

more important we do here than make sure that our fighting men and women have the resources to do what they need to do for our country, and there are no two better managers that we could have on this bill than these two fine Senators. I appreciate very much their hard work.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the leader is here, I would add my thanks to the majority leader. This could not have happened without the willingness of the majority leader to take a little bit of risk at this time of year with so few days left.

Senator MCCAIN and I told the majority leader that we thought we could do it in 3 days, and I want you to know that we did it in 3 days. We don't count half days. If we counted half days, it took us more than 3 days, I must confess to the majority leader. But, nonetheless, the majority leader was willing to let us start down this road. And we did it in a unanimous way. I think it is only the second time in 51 years that there has been a unanimous vote on a Defense authorization bill, and it is because of the willingness and determination of our leadership that we proceed with this bill and that we allow the kind of process to occur that we did and to take the time we did, and I am very grateful.

Mr. REID. Mr. President, I took no risk, because Senator LEVIN from Michigan and Senator MCCAIN from Arizona said, We will finish the bill in 3 days. So I had no risk because I knew that is what they would do. We may have spilled over a few hours, but basically they held to their agreement.

Mr. MCCAIN. Again, I thank the majority leader and my friend from Michigan.

I do want to thank our staff who worked many long hours, long after we had shut down regular business. They continued to work through a total of 392 amendments that were filed on this legislation. I appreciate the hard work and the cooperative spirit that enabled us not only to dispose of the amendments, but also I heard no complaint from any Member that their amendment did not get the consideration they felt it deserved. I think that is pretty remarkable, and I thank them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to join in thanking the chairman of the Armed Services Committee, Senator LEVIN, and the distinguished ranking member, Senator MCCAIN, for the extraordinary bipartisan work they have done on this measure, and also the accommodation and consideration they have given to all of us who have proposed amendments, as well as to their staff and the majority leader.

On behalf of Connecticut, which produces many of the key products that are affected by this bill, such as the Joint Strike Fighter, our submarines, and the Sikorsky helicopter, we have a

great deal of pride in the support that the U.S. Senate has given today to our national defense and the production of these products.

#### ANIMAL FIGHTING SPECTATOR PROHIBITION ACT

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Agriculture, Nutrition and Forestry Committee be discharged from further consideration of S. 1947, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1947) to prohibit attendance of an animal fighting venture, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. I ask unanimous consent that the Blumenthal amendment, which is at the desk, be agreed to and that the bill, as amended, be read a third time.

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

The amendment (No. 3309) was agreed to, as follows:

On page 2, line 21, insert "knowingly" before "cause".

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

Mr. BLUMENTHAL. Mr. President, I recognize that the hour is late. I wish to take a very brief moment to thank my colleagues, beginning with Senator KIRK and Senator BROWN—my distinguished colleagues from Illinois and Massachusetts—who have done such great work on this measure over many months, as well as Senator CANTWELL of Washington and other colleagues who have cosponsored this measure, including Senators COLLINS, FEINSTEIN, GILLIBRAND, KERRY, LANDRIEU, MERKLEY, MIKULSKI, MURRAY, VITTER, and WYDEN. They are all tireless advocates for animals.

This bill is about ending animal fighting which, plainly and simply, is a blood sport. It is cruel and inhumane. It leaves animals scarred and disabled. And, it is associated with many other criminal activities. People who attend animal fights are often also engaged in drug dealing, extortion, assault, and a variety of other crimes, and the enabling activity is animal fighting.

That is why this bill increases the penalties for knowingly attending an animal fight with a child and, indeed, makes it a crime to knowingly attend an animal fight. These stricter penalties are contingent upon a purposeful support for this cruel and inhumane sport.

Very simply, this legislation provides new tools to law enforcement for eliminating not only animal fighting, but also the activities that may be attendant to them.

Animal fighting is a Federal matter, and it requires a Federal response. This is particularly important because an

animal fighting ring often involves players from many different States. Under current law, a county sheriff or a local prosecutor simply lacks the authority to root out, apprehend, and effectively prosecute such an operation.

