spoke not a single word of English. He didn’t even know how to ask where the bathroom was. In terms of distancing himself from his Armenain ancestry, he became as American as possible.

He was not as handsome as Don Draper in “Mad Men” but he was a Mad Man. He was an advertising executive at large New York City ad agencies.

I think my father knew more than he wanted to share with me. He had mixed emotions about it. On the one hand, he was always really proud of me; even when his eyesight was gone, he loved listening to my books on audio, even the bad ones.

But I think he also felt that this story was too painful for a novel. I remember once reminding him when we talked about this that I had written novels about a woman dying in childbirth, a couple who had their twin daughters washed away in a flood, the Holocaust, and a domestic abuse murder-suicide. And I also told him that as an Armenian-American, I felt an incredible desire to write this story because it feels so much a part of me.

BFP: Can you tell us something about your recent trip to Armenia and Lebanon?

CB: The principal driving force that led me to Armenia was the death of my father, and not simply his death but his illness. The more time I spent looking at old family photographs, the more time I spent seeing images of Leo and Haigoohi, the more I felt this profound desire to see Mount Ararat.

I have never in my life been outside Vermont and felt less like a stranger in a strange land, than when I was in Yerevan, Armenia. I was so happy there in ways I hadn’t expected.

BFP: “The Sandcastle Girls” will be released Tuesday. Are you nervous as publication approaches?

CB: I’ve never been as emotionally invested in how people respond to a book as I am with this one. Because this is the most important book I will ever write. And I think it’s the best book I’ve ever written. And the reason why it’s the most important book is pure and simple: because it’s about the “Slaughter You Know Next to Nothing About.”

## ADDITIONAL STATEMENTS

## STENNIS CENTER PROGRAM FOR CONGRESSIONAL INTERNS

• Mr. KOHL. Mr. President, for 10 years, summer interns working in Congressional offices have benefitted from a program run by the John C. Stennis Center for Public Service Leadership. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress works and a deeper appreciation for the role that Congress plays in our democracy. Each week, the interns meet with senior congressional staff and other experts to discuss issues such as the legislative process, separation of powers, balancing governing and campaigning, political polarization, and more. My office has had the benefit of hosting Stennis interns over years and I know it contributes to a richer experience for all who participate.

Interns are selected for this program based on their college record, community service experience, and interest in a career in public service. This year, 28 outstanding interns, most of them juniors and seniors in college who are working in Republican and Democratic offices in both the House and Senate, have taken part.

I congratulate the interns for their involvement in this valuable program and I thank the Stennis Center and the Senior Stennis Fellows for providing such a meaningful experience for these interns and for encouraging them to consider a future career in public service.

I ask that a list of 2012 Stennis Congressional Interns and the offices in which they work be printed in the RECORD.

The list follows.

Nick Briggs, attending Brown University, interning in the office of Rep. JIM MCGOVERN;

Julia Caulfield, attending Western Washington University, interning in the office of Sen. MARK BEGICH;

Ryan Clarke, attending the University of North Florida, interning in the office of the House Democratic Leader;

Rebecca Dailey, attending Boston College, interning in the office of Sen. MARK BEGICH;

Myranda Elliott, attending Hofstra University, interning in the office of Rep. PAUL GOSAR;

Robert Glass, attending Georgia Southwestern State University, interning in the office of Rep. JOHN BARROW;

Alison Gocke, attending Princeton University, interning in the House Committee on Natural Resources;

Sadhna Gupta, attending Duke University, interning in the office of Rep. JIM MCGOVERN;

Geoff Henderson, attending Haverford College, interning in the House Committee on Foreign Affairs;

Katie Hill, attending Brown University, interning in the office of Rep. DAVID CICILLINE;

Kayla Howe, attending The Monterey Institute of International Studies, interning in the House Committee on Foreign Affairs;

Dan Hsieh, attending Seattle University School of Law, interning in the office of Sen. MIKE ENZI;

Elizabeth Joseph, attending the University of Texas at Austin, interning in the office of Sen. THAD COCHRAN;

Isabella Leavitt, attending Arizona State University, interning in the office of Rep. RAÚL GRIJALVA;

Ju Young Lee, attending Claremont McKenna College, interning in the office of Rep. BARBARA LEE;

Hunter Ligon, attending the University of Oklahoma, interning in the office of Rep. JAMES LANKFORD;

Jennifer Lundemo, attending Dickinson State University, interning in the office of Sen. KENT CONRAD;

Ty McNamee, attending the University of Wyoming, interning in the office of Sen. MIKE ENZI;

Zach Ostro, attending the University of Maryland Francis King Carey School of Law, interning in the office of Rep. MARCIA FUDGE;

James Pollack, attending Harvard University, interning in the office of Rep. JACKIE SPEIER;

Stephanie Rice, attending Boston College, interning in the House Committee on Financial Services;

Sterling Robinson, Jr., attending Hofstra Law School, interning in the office of Rep. CHARLES RANGEL;

Amir Rowe, attending St. John's University, interning in the office of Rep. CHARLES RANGEL;

Ray Salazar, attending Hawaii Pacific University, interning in the office of Rep. COLLEEN HANABUSA;

Mike Sardano, attending New England Law Boston, interning in the Senate Committee on Rules and Administration;

Elizabeth Teagle, attending the University of Georgia, interning in the office of Sen. SAXBY CHAMBLISS;

Kanoe Tjorvatjoglou, attending George Mason University, interning in the office of Rep. COLLEEN HANABUSA;

Guy Wood, attending Princeton University, interning in the office of Sen. THAD COCHRAN. •

TRIBUTE TO MAJOR GENERAL  
TIMOTHY J. LOWENBERG

• Mrs. MURRAY. Mr. President, today I wish to recognize Major General Timothy J. Lowenberg for his exemplary record of service to the Washington National Guard, Washington State, and the United States of America.

MG Timothy J. Lowenberg will retire on July 31, 2012 after a distinguished career with the Washington National Guard and 44 years of military service to this country. General Lowenberg has been the Adjutant General for Washington State since September 1999 and in this role he has served as the commander of all Washington National Guard forces, Director of Washington State's Emergency Management programs, and Homeland Security Advisor to the Governor of Washington. Beyond these already extensive responsibilities, General Lowenberg is recognized nationally for his work on Homeland Security policy. In a defining mark of General Lowenberg's forward-leaning leadership, he established the Washington State Domestic Security Infrastructure in 1999, prior to the events of 9/11. This collaborative effort to establish a Statewide system capable of responding to major disaster events pre-

ceded the establishment of the Department of Homeland Security by several years.

While his list of titles would be a strong credit to any individual, an equally impressive aspect of General Lowenberg's career has been his ability to provide this leadership during one of the most dynamic periods of Washington State's history. During his tenure, General Lowenberg has led Washington State in the response to 53 Governor Emergency Proclamations, 10 Presidential Major Disaster Declarations, and one Presidential Emergency Declaration. Beyond the sheer volume of emergencies General Lowenberg has addressed during his time as Adjutant General, he has displayed great flexibility and a talent for adapting to the needs of any given situation. One of his signature accomplishments was working with me and others toward the establishment of the 2010 Olympics Security Committee and the construction of the 2010 Olympic Coordination Center. In the years that led up to the 2010 Vancouver Winter Olympics, General Lowenberg recognized the need for local, State, Federal, and international cooperation to ensure an effective and smooth response to the games. He managed to operate this committee without the benefit of a National Security Special Event designation, achieving the desired outcome without the benefit of additional funding.

