ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. REID. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE WITHDRAWN

Mr. REID. Mr. President, I have been authorized by the chairman of the Senate Appropriations Committee to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 956

Mr. REID. Mr. President, I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 956.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendment.'')

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to raise concerns about this amendment that would constitute a significant change to U.S. foreign and banking policies that should be carefully considered by the Senate Committee on Foreign Relations and the Senate Banking Committee.

These provisions have far-reaching foreign policy implications which make their inclusion in this bill unsupportable.

According to the State Department, ''Cuba has one of the world's most secretive and non-transparent national banking systems. Cuba has no financial intelligence unit.''

Moreover, according to an October 28 statement by the Financial Action Task Force, FATF, ''Cuba has not committed to the anti-money laundering and combating the financing of terrorism international standards. Cuba has also not constructively engaged with the Task Force, which has identified Cuba as having strategic deficiencies that pose a risk to the international financial system.''

This amendment would allow Cuba—the Banco Nacional de Cuba—to become the only country on the State Department's State-Sponsors of Terrorism list to have direct access to U.S.-based financial institutions.

We do not have similar exceptions for Iran, Syria, and Sudan.

It is important to understand that under Cuban law the Castro regime has a monopoly on all banking, commerce, and trade.

Therefore, this amendment would allow Cuba's totalitarian regime to directly open corresponding accounts in U.S.-based financial institutions.

It would allow a country that does not subscribe to basic principles of antimoney laundering and counterterrorism to make direct transfers to U.S. financial institutions!

Currently, the Castro regime is required to use a third country European bank to settle its payment for U.S. agricultural products.

If there are clearance problems, the U.S. settlement is entitled to protection under the terms of contract with Euroclear—the European clearance and settlement agency.

If direct bank transfers are allowed, these transactions would be provided protections from operational risk by the Cuban originator of payment.

Also consider the timing of these provisions, these concessions, these gifts to the regime.

As American commercial interests buy their way into the Cuban market, an American—Alan Gross—remains a hostage in Cuban prison.

His crime? Working with U.S. democracy programs to enhance the ability of the island's small Jewish community to communicate with the world.

December 3 will mark 2 years of his unjust imprisonment—2 years that Alan Gross has been a hostage of the Cuban regime.

Recent months have also seen a notable crackdown on peaceful democracy activists, like Las Damas de Blanca—the ladies in White who take to walking in the streets every Sunday to protest the political imprisonment of their husbands, brothers, and sons.

Last month, the founder of Las Damas de Blanca, Laura Pollan Toledo died, not ever knowing a free Cuba.

In March 2003 the he regime arrested her husband, Hector Maseda, an independent journalist, along with 74 others in a protest known as the Black Spring. After a 1-day trial, Hector Maseda was sentenced to 20 years in prison.

Laura Pollan Toledo's life, rallying the wives of Cuban dissidents jailed under the iron fist of the repressive Castro regime, gave Cuba hope and she became one of Cuba's most public and most powerful dissidents.

She continued her work, as do those who follow in her footsteps, despite intense harassment, beatings and detentions.

In one case, in the city of Santiago de Cuba, these ladies were stripped to their waist and dragged through the streets.

In another instance they were bitten.

Just last week, on November 8, over a dozen Cuban prodemocracy activists were violently arrested for participating in a peaceful public sit-in demanding the release of all political prisoners and an end to the Castro regime's violence against the opposition.

Among those arrested were Jorge Luis Garcia Perez ''Antúnez,'' Pastor Alexei Gómez, Rene Quiroga, José Ángel Abreu, Oscar Veranes Martínez, María del Carmen Martínez, Donaida Pérez Paseiro, Xiomara Martin Jiménez, Jorge Vázquez Chaviano, Orlando Alfonso Martínez, Enrique Martínez Marín Mayra Conlledo García and Victor Castillo Ortega.

The Cuban people, like those struggling for democratic reforms in the Middle East, yearn for the opportunity to control their destinies and provide a vibrant future for their children.

The message we should send to such regimes—whether in Cuba or Syria, North Korea or Iran, is that they are pariahs—that their blood money has no place in our economy—that the currency of freedom prevails over the currency of repression.