This bill has the support of many law enforcement organizations whom I thank, including the Federal Law Enforcement Officers Association and Fraternal Order of Police. County sheriffs from across the country have also signed on as supporters, along with the American Veterinary Medical Association and the Humane Society of the United States. I hope it will have support from this Chamber.

Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on passage of the bill.

The bill (S. 1947), as amended, was passed, as follows:

S. 1947

*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 "Animal Fighting Spectator Prohibition Act of 2011".

#### SEC. 2. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.

Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "SPONSORING OR EXHIBITING AN ANIMAL IN" and inserting "SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND";

(B) in paragraph (1)—

(i) in the heading, by striking "IN GENERAL" and inserting "SPONSORING OR EXHIBITING"; and

(ii) by striking "paragraph (2)" and inserting "paragraph (3)";

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

"(A) knowingly attend an animal fighting venture; or

"(B) knowingly cause a minor to attend an animal fighting venture."; and

(2) in subsection (g), by adding at the end the following new paragraph:

"(5) the term 'minor' means a person under the age of 18 years old."

#### SEC. 3. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

Section 49 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) IN GENERAL.—Whoever";

(2) in subsection (a), as designated by paragraph (1) of this section, by striking "subsection (a)," and inserting "subsection (a)(1)."; and

(3) by adding at the end the following new subsections:

"(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

"(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates

subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation."

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. First of all, I commend and compliment my friend from Connecticut for sponsoring this bill and pushing it through. Animal fighting is a despicable thing to be engaged in. To think people take their kids there, and families. It is something we should not be doing and I thank the Senator for his leadership on that issue, getting the bill passed.

CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES

I want to take the floor for a few moments. I know others want to speak. They were kind enough to let me get in front of them. I want to comment for a couple of minutes on the vote today on the Convention on the Rights of Persons With Disabilities. I said off the floor that this was a shameful day for the Senate, and I meant it. Today was a shameful day for the Senate. To turn our backs on a convention, a treaty which was based upon the Americans With Disabilities Act in our own country that is now 22 years old and has done so much to enhance opportunities for people with disabilities and their families, to turn our backs on that for no real reason is something I have a hard time comprehending, and I have been in the Senate a long time now.

There are reasons people can come up with a vote this way or that on certain things and most times they are very legitimate. People might have some legitimate concerns about a bill or an amendment. I could find no legitimate concerns about the Convention on the Rights of People With Disabilities—legitimate concerns. We heard all this talk about home schoolers, people who are homeschooling their kids, the U.N. was going to come in and take them away—nonsense, utter, sheer nonsense.

What happened today was the triumph on the Senate floor of fear. Unfounded, unreasonable fear triumphed over experience—the experience we have had with the Americans With Disabilities Act, reasoned, rational thought—unfounded fears that somehow, someplace, somebody is going to do something. Out of the U.N. they are going to come in and take over or something. But we proved beyond any shadow of a doubt that none of our laws had to be changed. This gave the U.N. no authority over our country or our laws or anything. Yet this unfounded fear took hold to the point where people who were sponsors of the bill voted against it. Sponsors of it now turned around and voted against it. Again, for what reason? Unfounded fear.

What message did we send today to the rest of the world? A message that, OK, we are pretty good. We did a lot of good stuff in terms of passing legislation to uphold the rights of people with disabilities, to break down barriers,

give people with disabilities opportunities the same as everyone else. We have become a better country for it, a better Nation.

Other countries have come to us over the intervening last 22 years to find out how we did it, what they could do. So here the United Nations said we would come up with a convention, a treaty for all countries, and put it up for them to sign it, encouraging them to emulate what we did. This would be giving us a seat at the table helping other countries to bring their laws more up to what ours are in terms of the rights of people with disabilities.