Had General Lowenberg spent his time as Adjutant General only responding to emergencies and planning for disasters, he would still have been able to retire as one of the most accomplished Adjutant Generals in the country, but he also commanded the Washington National Guard during a time of war. Though it is easy to forget, our world looked quite different in 2001. The servicemembers who initially deployed to Afghanistan and Iraq didn't have Mine Resistant Ambush Protected vehicles, up-armored Humvees, or even the kind of extensive body armor we see today. Some National Guard members deployed to war zones without body armor, necessary equipment, or even vehicles. In the face of these hardships, General Lowenberg and the Washington National Guard stood fast and persevered. Over the last decade Washington Guard members have deployed and sacrificed alongside the Active-Duty military again and again, and in the words of former Secretary of Defense Robert Gates, the Washington National Guard and all State Guard members have changed from, "a strategic reserve to an integral part of the operational force."

While these brave servicemembers were deployed, General Lowenberg worked with me to modernize Cold War-era benefits that no longer sufficiently supported the post-9/11 Guard members and their families. Guard members deploying in the early half of the last decade were doing so without the promise of adequate veterans' benefits, without appropriate TRICARE

benefits for their families, and without the skilled behavioral health resources to keep pace with the toll that repeated deployments would eventually take. General Lowenberg pushed for improved Guard member access to TRICARE and VA benefits, and to make sure that Guard members and members of the Reserve component have improved access to the behavioral health specialists they need while they are on inactive duty or on annual training.

When these Guard members came back from deployment, they came home to a country that was well intentioned but not well prepared to receive them. When Washington Guard members began returning from their first deployments to Iraq, unemployment for some units was extremely high. I have never accepted the premise that it is acceptable for servicemembers who have sacrificed so much to return home from deployment and struggle to find work to support their families, and neither has General Lowenberg. General Lowenberg fought for funding for the Yellow Ribbon Reintegration program and to expand efforts such as the Washington State Joint Services Support Directorate, J9, program to help more Guard members find employment. The positive impact from these programs helped the men and women of the Washington Guard find stable work and these efforts became such a success that the lessons from these programs have spread throughout the country. Members of the Washington Guard now boast an unemployment rate below the national average and the work that General Lowenberg put into reducing Guard unemployment laid the foundation for my VOW to Hire Heroes Act and other efforts to help veterans access secure employment, including overhauling the Transition Assistance program for the first time in 20 years and making it mandatory.

These changes to National Guard since 1999 have been historic, but General Lowenberg has always maintained the ability to understand what is important. Out of all the memories I have of General Lowenberg, the ones that will stay with me the longest are from the catastrophic flooding that hit Washington in January 2009. The Washington State flood of 2009 caused the biggest urban evacuation in the history of the State, and I cannot begin to describe the scene that I witnessed out of the back of a Chinook as General Lowenberg and I surveyed the damage. That flood broke levees, shut down Interstate 5, and compromised the integrity of Howard Hanson Dam. Through all of that chaos and the lengthy effort to move Federal funding to repair the Howard Hanson Dam, General Lowenberg directed relief, recovery operations, and preparedness efforts with an unparalleled understanding of emergency management that didn't ignore the effects that flood and damaged dam had on small communities and individuals. Under Gen-

eral Lowenberg, Washington State had the best possible leadership for these and other demanding situations.

I join the people of Washington State in congratulating General Lowenberg on an impressive career, and I look forward to seeing what he will accomplish in what I know will be an active retirement.

General Lowenberg, thank you for your service. You will be missed. ●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13441 WITH RESPECT TO LEBANON—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2012.

Certain ongoing activities, such as continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems, undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.  
THE WHITE HOUSE, July 24, 2012.

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, 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. 1237. An act to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes.

H.R. 1369. An act to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office".

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. 2896. An act to designate the facility of the United States Postal Service located at 369 Martin Luther King, Jr. Drive in Jersey City, New Jersey, as the "Judge Shirley A. Tolentino Post Office Building".

H.R. 3388. An act to mend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

H.R. 3556. An act to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 3593. An act to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office".

H.R. 3742. An act to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse".

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

H.R. 4347. An act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boocher United States Courthouse".

H.R. 4484. An act to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes.

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

H.R. 5958. An act to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2527. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1237. An act to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1369. An act to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2467. An act to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; to the Committee on Indian Affairs.

H.R. 2896. An act to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the "Judge Shirley A. Tolentino Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3388. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3593. An act to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3742. An act to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4484. An act to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requir-

ing motor vehicle insurance cost reporting; to the Committee on Commerce, Science, and Transportation.

H.R. 5958. An act to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley; to the Committee on Environment and Public Works.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3420. A bill to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6910. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Disaster Designation Process" (RIN0560-AH17) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6911. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Federal Deposit Insurance Corporation Limit Change" (RIN0575-AC94) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6912. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No. 9354-8) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6913. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerances" (FRL No. 9354-9) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6914. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irradiation Treatment; Location of Facilities in the Southern United States" ((RIN0579-AD35) (Docket No. APHIS-2009-0100)) received in the Office of the President of the Senate on July 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6915. A communication from the Administrator of the Environmental Protection

Agency, transmitting, pursuant to law, an annual report relative to the implementation of the Formaldehyde Standards for Composite Wood Products Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6916. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Charles E. Stenner, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6917. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas J. Owen, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6918. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6919. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC-6920. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran (DCN OSS 2012-1130); to the Committee on Armed Services.

EC-6921. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Definitions of Mortgage Related Security and Small Business Related Security" (RIN3235-AL33) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6922. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Audit Trail" (RIN3235-AK51) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6923. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Further Definition of 'Swap', 'Security-Based-Swap', and 'Security-Based Swap Agreement'; Mixed Swaps; Security-Based Swap Agreement Recordkeeping" (RIN3235-AK65) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6924. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6925. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No.

FEMA-2012-0003)) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6926. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export and Reexport Controls to Rwanda and United Nations Sanctions under the Export Administration Regulations" (RIN0694-AF31) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6927. A communication from the Senior Counsel for Regulatory Affairs, Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculation of Maximum Obligation Limitation" (RIN1505-AC36) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6928. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Centers for Medicare and Medicaid Services, received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6929. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Community Planning and Development, received in the Office of the President of the Senate on July 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6930. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Socialist Republic of Vietnam; to the Committee on Banking, Housing, and Urban Affairs.

EC-6931. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-6932. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2011 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC-6933. A joint communication from the President and Chief Executive Officer and the Chief Accounting and Administrative Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2011 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6934. A communication from the White House Liaison, Department of Energy, transmitting, pursuant to law, (15) fifteen reports relative to vacancies in the Department of Energy, received in the Office of the President of the Senate on July 18, 2012; to the Committee on Energy and Natural Resources.