The United States will continue in its mission to support the Cuban people and to promote democracy until the Castro brothers relinquish power and restore the rights and liberties deserved by the Cuban people and by all people.

But these provisions don't move us or the Cuban people closer to that goal—and must be rejected.

Therefore, along with my colleagues, Senator NELSON and Senator RUBIO of Florida, I raise a rule XVI point of order against the pending substitute amendment.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

The majority leader.

Mr. REID. Without losing my right to the floor, I yield 3 minutes to the Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. I thank the majority leader. I will not take the 3 minutes but just to say my objection is the same as the Senator from New Jersey and my colleague from Florida, Senator RUBIO.

The fact is, the provision in the bill would allow direct payments between U.S. sellers and Cuban buyers of agricultural goods. Under the existing restrictions, U.S. exports to Cuba have fallen dramatically in the last few years, largely due to the regime's shortage of hard currency. In other words, the sanctions are working. Now is not the time to relax U.S. economic sanctions, particularly while we see on this planet Earth in 2011 a repressive regime such as the one in Cuba and the one that continues to hold Alan Gross.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Without losing the floor, I yield 3 minutes to the Senator from Florida, Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I wish to thank the majority leader for that. I will be brief. I think my colleagues touched upon it and the public policy behind this.

Lost in all the things happening around the world that are very important, I think we need to remind ourselves that a few miles off the coast of

the United States the most repressive government in the Western Hemisphere conducts its business and is able to fund it through a lot of this interaction going on as we speak between commercial interests in the United States and in Cuba.

By the way, I know these are folks in business and are not doing anything with bad intentions, but the practical intention of this agreed interaction with the Castro regime is hard currency—money they take and use to pay for this repressive arm. This is happening at a time when we have seen this year more repression than we have in recent years as the Castro government continues to fear it is losing its grip on power and on influence over its own society.

I would say I am supportive of what Senator MENENDEZ is trying to do, and I urge our colleagues to keep a watchful eye on what happens in Cuba.

Mr. REID. Mr. President, let me take a moment to explain what has happened.

I offered the substitute amendment to include versions of the Energy and Water, Financial Services, and State/Foreign Ops appropriations bills that the Senate Appropriations Committee, on a bipartisan basis, had reported. Senator MENENDEZ then raised a point of order against that substitute amendment. He had a right to do that. Senator MENENDEZ has explained he objects to provisions of the committee-reported Financial Services bill that were linked to Cuba. That has been underscored by my friend Senator BILL NELSON of Florida, and my friend MARCO RUBIO from Florida.

The amendment I just offered is exactly the same as my last substitute amendment in the last minibus, except that it does not include the Cuba-related provisions to which Senator MENENDEZ objected. It deletes sections 620 and 624 of the Financial Services bill reported to the Senate. I hope this amendment can give us the basis to move forward on this bill.

AMENDMENT NO. 957

Mr. President, I have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 957.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask unanimous consent that amendment No. 957, which consists of the text of the withdrawn committee-reported amendment as division A, the text of S. 1573 with the exception of sections 620 and 624, to which I have just referred, Calendar No. 171, as division B and the text of S. 1601, Calendar No. 179, as division C; provided further that H.R. 2434, as reported by the House Appropriations Committee and division C of amendment No. 957, be deemed House-passed text in H.R. 2354 for purposes of rule XVI; finally, that amendment No. 957 for the purposes of paragraph 1 of Rule XVI be considered a committee amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Kansas.

Mr. MORAN. Reserving the right to object, Mr. President, I am a member of the Appropriations Committee, and a member—in fact, the ranking minority member—of the Financial Services and General Government Subcommittee. The amendment the majority leader offered, that excluded the provisions related to Cuba, was an amendment that was adopted by the full Appropriations Committee in a very bipartisan way. In fact, the vote was two-thirds to one-third—20 votes in favor, 10 votes against.