But we turned our backs on that. There are a lot of things that make America a shining city on a hill, but there is one thing that no one can dispute that does put America as a shining city on a hill and that is the Americans With Disabilities Act and what it has done to our society, like our Civil Rights Act, what it has done to break down the barriers and to show that people with disabilities can contribute to society if only given the chance and the opportunity.

You would think we would want to then say, yes, we will be a part of a worldwide effort to break down those barriers against people with disabilities. We want to be part of a worldwide effort to say it is not all right, it is not OK to leave a baby on the side of the road to die simply because that baby has Down Syndrome. You would think we would want to be part of a global effort that says it is not all right to keep kids out of school and away from education because they have a physical disability—they use a wheelchair—or have an intellectual disability. You would think we would want to be part of an effort such as that, that says it is not OK to put people in cells, chained in cells, people whose only crime is that they are disabled. You would think we would want to be part of that effort.

We have done that in this country. We have done wonderful things. Yet there is some fear, some unfounded fear that the United Nations is going to come in with a black helicopter or something, I don't know what, and say you cannot homeschool your kids.

The Americans With Disabilities Act, we had it for 20 years. Did it stop home schooling? Of course not. Did it lead to more abortions? Of course not.

After this vote, after it was defeated, I walked out into the reception room, the Senate reception room. There was a throng, a number of people in the disability community. They were crushed, just crushed. They could not understand this. How could it be? Every disability community in America, every disability organization supported this. We had 21 veterans organizations, everything from the American Legion to the VFW, AMVETS, Disabled American Veterans, Disabled Veterans of America—21. Every veterans group supported this.

I ask, were these veterans groups so dumb, so blind, so misled to support

something that is going to give the U.N. the right to come in and take kids out of your home? That is what people were saying. They do not get it, veterans groups? Is that what they were saying, that they do not understand this?

Of course they understood it. They know those were unfounded fears. Walk out and see Yoshiko Dart out there, holding Justin Dart's hat; Justin Dart, God love him. A man in a wheelchair, used it almost every day in his life; a man who traveled throughout this country day after day to get people organized to support the Americans With Disabilities Act, Justin Dart. He has since passed on, but his widow carries his hat around. She had his hat there and they were just crushed by this vote. How could we turn our backs on something so important to our country and the world? Pat Wright—others.

Before we had the vote we had a wonderful ceremony honoring Bob Dole. Yesterday was the International Disability Rights Day, so they wanted to honor Bob Dole for all he had done, Senator Dole. It was a wonderful event. I saw people over there honoring Bob Dole for all the work he had done on disability rights who voted against the bill today.

Mr. LEAHY. That is right.

Mr. HARKIN. I said, wait a minute, they are there to honor all the work Bob Dole had done on disability and Bob Dole was one of the strongest supporters of the CRPD, as it is called. He came over here today in his wheelchair with his wife, former Senator Elizabeth Dole. Yet people voted against it. I do not get it.

Veterans? There was a young veteran sitting in the gallery today. I met him yesterday for the first time. Senator KERRY spoke at length about him. His name is Dan Berschinski. I ask unanimous consent to have his op-ed printed in the RECORD at the conclusion of my speech.

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

(See exhibit 1.)

Mr. HARKIN. I met him yesterday, a young man 25 years old. He said for the first 25 years of my life I was an able-bodied American and played football and soccer, even ran a few marathons.

He graduated from West Point and went to Afghanistan and had both of his legs blown off. He walks on prosthetic legs now and talks about going to South Africa on a trip and the fear gripped him because of the fact he couldn't get around. In the hotel they had curbs. He had the kind of problems he doesn't have here.

I saw him out here in the reception room after the vote. He had been sitting in the gallery. He came down. I went up to him and I said: Dan, what can I say? I am sorry. I am sorry. But, I said, we will come back again. We are going to come back at this thing. But, I said, I am sorry.

You know what he said to me? He said: You know, Senator, watching this

and seeing this makes me want to get just about as far away from politics as I can.

Is that the message we send to young veterans, young heroes like this?