#### 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. VITTER:

S. 3424. A bill to prohibit the sale of billfish; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL:

S. 3425. A bill to amend the Worker Adjustment and Retraining Notification Act to provide a notice requirement regarding offshoring; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. UDALL of New Mexico, and Mr. DURBIN):

S. 3426. A bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL:

S. 3427. A bill to permanently extend the employer-provided child care credit under section 45F of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. CARDIN:

S. 3428. A bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mrs. MURRAY):

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. MENENDEZ, and Mr. RUBIO):

S. Res. 525. A resolution honoring the life and legacy of Oswald Paya Sardinas; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. DURBIN, and Mr. BROWN of Massachusetts):

S. Res. 526. A resolution designating November 2012 as "Stomach Cancer Awareness Month" and supporting efforts to educate the public about stomach cancer; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. REED, Mr. BEGICH, Mr. REID, Mr. CORKER, Mr. INHOPE, Ms. SNOWE, Mr. LIEBERMAN, Mr. COCHRAN, Mrs. MURRAY, Mr. CHAMBLISS, Mr. WICKER, Mr. WHITEHOUSE, Mr. BROWN of Massachusetts, Mrs. HUTCHISON, Mr. BAUCUS, Mr. TESTER, Mr. INOUE, Ms. MIKULSKI, Ms. COLLINS, Mr. BLUMENTHAL, Mr. BURR, Mrs. HAGAN, and Mr. MCCONNELL):

S. Res. 527. A resolution designating August 16, 2012, as "National Airborne Day"; considered and agreed to.

By Mr. CARDIN (for himself and Mr. CHAMBLISS):

S. Res. 528. A resolution recognizing the 100th anniversary of the American Podiatric Medical Association, the preeminent organization representing podiatric medicine and surgery, celebrating its achievements, and encouraging the association to continue providing guidance on foot and ankle health issues to the people of the United States and of the world; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT,

Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOPE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Mrs. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Con. Res. 53. A concurrent resolution honoring the victims of the Aurora, Colorado, movie theater shooting and condemning the atrocities that occurred in Aurora, Colorado; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 137

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 137, a bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 432

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 432, a bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes.

S. 697

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.



S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 961

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 961, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 1102

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1102, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1605

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1605, a bill to amend the Fair Housing Act, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. REED), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1935, supra.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3186

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3186, a bill to make it unlawful to alter or remove the identification number of a mobile device.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3239

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3269

At the request of Mr. PAUL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3269, a bill to provide that no United States assistance may be provided to Pakistan until Dr. Shakil Afridi is freed.

S. 3384

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3384, a bill to extend supplemental agricultural disaster assistance programs.

S. 3395

At the request of Mr. MERKLEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3395, a bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs.

S. 3397

At the request of Mr. HATCH, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3397, a bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

S. 3423

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3423, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 3427. A bill to permanently extend the employer-provided child care credit under section 45F of the Internal Revenue Code of 1986; to the Committee on Finance.

Mr. KOHL. Mr. President, we know taxes are scheduled to increase for all Americans next year, and we know an across-the-board tax increase on all Americans would be very bad for our economy. What we disagree on is which tax cuts should be continued.

Unfortunately, this has become a highly partisan debate. Someone watching this debate would assume we cannot agree on anything when it comes to taxes, but they would be wrong. We do agree on far more than we disagree. We agree that middle-class tax rates should not go up. We agree that the alternative minimum tax should not affect middle-class taxpayers. We agree on a variety of tax breaks that help families raise children and invest in their education. Our disagreements elsewhere should not stop

us from acting where we do agree. We should cut through the partisan gridlock and pass the policies we all support.

One policy we can all support is a tax credit for companies that provide childcare to their workforce. This is a powerful and proven incentive for business—especially small business—to arrange onsite childcare for their employees.

I originally introduced this tax credit after we passed welfare reform in 1996. The purpose of welfare reform was to move recipients off benefits and into jobs—a path of financial freedom that is too often blocked by the lack of quality and affordable childcare. After years of work, we finally passed the employer-provided childcare tax credit in 2001. Since then, it has offered businesses a tax credit for building and maintaining a childcare center. Businesses can also receive a smaller tax credit for helping their employees find childcare elsewhere in the community.

Childcare is a good investment for employee and employer alike. Businesses get employees who miss less work to deal with family issues and stay at their jobs longer. Parents know their children are safe, sound, and close by while their mom or dad is at work. They do not have to choose between putting food on the table and caring for their children.

Now is not the time to add another stress to overstressed working families struggling to survive in a down economy. That is why today I am introducing a bill to continue the tax credit for employer-provided childcare. We all agree the employer-provided childcare tax credit should not expire. It is included in both tax bills we are considering this week and we should extend it now.

But support for childcare isn't the only thing the Republican and Democratic tax bills agree on. In fact, these two bills offer the same exact tax cut extension for the first \$250,000 earned by every American family. If a family makes \$1 more than that, they still get the same tax cut extension on their first \$250,000. Even millionaires get the same tax cut extension as everyone else. Everybody, including the wealthiest Americans, benefits from the tax cuts we all can and do support.

Bipartisan policies, such as a tax credit for employer-provided childcare or middle-class tax cuts, should not be held hostage because of a partisan debate about other tax cuts. When we all can agree on something, we should vote for it.

By Mr. CARDIN:

S. 3428. A bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to introduce the Renewable Fuel Standard Flexibility Act. I am introducing this bill because I have grave

concerns about the impacts the Federal mandate for corn ethanol production is having on the price of food in this country and the cost of domestic food production.

Corn is a staple of the modern American diet that has become a ubiquitous ingredient or additive in most of our food and it is fed as feed to nearly all livestock animals. The fact is, most meals Americans consume either has corn as an essential ingredient or consist of ingredients that required corn to produce. From milk, to eggs, to beef to poultry, to bread, to soft drink, and most prepared frozen meals corn—is essential to American food.

The first section of Michael Pollan's 2006 Best Seller *The Omnivore's Dilemma: A Natural History of Four Meals* is titled "Industrial Corn" and it explains just how omnipresent corn, in some form or another, is in American diets. For better or for worse, the vast majority of the food found on American supermarket shelves is made from processed corn. When it comes to the animal proteins Americans consume most of these animals were raised on corn diets.

For decades, America's corn growers were out producing demand for corn and food producers, and consumers benefited from relatively low corn prices that ranged around \$2 a bushel. While consumers may have benefitted from these prices, American corn and grain growers were hurting badly.

Since 2007, the tides have been turning significantly. National demand for corn is at an all-time high and corn futures project corn reaching \$8 a bushel in the near future. A growing and hungry nation combined with new demands for corn that are the result of technological innovations have created new uses for corn in the form of ethanol as both a motor fuel additive and in plastics. These new uses, combined with expanded traditional uses have fueled the upward spike in corn prices.

Corn growers have benefitted tremendously from the increased demand and high corn prices. Ethanol producers have enjoyed a variety of government supports mandating levels of ethanol production which have helped them weather high corn prices paying a high price for corn feedstocks is relatively easy when you have enormous production tax credits and a federally mandated market for your product.

Food producers, including livestock and poultry producers, who use tremendous amounts of corn to raise their livestock and produce food, do not have the luxury of a mandated market for their products.

In Maryland, our number one agricultural product is poultry. Poultry production is far and away the top employer on Maryland's Eastern Shore. Maryland poultry is hurting and it is because they are competing with big oil, and other non-traditional users, for corn. Corn is vitally important to raising chickens. Unlike other livestock, like cattle or hogs which are

ruminants that can eat a variety of different types of feed, chickens' diets are limited to corn. Feed makes up more than 73 percent of the cost of raising poultry and when corn reaches \$6.50 or \$7.00 or even \$8.00 a bushel that cost goes even higher.

I understand the important role domestic ethanol production will play in helping our nation achieve greater energy security. However, the nurturing and growth of our domestic biofuels industry must not come at the expense of our domestic food supply. In other words, we cannot sacrifice U.S. food security for energy security. That is why I do not support the use of food based feedstocks like sugar and corn to be commercially produced into ethanol.

I also believe that as global demand for oil increases, driven by increased mobility and affluence spreads in the developing world, renewable biofuels will compete well with oil and that the government supports we have in place will not be necessary because pure market demand for less expensive and cleaner burning fuels like ethanol will drive growth in biofuel production, not government mandates.