The provisions that have been struck by the procedure that has occurred today are the final implementation of legislation that was passed by this Congress in 2001 in which we provided for the first time the sale for cash upfront of agricultural commodities, food, and medicine. It has always been my view, when we fail to sell agricultural commodities to Cuba, we only harm ourselves. Again, the amendment that has been eliminated from consideration today, through this process, would implement the ability for money to be transferred to the United States by a Cuban bank for purposes of paying for that sale upfront.

We have worked closely with the administration, with the Treasury Department, to make certain that nothing contained or nothing that would be contained in this provision would be objectionable to the security or the financial safety and soundness of our country. So with the process that has occurred, while there could have been many rule XVI points of order made today, one was made that defeats the will of the majority of our committee, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I have a full statement that I want to give as to why I am going to move through the next process, but I understand my friend from Louisiana is here. Before going to him, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, without losing my right to the floor, I yield to my friend from Louisiana for 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank the majority leader, and I also rise to object to the motion for completely different reasons than my colleague from Kansas. I rise to object, and several join me in this view, because I believe these additional appropriations bills, which we are trying to bring to the floor, simply spend too much money.

Our greatest challenge as a nation right now is our economy. A big part of that challenge is the fact that we have completely unsustainable Federal spending and deficit and debt. Yet in the midst of all that, these appropriations bills spend more money than we are spending already, not less.

Every American with any common sense knows when they are in a deep hole, the first step one takes is to stop digging. We as a country are in a deep fiscal hole, but these bills have us continuing to dig further. The three bills the majority leader wants to bring to the floor together spend $6 billion more than we are spending now.

We are spending more, not less, even though we are $15 trillion in debt. That is simply continuing to dig when we are in a deep fiscal hole.

Also, when you look at some of the details of this spending, it makes it even more offensive to millions upon millions of Americans—allowing funds for overseas groups that perform abortion, allowing taxpayer-funded abortion in the District of Columbia, allowing elective abortions in the Federal Employee Health Benefits Program, allowing funding of abortion by the Peace Corps, and $40 million for the U.N. Population Fund, which is deeply involved in China's proabortion population control program.

I think it is a deadly combination in more ways than one. We are continuing to dig when we are already in a deep hole, and then, when you look at the details of the spending, so many parts of that in and of themselves are deeply offensive to tens of millions of Americans. Based on that and joined by many conservative colleagues of the Senate, I also object.

I yield the floor.

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

Mr. REID. Mr. President, the bills we brought before the Senate—Energy and Water, Financial Services, Foreign Operations—are all within the agreement we made in July, the deficit reduction package, debt ceiling package we passed. It passed the Senate, passed the House, was signed by the President. So my friend from Louisiana is trying to renegotiate something that was passed after we did 3 months' work on it.

I regret that there has been objection to my request, but what I just sought was the same understanding we had in the last appropriations measure, which worked pretty well. We passed those three bills. The conference should be completed momentarily. We will have to vote on that this coming week. Included in that is the CR to fund the government until sometime in the middle of December. But there has been an objection to proceeding along those same lines.

Everything that was raised by my friend from Louisiana—is what the amendment process is all about. But we wanted it to be the way we have

done it in the past—that on these appropriations matters, the amendments would have to be germane. But he was unwilling to live by that standard and offered amendments that had nothing to do with the underlying bill. That is what the American people can't stand.

The Senate has rules that govern appropriations measures. These Senate rules are necessary because appropriations matters are must-pass bills, and we need some rules to prevent them from becoming Christmas trees. The Senate rules thus prevent nongermane amendments, and the Senate rules prevent legislating on appropriations bills. So those two things have the protection only on appropriations bills. If we didn't have these rules, these appropriations measures would become unmanageable.

So what I sought with my unanimous consent request was to create an environment where the regular rules of the Senate for appropriations measures could be in effect. Regrettably, we didn't get that agreement. If we did those bills individually, that would be automatic.

Without such an agreement, though, we have another thing about which we have to worry: Funding for the government runs out at the end of this week. So before we leave this week, the Senate needs to pass the continuing resolution contained in the conference report on the Agriculture appropriations bill, which also included other appropriations matters. We can't allow the Senate to get tied up in knots in a way that would prevent us from getting that work done.