I don't want to take any more time. Others want to speak. As I said, it is a shameful day. I do say we will be back. Senator KERRY will be back, Senator MCCAIN. Again, I give them the highest plaudits for what they did. Senator MCCAIN and Senator KERRY did a magnificent job, and Senator LUGAR, in carrying this bill forward. I know they do not want to give up either. I was hoping we would pass it before Senator LUGAR leaves the Senate. It would have been wonderful that Senator LUGAR did this during his time here in the Senate. But I guess that is not to be.

We will be back in January or February. Senator KERRY is committed to doing that, bringing it back to the committee, so we will be back again. I hope over the Christmas break and New Year's those who did not vote to support this will search their conscience, search their soul, think more about our being involved in this and having a seat at the table, helping the rest of the world change their laws. I hope when we come back we will have some reconsiderations and people recognize that maybe the first vote was not the right vote and change their vote and maybe we can get it passed then. That is my hope. I hope we can get to that when we come back after the first of the year.

EXHIBIT 1  
[Dec. 4, 2012]

LEADING ON DISABILITY BEYOND OUR BORDERS  
(By Dan Berschinski)

For the first 25 years of my life I was as an able-bodied American. I played football and soccer and even ran a few marathons. All of that changed three years ago. Having graduated from West Point, I was serving my country as an Army infantry officer in Afghanistan when I was seriously wounded: I stepped on the unseen trigger of an improvised explosive device, and both my legs were instantly torn from my body. From that moment on, my life has, been drastically different.

Today, after three year's of hard effort, I'm proud, to be able to walk using prosthetic legs. Yet obstacles that might seem inconsequential to the fully able-bodied, like sidewalk curbs and stairs, take on a whole new meaning for people like me who struggle to walk, or who use a wheelchair. Fortunately, the United States leads the world in accessibility and equality of opportunity for the disabled. Unfortunately, the advantages we take for granted here at home—the policies that allow people like me to live fulfilling, independent lives—don't exist in much of the rest of the world.

Eight months after being wounded in combat, and while still a patient at Walter Reed Army Medical Center, I joined a few friends in a trip to South Africa to watch the World Cup. There I found myself in a different country, with no legs, a brand-new wheelchair and a lot of apprehension. While I should have been enjoying this once-in-a-lifetime trip, I was constantly worried about my ability to get around. South Africa had done a fairly good job on accessibility, but there were still plenty of curbs that had to be jumped, ditches that had to be crossed,

and flights of stairs that had to be, well, hobbled up. As a disabled American at home, I can depend on accessible accommodations; as a disabled tourist abroad, I had to hope for the best while preparing for the worst.

Today, the United States has an opportunity to show leadership and reduce the challenges that millions of disabled people around the world face every day: The Senate can vote to join the U.N. treaty on rights for people with disabilities. By encouraging other nations to strengthen their own accessibility laws, we can improve the lives of our 56.7 million disabled U.S. citizens, including 5.5 million disabled veterans like me, when we travel and work abroad. Many of those opposing this treaty claim to support military veterans, but a vote against ratifying this treaty undercuts that support.

I am honored to join fellow veterans, Republicans and Democrats, including Sens. John Kerry and John McCain and former Sen. Robert J. Dole, to say that the case is clear-cut: Only by voting in favor of the Convention on the Rights of Persons with Disabilities can the Senate truly honor the sacrifice of those disabled while answering this nation's call. I am proud to have served my country; I am proud of how my country has taken care of me. And I will be proud when we extend our leadership on disability issues beyond our borders.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the Senator from Iowa is on the floor—and I will be very brief because there are others waiting to speak—I am so moved and touched by what he had to say. I had the privilege of being in that room with the Senator from Iowa, Senator HARKIN, and Senator Dole—both Senators Dole, Senator Bob Dole and Senator Elizabeth Dole.

The Senator referred to Justin Dart's widow and his hat was there. My colleague and I saw him wearing that hat the day the disability legislation was signed into law on the White House lawn. In fact I have a photograph I took of the Senator standing there.