Because domestic food production is reaching a state of crisis driven by the increasing cost of inputs, like corn, that the food producers have to unfairly compete with industries that are operating with under government production mandates I am introducing legislation today that offers a simple change to the Renewable Fuel Standard that will help provide our domestic food producers access to corn.

This legislation will link the amount of corn ethanol required for the RFS to the amount of U.S. corn supplies. This legislation sets up a process so that when the USDA reports on U.S. corn supplies towards the end of each year, based upon the ratio of corn stocks-to-expected use, there could be a reduction made to the RFS mandate for corn ethanol. This is a common sense solution to make sure that we have enough corn supplies to meet all of our corn demands.

Once a year, the Administrator of the Environmental Protection Agency will review the current corn crop year's ratio of U.S. corn stocks-to-use ratio in making a determination of the RFS.

By the end of November the Administrator of the Environmental Protection Agency will make an official determination of the Renewable Fuels Standard, RFS, corn ethanol mandate for the following calendar year, based on the U.S. Department of Agriculture's November World Agricultural Supply and Demand Estimate report to determine the U.S. corn stocks-to-use ratio. The administrator shall provide for a waiver for the RFS for the following calendar year according to the calculated stocks to use ratio as directed. Such a waiver, if required, shall be included in the Environmental Protection Agency's Federal Register notice regarding the RFS for the following calendar year. The required

waiver, if any, will take effect January 1 of the new calendar year.

Stocks-to-Use Ratio Percent	Waiver to the Renewable Fuels Standard for Corn Ethanol
Above 10.00 .....	no adjustment
10.00 to 7.50 .....	10 percent reduction
7.49 to 6.00 .....	15 percent reduction
5.99 to 5.00 .....	25 percent reduction
Below 5.00 .....	50 percent reduction

I believe the future of biofuels must be in the development and production of cellulosic and advanced biofuels that are not derived from feedstocks that are part of essential food sources. As a supporter of bringing cellulosic and advanced biofuels to market, my legislation explicitly states that it “shall not affect the volume of advanced biofuels required under” the Renewable Fuel Standard. This will leave intact the advanced biofuels production mandate which I believe is critical to growing this still nascent and beneficial fuel product to commercial viability.

Because of corn’s many uses it has become a commodity that is in high demand. Assuring our domestic food producers’ access to this valuable and increasingly scarce crop is so important to controlling the cost of food in America and maintaining the economic viability of our U.S. food companies. I urge my colleagues to support U.S. food producers and families working to put food on the table by co-sponsoring the Renewable Fuel Standard Flexibility Act.

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. 3428

*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 “Renewable Fuel Standard Flexibility Act”.

**SEC. 2. PARTIAL WAIVER OF RENEWABLE FUEL STANDARD.**

Section 211(o)(7) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding at the end the following:

“(G) CONSIDERATION OF CORN INVENTORIES.—

“(i) DETERMINATIONS REGARDING CORN STOCKS-TO-USE RATIO.—Not later than November 30 of each year, the Administrator shall determine and publish the estimated United States corn stocks-to-use ratio for the applicable crop year—

“(I) in consultation with the Secretary of Agriculture; and

“(II) based on the most recent publication of the World Agricultural Supply and Demand Estimate or other similar authoritative estimate issued or used by the Secretary of Agriculture.

“(ii) WAIVER.—Based on the most recent determination of the Administrator under clause (i), the Administrator shall waive the requirements of paragraph (2) by reducing the national quantity of renewable fuel otherwise required for a period as follows:

“United States Corn Stocks-to-Use Ratio for the Applicable Crop Year (percent)”	Reduction in national quantity of renewable fuel required
Above 10.00	No adjustment
10.0-7.5	10 percent reduction
7.49-6.0	15 percent reduction
5.99-5.0	25 percent reduction
Below 5.0	50 percent reduction

“(iii) DURATION.—A waiver under clause (ii) that is based on a determination under clause (i) that is made not later than November 30 of a calendar year shall—

“(I) take effect on the date that is 30 days after the date on which the determination is published; and

“(II) remain in effect for the following calendar year.

“(iv) ADJUSTMENT OF RENEWABLE FUEL OBLIGATION.—On granting a waiver under clause (ii) that reduces the national quantity of renewable fuel required for a period to which paragraph (3) applies, the Administrator shall adjust the renewable fuel obligation determined under paragraph (3) in proportion to the reduction.

“(v) NO EFFECT ON REQUIRED VOLUME OF ADVANCED BIOFUEL.—

“(I) IN GENERAL.—A waiver granted under this subparagraph that reduces the national quantity of renewable fuel required for a period shall not affect the volume of advanced biofuel required under paragraph (2).

“(II) APPLICABILITY.—The Administrator shall not allow any volume of conventional biofuel to be used to satisfy the requirement for advanced biofuel under paragraph (2).

“(vi) PUBLICATION.—The Administrator shall publish each waiver under clause (ii) in the Federal Register, including an explanation of the basis for the waiver.”.

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**SUBMITTED RESOLUTIONS**  
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**SENATE RESOLUTION 525—HONORING THE LIFE AND LEGACY OF OSWALDO PAYA SARDINAS**

Mr. NELSON of Florida (for himself, Mr. MENENDEZ, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 525

Whereas, on Sunday, July 22, 2012, 60-year-old Cuban dissident and activist Oswaldo Payá Sardiñas died in a car crash in Bayamo, Cuba;

Whereas, at a young age, Oswaldo Payá Sardiñas criticized the communist government in Cuba, which led to his imprisonment at a work camp on Cuba’s Isle of Youth in 1969;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement as a nondenominational political organization to further civic and human rights in Cuba;

Whereas, in 1992, Oswaldo Payá Sardiñas announced his intention to run as a candidate to be a representative on the National Assembly of Popular Power of Cuba and, 2 days before the election, was detained by police at his home and determined by Communist Party officials to be ineligible to run for office because he was not a member of the Communist Party;

Whereas, in 1997, Oswaldo Payá Sardiñas collected hundreds of signatures to support

his candidacy to the National Assembly of Popular Power, which was rejected by the electoral commission of Cuba;

Whereas the Constitution of Cuba supposedly guarantees the right to a national referendum on any proposal that achieves 10,000 or more signatures from citizens of Cuba who are eligible to vote;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement created the Varela Project, a signature drive to secure a national referendum on “convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise”;

Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the Government of Cuba responded by beginning its own referendum that made Cuba’s socialist system “irrevocable”, even after an additional 14,000 signatures were added to the Varela Project petition;

Whereas the Varela Project is the largest civil society-led petition in the history of Cuba;

Whereas Oswaldo Payá Sardiñas bravely led the Varela Project at great risk to himself, his loved ones, and his associates;

Whereas, in March 2003, the Government of Cuba arrested 75 human rights activists, including 25 members of the Varela Project, in the crackdown known as Cuba’s “Black Spring”;

Whereas Oswaldo Payá Sardiñas’s dedication to freedom and faith earned him the Sakarov Prize for Freedom of Thought from the European Parliament in 2002;

Whereas Oswaldo Payá Sardiñas received the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003;

Whereas Oswaldo Payá Sardiñas was nominated for the Nobel Peace Prize by Václav Havel, the former president of the Czech Republic, in 2005; and

Whereas President Barack Obama stated, “We continue to be inspired by Payá’s vision and dedication to a better future for Cuba, and believe that his example and moral leadership will endure.”; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the life and exemplary leadership of Oswaldo Payá Sardiñas;

(2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Payá Sardiñas;

(3) praises the bravery of Oswaldo Payá Sardiñas and his colleagues for collecting more than 11,000 verified signatures in support of the Varela Project;

(4) in memory of Oswaldo Payá Sardiñas, calls on the United States to continue policies that promote respect for the fundamental principles of religious freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba;

(5) in memory of Oswaldo Payá Sardiñas, calls on the Government of Cuba to provide its citizens with internationally accepted standards for civil and human rights and the opportunity to vote in free and fair elections; and

(6) calls on the Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas.