As I said this morning, I have made a commitment to Senators LEVIN and MCCAIN that we are going to move to the authorization bill as soon as we finish this appropriations package, and I intend to do that. So we will engage in further discussions about how we can move forward with these important measures. In the meantime, we need to take steps to at least temporarily hold matters where they are. So, as I indicated, I have the yeas and nays pending on the substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 958 TO AMENDMENT NO. 957

Mr. REID. I have a first-degree amendment which is perfecting in nature at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 958 to amendment No. 957.

The amendment is as follows:

At the end, add the following new section: SEC ____.

This Act shall become effective 7 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 959 TO AMENDMENT NO. 958

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 959 to amendment No. 958.

The amendment is as follows:

In the amendment, strike ''7 days'' and insert ''6 days''.

AMENDMENT NO. 960 TO AMENDMENT NO. 957

Mr. REID. I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 960 to the language proposed to be stricken by amendment No. 957.

The amendment is as follows:

At the end, add the following new section: SEC. _____.

This Act shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 961 TO AMENDMENT NO. 960

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 961 to amendment No. 960.

The amendment is as follows:

In the amendment, strike ''5 days'' and insert ''4 days''.

MOTION TO RECOMMIT WITH AMENDMENT NO. 962

Mr. REID. I have a motion to recommit the bill with instructions. That is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill (H.R. 2354) to the Committee on Appropriations, with the instructions to report back forthwith, with amendment numbered 962.

The amendment is as follows:

At the end, add the following new section: SEC. __.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 963 TO AMENDMENT NO. 962

Mr. REID. I have an amendment to the instruction at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 963 to the instructions of 962 of the motion to recommit H.R. 2354.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

AMENDMENT NO. 964 TO AMENDMENT NO. 963

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 964 to amendment No. 963.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

Mr. REID. Mr. President, I indicated during the last week that I did not want to have to fill the tree. It is unfortunate that an objection was raised. We were able to move forward, as I indicated, in the last so-called minibus with three appropriations bills made into one. So we are now in a situation where we have no way to move forward unless we have an agreement on the underlying bill, which is the Energy and Water bill.

I have some knowledge of that bill. I was on the Appropriations Committee from the day I came to the Senate, and I worked on that subcommittee for many years—several decades—and I was chairman of that subcommittee quite a few times. I worked with Senator Domenici when we would go back and forth as to who was the Chair, and we worked extremely well together. We were able to get the bill done quickly and satisfy the needs of the Members of this body.

If I can have the efforts of my friends, Senator FEINSTEIN and Senator ALEXANDER, to move forward on this in a way that we can have some view of how we can end this legislation fairly quickly, with the ability to have amendments, I would have no problem because, as I have indicated, we have a lot of things to do before we leave here.

We cannot come back here in December with a lot of unfinished business. I talked to my caucus today about the Defense authorization bill. I think we have to finish that bill before we leave here for Thanksgiving. So we have the minibus conference report, we now have this Energy and Water appropriations bill, which I believe is so important, and we have, of course, the Defense authorization bill. So I say to everyone here, if we can work something out, good. I hope we can.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wonder if I might respond through the Chair to the majority leader.

I have been consulting with the chairman of our committee, and on the

Republican side, we understand what the majority leader is saying. What I hear him saying is that we have some important work we have to do this week. He wants to move to the Defense authorization bill before the end of the week. We have a conference report that includes a continuing resolution. He wants that acted on before the end of the week.

Our hope is that we can deal with the Energy and Water bill today and tomorrow. I am beginning to ask our Republican Senators—and Senator FEINSTEIN can speak for herself, but she is doing the same with Democratic members—I am asking them to get their proposed amendments to the floor this afternoon, if at all possible, so we can give the majority leader some idea of how many amendments there might be so he can evaluate how to proceed. So we appreciate the opportunity to do that. We believe that doing the appropriations bill is the basic work of the Senate. This is important both from a defense and a nondefense point of view. It had broad support in our committee, and so far, I have not found anyone on our side who isn't agreeable to moving quickly on it. I will know more at the end of the afternoon, and I will report to the majority leader about the Republican side.