PERSONS WITH DISABILITIES TREATY

Mr. LEAHY. Mr. President, I have had the privilege of serving in this body every day that TOM HARKIN has been here. Nobody has spoken more eloquently for the needs of the disabled than Senator HARKIN. He learned sign language so he could communicate with his brother. I have seen him with members of the disabled community. He is loved and respected.

This was not the Senate's finest day. It was not "Profiles in Courage" to see what happened. I am glad the Senator mentioned the veterans, as though any of them would stand for something that would take over our country. Many of them lost limbs fighting for this country and fighting for the security of this country. They represent people who died fighting for this country.

So this is one Senator who will be here next year. I pledge to the Senator from Iowa and to Senator KERRY, my seatmate—actually, I have both Senators on either side of me—that I will be here, and I will support the Senators every step of the way.

Mr. HARKIN. Mr. President, I thank my good friend and former chairman

with whom I have served all of these years in the Senate for his very kind remarks and kind words. More than that, I thank my friend for his many kindnesses that he has shown me and for upholding the finest traditions of the Senate.

I say to PAT LEAHY, through the Chair, when we think about a Senator and what a Senator should do and how a Senator should conduct himself or herself, we have to think about PAT LEAHY. He has just been a stalwart. He is always willing to work with people, always willing to give someone the benefit of the doubt, always willing to help move legislation through the Senate. That is the way the Senate used to be. It used to be that way. Thank God, we still have people here like PAT LEAHY.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam 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 CUTS

Mr. WHITEHOUSE. Madam President, tens of millions of middle-class families face the distinct possibility of higher tax rates in January. With so many Americans who are still struggling to find their economic footing after the deepest recession of our lifetimes, these looming tax hikes would be hard for those middle-class families, and they are completely unnecessary.

Newspaper stories day after day on the so-called fiscal cliff often omit that the Senate has passed legislation to shield 98 percent of families and 97 percent of small businesses from the income tax part of this so-called fiscal cliff.

We passed the Middle Class Tax Cuts Act on July 25 of this year. We sent the measure to the House of Representatives. Did Speaker BOEHNER and the Republicans in the House promptly pass this popular bill and send it to President Obama for his signature? Did they move to protect 98 percent of middle-class families from this tax hike in January? No. They decided to hold the middle-class tax cuts passed by the Senate hostage in an attempt to push for tax cuts for the folks they care about the most, the top 2 percent of the highest earning households.

Republicans fighting for millionaires and billionaires is not a new story. In 2001 President George W. Bush decided to spend a large portion of the surpluses he inherited from President Clinton to cut tax rates. Many Democrats opposed him then because the tax cuts were unfair by favoring the highest income Americans. To overcome that obstacle, the Republicans resorted

to a parliamentary technique of budget reconciliation, a maneuver that allowed for passage of their tax cuts but forced them to expire after 2010, at the end of the 10-year budget window.

So we scroll forward to 2010. As 2010 ended, President Obama and many Democrats in Congress, including myself, wanted to extend the tax cuts for middle-class families but let rates on income above \$200,000 for an individual and \$250,000 for a family revert to the Clinton-era levels. Our Senate Republican friends filibustered that effort, refusing to allow the middle-class tax cut without a tax cut for the highest incomes as well. Their hostage strategy worked that time, and the President and Senate Democrats reluctantly agreed to extend the tax cuts for 2 more years.

Now the 2 years is up and these tax rates are again set to expire. That is why Senate Democrats passed the Middle Class Tax Cut Act in July. This measure balanced our desire to keep tax rates low for middle-class families against the urgency of addressing our national budget deficits. By keeping tax rates low for 98 percent of Americans and letting the tax rates go up very modestly for families earning over \$250,000 a year, the Democrat plan would cut the deficit by as much as \$1 trillion over the next decade. Now, that alone doesn't cure our budget imbalance, but along with fair and sensible tax reforms and smart cuts in spending, it is part of the solution.