SENATE RESOLUTION 526—DESIGNATING NOVEMBER 2012 AS “STOMACH CANCER AWARENESS MONTH” AND SUPPORTING EFFORTS TO EDUCATE THE PUBLIC ABOUT STOMACH CANCER

Mr. KERRY (for himself, Ms. SNOWE, Mr. DURBIN, and Mr. BROWN of Massachusetts) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 526

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second-leading cause of cancer mortality in the world;

Whereas, in 2011, an estimated 21,520 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2011, it was estimated that more than 10,000 people in the United States would die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 28 percent;

Whereas approximately 1 in 114 individuals will be diagnosed with stomach cancer during their lifetimes;

Whereas an inherited form of stomach cancer carries a 67- to 83-percent risk that an individual will be diagnosed with stomach cancer by 80 years of age;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better education for patients and health care providers is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2012 is an appropriate month to observe Stomach Cancer Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2012 as “Stomach Cancer Awareness Month”;

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2012 as Stomach Cancer Awareness Month through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

SENATE RESOLUTION 527—DESIGNATING AUGUST 16, 2012, AS “NATIONAL AIRBORNE DAY”

Ms. MURKOWSKI (for herself, Mr. REED of Rhode Island, Mr. BEGICH, Mr. REID of Nevada, Mr. CORKER, Mr. INHOFE, Ms. SNOWE, Mr. LIEBERMAN, Mr. COCHRAN, Mrs. MURRAY, Mr. CHAMBLISS, Mr. WICKER, Mr. WHITEHOUSE, Mr. BROWN of Massachusetts, Mrs. HUTCHISON, Mr. BAUCUS, Mr. TESTER, Mr. INOUE, Ms. MIKULSKI, Ms. COLLINS, Mr. BLUMENTHAL, Mr. BURR, Mrs. HAGAN, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas the members of the airborne forces of the Armed Forces of the United

States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world;

Whereas the experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump, which took place on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II validated the airborne operational concept and led to the creation of a formidable force of airborne formations that included the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions;

Whereas, included in those divisions, and among other separate formations, were many airborne combat, combat support, and combat service support units that served with distinction and achieved repeated success in armed hostilities during World War II, and provide the lineage and legacy of many airborne units throughout the Armed Forces;

Whereas the achievements of the airborne units during World War II prompted the evolution of those units into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peace-keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas, since the terrorist attacks of September 11, 2001, the members of the United States airborne forces, including members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division, the 173rd Airborne Brigade Combat Team, the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, special operations forces of the Army, Marine Corps, Navy, and Air Force, and other units of the Armed Forces, have demonstrated bravery and honor in combat, stability, and training operations in Afghanistan and Iraq;

Whereas the modern-day airborne forces also include other elite forces composed of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control and para-rescue teams;

Whereas, of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star, or other decorations and awards for displays of heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with the special skills and achievements of those members, distinguishes the members as intrepid combat parachutists, air assault forces, special operation forces, and, in the past, glider troops;

Whereas individuals from every State in the United States have served gallantly in the airborne forces, and each State is proud of the contributions of its paratrooper vet-

erans during the many conflicts faced by the United States;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne forces, past and present, celebrate August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 is an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2012, as “National Airborne Day”; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 528—RECOGNIZING THE 100TH ANNIVERSARY OF THE AMERICAN PODIATRIC MEDICAL ASSOCIATION, THE PREEMINENT ORGANIZATION REPRESENTING PODIATRIC MEDICINE AND SURGERY, CELEBRATING ITS ACHIEVEMENTS, AND ENCOURAGING THE ASSOCIATION TO CONTINUE PROVIDING GUIDANCE ON FOOT AND ANKLE HEALTH ISSUES TO THE PEOPLE OF THE UNITED STATES AND OF THE WORLD

Mr. CARDIN (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 528

Whereas, in 1912, Alfred Joseph was the driving force behind the establishment of the National Association of Chiropractors (referred to as the “NAC” in this preamble), an organization dedicated to the needs and educational standards of chiropractors and to advancing and advocating for the profession of podiatric medicine and surgery for the benefit of its members and the public, and was elected the first president of the NAC;

Whereas, by 1922, most States had passed laws regulating the professional practice of chiroprody;

Whereas, in 1922, the NAC began publishing the Journal of the National Association of Chiropractors and the NAC’s Council on Education began its first college accreditation activities;

Whereas, in 1943, the NAC ran an advertisement campaign in Life magazine highlighting the efforts of podiatrists to keep United States soldiers marching;

Whereas, in 1957, the NAC was renamed the American Podiatry Association (referred to as the “APA” in this preamble);

Whereas, in 1959, the APA established the Educational Foundation to advance the growth and stability of podiatric medicine through student scholarships and increased national awareness of foot and ankle health;

Whereas, in 1967, podiatric physicians were included as covered providers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

Whereas, in 1971, all the colleges of podiatric medicine began granting the DPM (doctor of podiatric medicine) degree to students graduating from 4 years of podiatric medical training;

Whereas, in 1984, the APA was renamed the American Podiatric Medical Association to emphasize the profession as part of mainstream medical practice;

Whereas, in 2011, the Council on Podiatric Medical Education adopted the requirements of a 3 year podiatric medicine and surgery residency, which was approved for full graduate medical education funding by the Centers for Medicare and Medicaid Services;

Whereas the American Podiatric Medical Association regularly hosts medical and scientific meetings dedicated to highlighting and disseminating research findings and clinical advances in the prevention, detection, treatment, and cure of foot, ankle, and related conditions;

Whereas the American Podiatric Medical Association continues to meet its clinical and scientific mission through the publication of academic journals and clinical statements on the prevention, diagnosis, treatment, and cure of foot and ankle disorders, as well as through the provision of continuing medical education in foot and ankle care and through consumer education on foot and ankle health;

Whereas feet often reveal indicators of overall health, including signs of arthritis, diabetes, and nerve and circulatory disorders;

Whereas medically necessary care provided by podiatrists can reduce the risk of and prevent complications from these conditions and diseases, while at the same time offer savings to the heavily burdened health care system of the United States; and

Whereas the American Podiatric Medical Association has a long tradition of working in collaboration with the Federal Government to improve the foot and ankle health of all people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the scientific, clinical, and public health achievements of the American Podiatric Medical Association as its members and staff commemorate and celebrate its 100th anniversary;

(2) recognizes the great impact that the American Podiatric Medical Association has had on improving the foot and ankle and related health of people in the United States and around the world; and

(3) congratulates the American Podiatric Medical Association for its achievements and encourages the organization to continue providing scientific guidance on foot and ankle and related health issues to improve the public health of future generations.

#### SENATE CONCURRENT RESOLUTION 53—HONORING THE VICTIMS OF THE AURORA, COLORADO, MOVIE THEATER SHOOTING AND CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO

Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE,

Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 53

Whereas, on July 20, 2012, an armed gunman opened fire at a movie theater in Aurora, Colorado, killing 12 people and wounding 58 others;

Whereas many individuals at the theater selflessly sought to aid and protect others without regard for their own safety;

Whereas the Aurora Police Department and the Aurora Fire Department quickly and bravely acted to prevent the additional loss of life; and

Whereas local, State, and Federal law enforcement, firefighters, and medical service professionals performed their duties with utmost skill and coordination: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) condemns, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado;

(2) offers condolences to the families, friends, and loved ones of those who were killed in the shooting;

(3) expresses hope for the rapid and complete recovery of the wounded;

(4) applauds the hard work and dedication exhibited by the hundreds of local, State, and Federal officials and other individuals who offered support and assistance; and

(5) honors the resilience of the community of the City of Aurora and the State of Colorado in the face of incredible adversity.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table.