I ask my colleagues who are listening to please bring their amendments to the floor this afternoon as soon as possible.

Mr. REID. I have absolute confidence in the chairman and ranking member of the subcommittee. They are two of our finest. They have a reputation here of working to get things done on a bipartisan basis, and that is certainly necessary on this most important piece of legislation.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, if I understand this correctly, it is, as Senator ALEXANDER has stated, that the effort is to, under a germane rule, have the Energy and Water appropriations bill brought to the floor. If that is achieved, then all Members, including Democratic Members, should get their amendments to the floor as soon as possible.

We know what this week is like. We know the Defense authorization bill has to come to the floor. We know there are other items that have to come to the floor this week. Therefore, I hope that this effort is successful and that we will be able to begin to work on our bills.

Mr. ALEXANDER. I thank the chairman.

Mr. President, that is exactly right. Just so Senators know, Senator REID has filled the tree, but what we hope to persuade him is that we know the number of amendments we have and that he doesn't need to do that. He is perfectly able to withdraw that. And I know several of our Republican colleagues are discussing this afternoon how many amendments they want to offer, and it is my hope that we will soon be able to start voting on those amendments, vote on them tomorrow, and finish the bill sometime tomorrow.

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California is recognized.

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

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

Mrs. FEINSTEIN. I ask unanimous consent to speak as if in morning business.

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

REMEMBERING EVELYN H. LAUDER

Mrs. FEINSTEIN. Mr. President, I rise to remember the life and to honor the legacy of a remarkable woman—an advocate for breast cancer research and awareness, a philanthropist, a savvy businesswoman, an accomplished photographer and author, a wife, a mother, a grandmother, and a dear friend, Evelyn Lauder.

Evelyn lost her courageous battle with ovarian cancer on Saturday. She is survived by her husband of 52 years, Leonard Lauder; her sons, William and Gary; and five grandchildren.

In many ways, her life parallels the familiar immigrant story of 20th-century America. It is the story of a woman who escaped Nazi Europe, voyaged to the United States of America, and proceeded to enrich this country in countless ways.

Evelyn Hausner was born on August 12, 1936, in Vienna. She was the only child of Ernest and Mimi Hausner. When Hitler annexed Austria in 1938, the family fled to Belgium with just a few sentimental belongings. Later, the family relocated to England during the Blitz.

In England, Evelyn's mother was sent to an internment camp on the Isle of Man. Evelyn was sent to live in a nursery. Eventually the family was reunited, and in 1940 they set sail for New York City.

Evelyn often told a story about arriving in New York Harbor at the dawn of the Second World War. She said:

> My mother woke me up really early in the morning to see the Statue of Liberty. That's a sight I will remember all my life.

She fell in love with New York that morning and would give back to her adopted city for the next seven decades.

She was a proud product of the New York City public school system. As a freshman at Hunter College, she met her future husband on a blind date. Leonard Lauder was the son of Estée and Joseph Lauder, the owners of what then was just a small, family cosmetics business.

Evelyn was a public school teacher for several years, and in 1959 she formally joined Estée Lauder, pitching in wherever she was needed. As the company grew to become an international conglomerate, so, too, did Evelyn's role and influence. She held many different positions at the company over the years.

One of the earliest projects she tackled was to create the company's training programs. She enhanced the Estée Lauder product lineup by adding new colors and products that appealed to a range of complexions and skin types. She had great instincts about new trends, about the needs of a consumer, and about the development of skin care and cosmetics. In fact, it was Evelyn who helped launch the name ''the Clinique brand.''

In the last 25 years, she focused on fragrance—a lifelong passion she shared with her famous mother-in-law that stemmed from her love of flowers and gardening.

In 1999 and again in 2007, she was recognized as one of New York's 100 Most Influential Women in Business by Crain's New York Business.