Let's be clear about one thing: the Middle Class Tax Cut Act would still benefit high-end taxpayers. Families making over \$250,000 a year would pay lower tax rates on their first \$250,000. So if a family made \$255,000, they would only see an increase on the top \$5,000, and only to the Clinton-era rates that were in effect during the 1990s, when, as we all recall, our economy was thriving. Under the Senate-passed plan, a family earning \$255,000 a year would pay an extra \$150 in taxes.

In opposing the Middle Class Tax Cut Act, Republicans claim that it would hurt the economy to raise tax rates on the top 2 percent of income earners. Speaker BOEHNER reiterated that line last week saying: It'll hurt small businesses. It'll hurt the economy.

Well, that is vintage Republican political theory, but it is just not supported by the facts. In a recent report, the nonpartisan Congressional Budget Office estimated that extending the middle-class tax cuts would boost our national GDP, gross domestic product, by 1.25 percent next year. It said the economic effects of extending only the middle-class rates are similar to those of extending all of the rates. Why? Because upper income taxpayers are less likely to spend their tax savings and put it back into the economy.

In other words, CBO reports we would get virtually no economic bang for our Federal buck by extending the upper income tax cuts for which the Republicans are fighting. CBO's analysis is

confirmed by the experience of real-world businesspeople.

Madam President, I ask unanimous consent to enter into the RECORD at the conclusion of my remarks an op-ed by former Stride Rite CEO Arnold Hiatt entitled "Smite the myth that tax cuts create jobs."

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

(See exhibit 1.)

Mr. WHITEHOUSE. Mr. President, Arnold Hiatt founded a successful small business before selling it to Stride Rite and then becoming CEO. He says:

As every good businessman knows . . . the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

He continues:

It is a fiction, pure and simple, that taxing so-called "job creators" will have an adverse effect on the economy.

Mr. Hiatt goes on to explain:

In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half of that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why I . . . and many other millionaires pay a lower income-tax rate than many working American families.

He continues:

Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate, and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

He concludes this way:

The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

That is the CEO of Stride Rite shoes.

If we extend the upper income tax cuts for another year, it would add over \$49 billion to the deficit. Even in Washington, \$49 billion is real money, money that would have to be borrowed and would add to our debt problem. Believe it or not, Republicans who voted to turn Medicare into a voucher program in the name of deficit reduction support adding to the deficit with high-end tax cuts. In Rhode Island, at least, those are lousy priorities when it comes to deficit reduction. We should let the tax cuts at the top expire for reasons also of fairness. 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. Sixty-five percent—nearly two-thirds—of individuals earning over \$1 million a year actually

pay a lower tax rate than median income taxpayers. That is a tax system that is turned upside down and needs to be fixed.

Earlier this year a majority of Senators voted to advance my Paying a Fair Share Act, the Buffett rule bill to ensure that multimillion-dollar earners pay at least a 30-percent effective Federal tax rate. The rate they are supposed to pay is 35 percent under the income tax laws. But because of all these loopholes and special rates, IRS statistics show the top 400 taxpayers in 2008 who earned, by the way, an average of \$270 million each that year, paid the same 18.2 percent effective tax rate as paid by, for instance, a truckdriver in Rhode Island. The single biggest factor driving this inequality is the special low rate for capital gains that allows, for instance, hedge fund billionaires, through the carried interest loophole, to pay taxes at lower rates than their secretaries and chauffeurs. If we let the tax cuts at the top expire, those rates revert to 20 percent instead of 15 percent. Twenty percent is still a low rate for someone making \$100 million a year, but it is closer to what a middle-class family is expected to pay.

In short, allowing the Bush-era tax cuts to expire for income above \$250,000 is the fiscally responsible thing to do and the fair and proper thing to do. Why, then, hasn't Speaker BOEHNER called a vote on the Senate-passed Middle Class Tax Cuts Act? Because threatening middle-class families with higher taxes is their strategy, to push for breaks for millionaires and billionaires—the hostage strategy—with the middle class as the hostages as Republicans fight for whom they truly care about.