SA 2569. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

SA 2570. Mrs. HUTCHISON (for herself, Mr. BOOZMAN, Mr. BURR, Mr. COBURN, and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

SA 2571. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, supra; which was ordered to lie on the table.

SA 2572. Ms. COLLINS submitted an amendment intended to be proposed by her

to the bill S. 3412, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2568.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE IV—PERMANENT TAX RELIEF

#### SEC. 401. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

**SA 2569.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE IV—PERMANENT TAX RELIEF

#### SEC. 401. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking “, and before January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

**SA 2570.** Mrs. HUTCHISON (for herself, Mr. BOOZMAN, Mr. BURR, Mr. COBURN, and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

At the end, add the following:

##### TITLE IV—PERMANENT TAX RELIEF

#### SEC. 401. REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.—

(1) HSAS.—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence thereof.

(2) ARCHER MSAS.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence thereof.

(3) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).

(4) EFFECTIVE DATE.—

(A) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by paragraphs (1) and (2) shall apply to amounts paid with respect to taxable years beginning after December 31, 2011.

(B) REIMBURSEMENTS.—The amendment made by paragraph (3) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2011.

(b) REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—

(1) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 is amended by striking

subsection (i) and by redesignating subsections (j) through (l) as subsections (i) through (k), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

**SA 2571.** Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows:

After title II, insert the following:

**TITLE III—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Energy Savings and Industrial Competitiveness Act of 2012”.

**Subtitle A—Buildings**

**PART I—BUILDING ENERGY CODES**

**SEC. 311. GREATER ENERGY EFFICIENCY IN BUILDING CODES.**

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) MODEL BUILDING ENERGY CODE.—The term ‘model building energy code’ means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

“(A) the Council of American Building Officials;

“(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

“(C) other appropriate organizations.”; and (2) by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.

“(18) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

**“SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.**

“(a) IN GENERAL.—The Secretary shall—

“(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

“(2) support full compliance with the State and local codes.

“(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

“(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

“(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

“(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

“(i) the energy savings of the updated model building energy code; or

“(ii) the targets established under section 307(b)(2).

“(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

“(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

“(B) if the determination is positive, validate the certification.

“(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

“(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

“(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

“(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

“(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

“(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

“(B) an alternative method that yields an accurate measure of compliance.

“(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

“(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

“(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

“(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

“(B) has met the most recent target under subparagraph (A).

“(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

“(B) if the determination is positive, validate the certification.

“(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

“(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

“(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

“(B) a plan for meeting the requirements and submitting the certification.

“(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

“(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

“(i) the status of model building energy codes;

“(ii) the status of code adoption and compliance in the States and Indian tribes;

“(iii) implementation of this section; and

“(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

“(B) IMPACTS.—The report shall include estimates of impacts of past action under this section, and potential impacts of further action, on—

“(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

“(ii) resulting energy costs to individuals and businesses; and

“(iii) resulting overall annual building ownership and operating costs.

“(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

“(1) to improve and implement State residential and commercial building energy codes;

“(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

“(3) to document the rate of compliance with a building energy code; and

“(4) to otherwise promote the design and construction of energy efficient buildings.

“(f) AVAILABILITY OF INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

“(A) to implement the requirements of this section;

“(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal,

and local building code officials to implement and enforce the codes; and

“(C) to promote building energy efficiency through the use of the codes.

“(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

“(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

“(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

“(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed \$750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

“(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

“(g) STRETCH CODES AND ADVANCED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

“(A) an option for adoption as a building energy code by local, tribal, or State governments; and

“(B) guidelines for energy-efficient building design.

“(2) TARGETS.—The stretch codes and advanced standards shall be designed—

“(A) to achieve substantial energy savings compared to the model building energy codes; and

“(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

“(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

“(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

“(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

“(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

“(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 \$200,000,000, to remain available until expended.”

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking “voluntary building energy code” each place it appears in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

**“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.**

“(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

“(b) TARGETS.—

“(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

“(2) TARGETS.—

“(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

“(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

“(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1-2010 for commercial buildings.

“(D) SPECIFIC YEARS.—

“(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

“(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

“(II) is higher than the preceding target; and

“(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

“(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

“(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

“(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104-121).

(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

“(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

“(B) advancement of distributed generation and on-site renewable power generation technologies;

“(C) equipment improvements for heating, cooling, and ventilation systems;

“(D) building management systems and SmartGrid technologies to reduce energy use; and

“(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

“(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

“(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

“(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

“(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

“(A) evaluating code or standards proposals or revisions;

“(B) building energy analysis and design tools;

“(C) building demonstrations;

“(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

“(E) performance-based standards;

“(F) evaluating economic considerations under subsection (b)(4); and

“(G) developing model building energy codes by Indian tribes in accordance with tribal law.

(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

(d) DETERMINATION.—

(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

“(A) improve energy efficiency in buildings compared to the existing model building energy code; and

“(B) meet the applicable targets under subsection (b)(2).

(2) CODES OR STANDARDS NOT MEETING TARGETS.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

“(i) whether the modified code is technically feasible and life-cycle cost effective;

“(ii) available appliances, technologies, materials, and construction practices; and

“(iii) the economic considerations under subsection (b)(4).

“(B) INCORPORATION OF CHANGES.—

“(i) IN GENERAL.—On receipt of the proposed changes, the model building energy

code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

“(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

“(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

“(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

“(f) VOLUNTARY CODES AND STANDARDS.—Notwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.”

## PART II—WORKER TRAINING AND CAPACITY BUILDING

### SEC. 321. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b))) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

#### Subtitle B—Building Efficiency Finance

### SEC. 331. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

#### “SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) CREDIT SUPPORT.—The term ‘credit support’ means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

“(2) EFFICIENCY OBLIGATION.—The term ‘efficiency obligation’ means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

“(3) PROJECT.—The term ‘project’ means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

“(b) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

“(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

“(A) establish guidelines for credit support provided under this section; and

“(B) publish the guidelines in the Federal Register; and

“(C) provide for an opportunity for public comment on the guidelines.

“(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

“(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

“(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

“(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

“(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

“(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

“(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

“(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

“(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

“(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

“(II) minimum debt-to-income levels of the borrower;

“(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

“(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

“(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

“(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

“(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

“(VIII) recovery of payments equally by the Secretary and the retrofit.

“(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

“(A) loans, including loans made by the Federal Financing Bank;

“(B) power purchase agreements, including energy efficiency power purchase agreements;

“(C) energy services agreements, including energy performance contracts;

“(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

“(E) aggregate on-meter agreements that finance retrofit projects; and

“(F) any other efficiency obligations the Secretary determines to be appropriate.

“(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

“(A) the maximization of energy savings with the available credit support funding;

“(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

“(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

“(D) projects designed to achieve whole-building retrofits.

“(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

“(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

“(2) \$10,000,000 for any single project.

“(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

“(f) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

“(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

“(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

“(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

“(C) the project meets any technical criteria described in the program guidelines;

“(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

“(i) any information the Secretary requests to assess the energy savings that result from the project, including historical



energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

“(i) permission to access information relating to building operations and usage for the period described in the program guidelines; and

“(E) any other assurances that the Secretary determines to be necessary.

“(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

“(g) FEES.—

“(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

“(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

“(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

“(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

“(1) the manner in which this section is being carried out;

“(2) the number and type of projects supported;

“(3) the types of funding mechanisms used to provide credit support to projects;

“(4) the energy savings expected to result from projects supported by this section;

“(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

“(6) any plans to improve the tracking efforts described in paragraph (5).

“(j) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

“(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.”.

### Subtitle C—Industrial Efficiency and Competitiveness

#### PART I—MANUFACTURING ENERGY EFFICIENCY

##### SEC. 341. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) is amended—

(1) in the section heading, by inserting “AND INDUSTRY” before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

“(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

“(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

“(B) improve the industrial competitiveness of the United States.

“(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

“(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

“(B) lead a partnership that includes participation by, at a minimum—

“(i) a State government agency; and

“(ii) a private financial institution or other provider of loan capital;

“(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

“(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

“(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed \$100,000,000 for any fiscal year.

“(4) RECAPTURE OF AWARDS.—

“(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

“(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

“(i) the amount of non-Federal funds matched by the eligible lender;

“(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

“(iii) any other appropriate factor, as determined by the Secretary.

“(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

“(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

“(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

“(B) enhance the industrial competitiveness of the United States; and

“(C) achieve such other goals as the Secretary determines to be appropriate.

“(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

“(A) the description of the program to be carried out with the cost-matched Federal funds;

“(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

“(C) program sustainability over a 10-year period;

“(D) the capability of the applicant;

“(E) the quantity of energy savings or energy feedstock minimization;

“(F) the advancement of the goal under this Act of 25-percent energy avoidance;

“(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

“(H) such other factors as the Secretary determines appropriate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$400,000,000 for the period of fiscal years 2012 through 2021.”.

##### SEC. 342. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

##### SEC. 343. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy

and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

#### SEC. 344. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: “**FUTURE OF INDUSTRY PROGRAM**”.

(b) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

“(5) ENERGY SERVICE PROVIDER.—The term ‘energy service provider’ means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.”.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes”; and

(D) by adding at the end the following:

“(2) CENTERS OF EXCELLENCE.—

“(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

“(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

“(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than \$500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

“(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

“(4) COORDINATION.—

“(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(v) identify opportunities for reducing greenhouse gas emissions; and

“(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(5) OUTREACH.—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities and energy service providers;

“(iii) the efforts of regional energy efficiency organizations; and

“(iv) the efforts of other centers in the region of the center of excellence.

“(6) WORKFORCE TRAINING.—

“(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

“(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

“(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.

“(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).”.

#### SEC. 345. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

##### “SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

“(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

“(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

#### SEC. 346. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the

Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

#### SEC. 347. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

#### PART II—SUPPLY STAR

##### SEC. 351. SUPPLY STAR.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

##### “SEC. 324B. SUPPLY STAR PROGRAM.

“(a) IN GENERAL.—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

“(b) COORDINATION.—In carrying out the program described in subsection (a), the Secretary shall—

“(1) consult with other appropriate agencies; and

“(2) coordinate efforts with the Energy Star program established under section 324A.

“(c) DUTIES.—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

“(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

“(2) work to enhance industry and public awareness of the Supply Star program;

“(3) collect and disseminate data on supply chain energy resource consumption;

“(4) develop and disseminate metrics, processes, and analytical tools (including soft-

ware) for evaluating supply chain energy resource use;

“(5) develop guidance at the sector level for improving supply chain efficiency;

“(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

“(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

“(A) developing and sharing best practices; and

“(B) providing opportunities to benchmark supply chain efficiency.

“(d) EVALUATION.—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

“(e) GRANTS AND INCENTIVES.—

“(1) IN GENERAL.—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

“(A) studying supply chain energy resource efficiency; and

“(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

“(2) USE OF INFORMATION.—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

“(f) TRAINING.—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

“(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

“(h) EFFECT OF OUTSOURCING OF AMERICAN JOBS.—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

#### PART III—ELECTRIC MOTOR REBATE PROGRAM

##### SEC. 361. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that

meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) \$25.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

#### PART IV—TRANSFORMER REBATE PROGRAM

##### SEC. 371. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITION OF QUALIFIED TRANSFORMER.—In this section, the term “qualified transformer” means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) AUTHORIZED AMOUNT OF REBATE.—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as “kVA”) shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, \$15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, \$5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

#### Subtitle D—Federal Agency Energy Efficiency

##### SEC. 381. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 180 days after the date of the issuance of the guidance under subsection

(a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

**SEC. 382. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

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

“(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

“(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”.

**SEC. 383. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) PLAN.—

“(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

“(4) BEST PRACTICES REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

“(C) COMPONENTS.—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based

maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”.

**SEC. 384. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”.

**SEC. 385. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.**

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)(4)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”.

**SEC. 386. FEDERAL PURCHASE REQUIREMENT.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”;

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”.

**SEC. 387. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.**

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with

Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

**Subtitle E—Miscellaneous**

**SEC. 391. OFFSETS.**

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) \$50,000,000 for each of fiscal years 2009 through 2012;

“(3) \$100,000,000 for fiscal year 2013; and

“(4) \$200,000,000 for each of fiscal years 2014 through 2018.”.

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) (as redesignated by section 341(2)) is amended—

(1) in paragraph (1), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$250,000,000 for fiscal year 2013”; and

(2) in paragraph (2), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$425,000,000 for fiscal year 2013”.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

“(A) \$100,000,000 for fiscal year 2008;

“(B) \$200,000,000 for each of fiscal years 2009 and 2010;

“(C) \$100,000,000 for each of fiscal years 2011 and 2012; and”.

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking “\$202,000,000” and inserting “\$102,000,000”; and

(2) in subparagraph (E), by striking “\$208,000,000” and inserting “\$108,000,000”.

**SEC. 392. ADVANCE APPROPRIATIONS REQUIRED.**

The authorization of amounts under this title and the amendments made by this title shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

**SA 2572.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; which was ordered to lie on the table; as follows.

Strike all after the enacting clause and insert the following:

**SECTION 1. EXTENSION OF 2001 AND 2003 TAX RELIEF.**

(a) IN GENERAL.—Paragraph (1) of section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

**SEC. 2. SURTAX ON MILLIONAIRES.**

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**“PART VIII—SURTAX ON MILLIONAIRES**

“Sec. 59B. Surtax on millionaires.

**“SEC. 59B. SURTAX ON MILLIONAIRES.**

“(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012 and before 2014, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 2 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds \$1,000,000 (\$500,000, in the case of a married individual filing a separate return).

“(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘modified adjusted gross income’ means adjusted gross income reduced by the excess of—

“(A) gross income from a small business (as defined in section 6654(d)(1)(D)(iii))—

“(i) which is not a passive activity with respect to the taxpayer (within the meaning of section 469(c)), and

“(ii) which pays wages to at least 1 full-time equivalent employee (as defined in section 45R(d)(2)), other than the taxpayer, the taxpayer’s spouse, or an individual who bears a relationship to the taxpayer described in section 152(d)(2), over

“(B) the deductions which are properly allocable to such income.

“(2) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as one employer for purposes of paragraph (1)(A).

“(3) REGULATIONS.—The Secretary shall prescribe regulations similar to the regulations under section 469(l) for determining the income that is taken into account under paragraph (1)(A).

“(c) SPECIAL RULES.—

“(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

“(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The applicable dollar amount under subsection (a) shall be decreased by the excess of—

“(A) the amounts excluded from the taxpayer’s gross income under section 911, over

“(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

“(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

“(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VIII. SURTAX ON MILLIONAIRES.”