If Speaker BOEHNER continues to ignore the Senate-passed bill, I urge President Obama to stand firm on his opposition to extending the upper income tax cuts. The American people support that approach, and we should not cave in to pressure.

I would also urge the President and congressional leaders to work to include the Buffett rule principles in any deficit deal. Letting the upper income tax cuts expire and ensuring multimillion-dollar earners pay a fair share will assure the American people we are working for them and not the special interests as we allocate the burden of addressing our deficits.

#### EXHIBIT 1

[From the Providence Journal]

SMITE THE MYTH THAT TAX CUTS CREATE JOBS

PROVIDENCE JOURNAL EDITION

(by Arnold Hiatt)

As every good businessman knows—including former Massachusetts Gov. Mitt Romney, with whom I had been associated as a limited partner at Bain Capital Ventures—the soundness of a company and its ability to create jobs do not rest on lower taxes or tax avoidance—for the company or its senior management.

If the now defeated presidential candidate Romney and congressional Republicans continue to insist on renewing the special Bush

tax cuts that go only to the wealthiest 2 percent of Americans like me, it will do nothing to create jobs. It is a fiction, pure and simple, that taxing so-called “job creators” will have an adverse effect on the economy.

Just the reverse is true. Instead of spending nearly \$1 trillion on tax cuts to make millionaires even richer, those tax dollars can be used more constructively to retain teachers, police officers and firefighters, and repair roads and bridges. These are all essential services that will rebuild our economy and maintain a civil society. In addition, these tax dollars will contribute to deficit reduction.

The son of a Lithuanian immigrant to this land of now diminishing equal opportunity, I had the good fortune to start a small company that enjoyed a measure of success and that was eventually acquired by Stride Rite Corp. Twelve months later I was asked to become president of Stride Rite.

Throughout the last 10 years of my tenure, the company's return on investment was in the top 1 percent of all companies listed on the New York Stock Exchange. We created thousands of new jobs. By the time I left, we had over 5,000 employees. Our success rested on the quality of the product and service provided to consumers. It was a reflection on the quality of the workforce as well as the management. My success could not have been possible without the people whom we continued to hire and to train as we grew. I depended on them as much as they depended upon me.

In the years we were creating so many jobs, my federal income taxes on the top slice of my income were sometimes as high as 70 percent, but these rates never discouraged me or anyone else from hiring workers or growing a company. Today we're paying about half that on the top portion of salaries and fees, and a meager 15 percent on the big chunk of our income that comes from investments. That's why Governor Romney and I and many other millionaires pay a lower income-tax rate than many working American families.

Many millionaires never create any jobs at all. Those who do will create them regardless of the tax rate and certainly won't be dissuaded by the small increase of about 5 percentage points that the president has proposed.

The myth of millionaires as job creators being turned off by higher taxes is the creation of some members of the U.S. House and U.S. Senate who are funded by these same millionaires. They know little of what makes companies successful.

Romney knows better. It is a matter of record that during the time tax rates, both corporate and personal, were so much higher, our economy was booming. Conversely, the slowest job growth since World War II took place between the Bush tax cuts for millionaires and the 2008 economic meltdown.

A few months ago, every Republican in the House and Senate, along with 19 House Democrats and two Senate Democrats, voted against a bill ending the Bush tax breaks for the richest 2 percent, but extend them for 98 percent of Americans and 97 percent of small businesses. I hope they will take a fresh look at the facts. That's why I joined with over 100 other millionaires in signing a Voices for Progress letter to all members of Congress, appealing to them not to renew these tax breaks. Allowing the richest 2 percent to withhold tax dollars robs children of health and education. It is not only immoral, it is bad economics. They are the future of our country, which has begun to fall behind our competitors. It is also destroying the American Dream, which brought my father to this country alone at the age of 15.