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 24, 2012, at 10 a.m., to conduct a committee hearing entitled “Housing Partnerships in Indian Country.”

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 24, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “The Cable Act at 20.”

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 31, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on July 24, 2012, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, “Oversight of EPA Authorities and Actions to Control Exposures to Toxic Chemicals.”

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 24, 2012, at 10 a.m., to hold a briefing entitled, “Intelligence Update on Syria.”

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 24, 2012, at 2:30 p.m.

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

**SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate, on July 24, 2012, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing entitled “Taking Back Our Democracy: Responding to Citizens United and the Rise of Super PACs.”

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

**SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate, on July 24, 2012, at 2:30 p.m., to conduct a hearing entitled “Private Student Loans: Providing Flexibility and Opportunity to Borrowers?”

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

**SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on July 24, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions.”

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

**PRIVILEGES OF THE FLOOR**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that for the duration of today’s session, Varun Jain, a fellow in my office, be granted floor privileges.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that Kirk Porter, Andras Varhelyi, Talitha James, Alison Albers, and Eric Hageman, staff of the Finance Committee, be granted the privilege of the floor during consideration of S. 3412.

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

**INDIAN LAW ENFORCEMENT REFORM ACT**

Mr. BENNET. Mr. President, I ask unanimous consent the Committee on Indian Affairs be discharged from further consideration of S. 2090, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2090) to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, I further ask 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 this measure be printed in the RECORD.

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

The bill (S. 2090) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2090

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

**SECTION 1. REPORT OF INDIAN LAW AND ORDER COMMISSION.**

(a) IN GENERAL.—Section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)) is amended in the matter preceding paragraph (1) by striking “2 years” and inserting “3 years”.

(b) TECHNICAL AMENDMENT.—Section 15(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(e)) is amended in the matter preceding paragraph (1) by striking “paragraph (1)” and inserting “subsection (d)”.

**NATIONAL AIRBORNE DAY**

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 527 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 527) designating August 16, 2012, as “National Airborne Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 527) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 527

Whereas the members of the airborne forces of the Armed Forces of the United States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world;

Whereas the experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump,

which took place on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II validated the airborne operational concept and led to the creation of a formidable force of airborne formations that included the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions;

Whereas, included in those divisions, and among other separate formations, were many airborne combat, combat support, and combat service support units that served with distinction and achieved repeated success in armed hostilities during World War II, and provide the lineage and legacy of many airborne units throughout the Armed Forces;

Whereas the achievements of the airborne units during World War II prompted the evolution of those units into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peace-keeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas, since the terrorist attacks of September 11, 2001, the members of the United States airborne forces, including members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division, the 173rd Airborne Brigade Combat Team, the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, special operations forces of the Army, Marine Corps, Navy, and Air Force, and other units of the Armed Forces, have demonstrated bravery and honor in combat, stability, and training operations in Afghanistan and Iraq;

Whereas the modern-day airborne forces also include other elite forces composed of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control and para-rescue teams;

Whereas, of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star, or other decorations and awards for displays of heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with the special skills and achievements of those members, distinguishes the members as intrepid combat parachutists, air assault forces, special operation forces, and, in the past, glider troops;

Whereas individuals from every State in the United States have served gallantly in the airborne forces, and each State is proud of the contributions of its paratrooper veterans during the many conflicts faced by the United States;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne forces, past and present, celebrate August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 is an appropriate day to recognize as National Airborne Day; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2012, as “National Airborne Day”; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

**100TH ANNIVERSARY OF THE AMERICAN PODIATRIC MEDICAL ASSOCIATION**

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 528, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 528) recognizing the 100th anniversary of the American Podiatric Medical Association, the preeminent organization representing podiatric medicine and surgery, celebrating its achievements, and encouraging the association to continue providing guidance on foot and ankle health issues to the people of the United States and of the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, 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 statements be printed in the RECORD.

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

The resolution (S. Res. 528) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 528

Whereas, in 1912, Alfred Joseph was the driving force behind the establishment of the National Association of Chiropractors (referred to as the “NAC” in this preamble), an organization dedicated to the needs and educational standards of chiropractors and to advancing and advocating for the profession of podiatric medicine and surgery for the benefit of its members and the public, and was elected the first president of the NAC;

Whereas, by 1922, most States had passed laws regulating the professional practice of chiroprody;

Whereas, in 1922, the NAC began publishing the Journal of the National Association of Chiropractors and the NAC’s Council on Education began its first college accreditation activities;

Whereas, in 1943, the NAC ran an advertisement campaign in Life magazine highlighting the efforts of podiatrists to keep United States soldiers marching;

Whereas, in 1957, the NAC was renamed the American Podiatry Association (referred to as the “APA” in this preamble);

Whereas, in 1959, the APA established the Educational Foundation to advance the growth and stability of podiatric medicine through student scholarships and increased national awareness of foot and ankle health;

Whereas, in 1967, podiatric physicians were included as covered providers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

Whereas, in 1971, all the colleges of podiatric medicine began granting the DPM (doctor of podiatric medicine) degree to students graduating from 4 years of podiatric medical training;

Whereas, in 1984, the APA was renamed the American Podiatric Medical Association to emphasize the profession as part of mainstream medical practice;

Whereas, in 2011, the Council on Podiatric Medical Education adopted the requirements of a 3 year podiatric medicine and surgery residency, which was approved for full graduate medical education funding by the Centers for Medicare and Medicaid Services;

Whereas the American Podiatric Medical Association regularly hosts medical and scientific meetings dedicated to highlighting and disseminating research findings and clinical advances in the prevention, detection, treatment, and cure of foot, ankle, and related conditions;

Whereas the American Podiatric Medical Association continues to meet its clinical and scientific mission through the publication of academic journals and clinical statements on the prevention, diagnosis, treatment, and cure of foot and ankle disorders, as well as through the provision of continuing medical education in foot and ankle care and through consumer education on foot and ankle health;

Whereas feet often reveal indicators of overall health, including signs of arthritis, diabetes, and nerve and circulatory disorders;

Whereas medically necessary care provided by podiatrists can reduce the risk of and prevent complications from these conditions and diseases, while at the same time offer savings to the heavily burdened health care system of the United States; and

Whereas the American Podiatric Medical Association has a long tradition of working in collaboration with the Federal Government to improve the foot and ankle health of all people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the scientific, clinical, and public health achievements of the American Podiatric Medical Association as its members and staff commemorate and celebrate its 100th anniversary;

(2) recognizes the great impact that the American Podiatric Medical Association has

had on improving the foot and ankle and related health of people in the United States and around the world; and

(3) congratulates the American Podiatric Medical Association for its achievements and encourages the organization to continue providing scientific guidance on foot and ankle and related health issues to improve the public health of future generations.

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MEASURE READ THE FIRST  
TIME—S. 3429

Mr. BENNET. Mr. President, I understand that S. 3429, introduced earlier today by Senator BILL NELSON, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3429) to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

Mr. BENNET. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

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APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 107-12, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board: Rick Clemons of Kentucky, vice Charles Massarone.

ORDERS FOR WEDNESDAY, JULY  
25, 2012

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, July 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the time until 2:15 p.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; further, that at 2:15 p.m., the Senate proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3412, the Middle Class Tax Cut Act.

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

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PROGRAM

Mr. BENNET. Mr. President, the first vote tomorrow will be a cloture vote on the motion to proceed to the Middle Class Tax Act at 2:15 p.m.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, July 25, 2012, at 9:30 a.m.