Both he and the Founding Fathers would agree that the future of this nation should

not be compromised by the shortsightedness of those so well off in the present. These are not the values that made this country great.

Arnold Hiatt is a former chief executive of Stride Rite Corp., based in Lexington, Mass. This article previously appeared in *The Boston Globe*.

I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam 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. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO MAYOR BILL PAXTON

Mr. MCCONNELL. Madam President, I rise today to pay tribute to my good friend the mayor of Paducah, KY, Mr. Bill Paxton. Mayor Paxton has been a vital partner of mine in our efforts to bring economic development to the Paducah region, improve the quality of life for its residents, and represent their interests in public service. Paducah could not ask for a finer mayor than Bill Paxton.

Now it's my sad duty to report to my colleagues that after 12 years in office, Mayor Paxton is retiring. And although Kentuckians will miss his steady hand at the helm of leadership, no one can say Bill Paxton has not given more than his share of dedication and commitment to the people of his city. And we all certainly wish him the very best as he leaves the mayor's office and moves on to his next endeavors, where I am sure he will find much success just as he has in public service.

It would take too long for me to describe everything we've worked on together over the years, but I'll mention a few. For several years we worked together to bring economic growth to downtown Paducah with a new riverfront marina development. After a long road marked by the occasional setback, the Paducah Riverfront and Marina groundbreaking ceremony took place last month. The new riverfront will spur job creation and serve as a public space for all of Paducah's residents to enjoy.

For years, Mayor Paxton has been indispensable on a host of issues affecting the Paducah gaseous diffusion plant and its hard-working employees.

Bill has also been crucial in efforts to create the Paducah River Discovery Center, improve the Paducah Area Transit System, and upgrade local law-

enforcement and safety resources such as the Public Safety Mobile Data System, which allows police and other emergency personnel to share and coordinate information.

And I can't forget Bill's leading role in designating the National Quilt Museum, located two blocks from the Ohio River in downtown Paducah, as the National Quilt Museum of the United States. As one of the most popular tourist attractions in the Bluegrass State, it regularly brings over 100,000 visitors yearly from all 50 States and 40 countries.

One of Bill's biggest successes over the last 12 years is the Lower Town revitalization project. Lower Town, a Paducah neighborhood that is rich with history but had become dilapidated with neglect, became the focus of renewal for city government under the mayor's vision.

Revitalization efforts focused on creating an awareness of Lower Town as a cultural center for the arts and an accessible retail environment friendly to local businesses. Now, a decade later, this project has been successful, yielding much renovation of local historic buildings and new construction, luring more than 75 new artists and businesses to Lower Town, and bringing over \$30 million in private investment in the area.

Bill was born and raised in Paducah. Prior to serving three terms as mayor, he was elected to Paducah's city commission in 1998. It was a family tradition, as his father, William F. Paxton Jr., had also served on the city commission. As a private citizen, Bill worked for 30 years in the banking industry. Bill is also one of the few mayors in Kentucky to serve two terms as head of the League of Cities, proving his talents are appreciated not just in Paducah but across Kentucky.

I have been pleased to get to know both Bill and his wife, Lucy, over the years and am proud to call them close friends. I am sure that Lucy, their two children, Christina Paxton Cassetty and William F. Paxton IV; and many other beloved friends and family members join me and Elaine in saying we are proud of Bill Paxton's record of accomplishment as mayor, and we wish him the best in his well-earned retirement. He is one of Kentucky's most distinguished citizens and public servants.

#### TRIBUTE TO DR. RUSSELL DOHNER

Mr. DURBIN. Madam President, I want to recognize “a wonderful life.” Much like the movie starring Jimmy Stewart, it is the story of a small town boy who dreamed of big adventures in a big city, but who discovered his life's calling not far from home.

For nearly 60 years, Dr. Russell Dohner has dedicated his life to providing affordable healthcare to residents of Rushville—a rural community in western Illinois.