Evelyn was diagnosed with breast cancer in 1989 and soon became a tireless advocate for women's health. True to form, she was reluctant to publicly discuss her own condition. ''My situation doesn't really matter,'' she told a reporter in 1995. Instead, she chose to channel her energy and attention into helping raise money and educate women with less access and information about the disease. In 1989, as a member of the board of overseers at Sloan-Kettering Cancer Center in New York, she initiated a fundraising drive that raised more than $18 million to establish the Evelyn H. Lauder Breast Center, the country's first ever breast and diagnostic center. The center opened in 1992 and is a model for similar facilities around the world.

In 1992 Evelyn developed the iconic pink ribbon, which we all know today as the worldwide symbol of breast health. She spearheaded the distribution of millions of pink ribbons and breast self-exam instruction cards at Estée Lauder cosmetic counters all across the country. Her efforts elevated breast cancer awareness in the public consciousness, and almost two decades later more than 115 million pink ribbons and millions of educational brochures and bookmarks have been handed out around the world.

In 1993 she turned her attention to supporting the world's leading medical and scientific researchers and established the Breast Cancer Research Foundation to address the crucial lack of breast cancer research funding. Under her leadership, the foundation has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment, and prevention of breast cancer. To date, this foundation has raised $350 million, and supports 186 researchers around the United States, Canada, Latin America, Europe, the Middle East, Australia, and China.

In 2000, Evelyn Lauder launched the Global Landmark Illuminations Initiative. We have all enjoyed seeing historic landmarks illuminated in pink lights during the month of October. Each year, more than 200 prominent landmarks around the world participate. Evelyn has bathed the Empire State Building, Niagara Falls, the Tower of London, the Leaning Tower of Pisa, and the Tokyo Tower in pink lights.

There was another side to Evelyn. She was an accomplished photographer with a keen eye and ability to capture extraordinary images. I have two of her photographs and treasure them. Her photography included rainbows rising from the Pacific Ocean, snow scenes in Colorado, patterns created by light reflecting on water, and landscapes in Chile, Tuscany, and the south of France, among others. Evelyn's works were featured in exhibitions at art galleries in London, Paris, Jerusalem, Barcelona, and Beijing, and well-received exhibitions in New York, Los Angeles, Seattle, and my hometown of San Francisco. She also published two books of photographs and had her work featured in many publications, including American Photo, House & Garden, the Oprah Magazine, and Town & Country.

Evelyn was modest and self-effacing, but she donated all proceeds from her photographic exhibitions and royalties from her books to the Breast Cancer Research Foundation.

Evelyn Lauder was one of a kind. She was a beautiful woman. I knew her. I remember Evelyn, her husband, my husband, and me sitting around a small table in a small Italian restaurant in New York City. I looked across that table at this beautiful woman and all that she has done in her lifetime. It is truly amazing. Her life may have begun under challenging circumstances but she became one of the country's most generous philanthropists and accomplished businesswomen. She was fun, she was smart, she was talented. She was a devoted wife, mother, grandmother, and friend. She was a remarkable American woman. She will be missed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. I ask consent to speak as in morning business.

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

INTERNET SALES TAX

Mr. ALEXANDER. Mr. President, last week the Senator from Wyoming, Mr. ENZI, and the Senator from Illinois, the Democratic whip, introduced a piece of legislation which is called the Marketplace Fairness Act. In doing so, I think they solved a problem that has persisted in almost every State in the Union and that Congress has had a difficult time dealing with for the last 10 years. The problem is what do we do about State sales taxes which everybody owes every time they make a purchase.

If you buy a television set at the local appliance store in Tennessee you owe Tennessee sales tax. If you buy it online you still owe the sales tax. The difference has been that the local retailer is required to collect the sales tax, and does, and sends it to the State, but the online vendor, let's say Amazon, is not required to collect the sales tax and so it does not.

So, like most individuals—I bought a television set from Amazon earlier this year. At the end of the year, I would need to file a form with our State government and say I bought it, acknowledge that they didn't collect the sales tax, tell the State I owe the sales tax on my purchase, and pay it. The truth is most Americans do not do that. That is a $23 billion a year tax avoidance, a great big tax loophole.

One may ask why has that loophole not been closed. We hear a lot of talk about loopholes around here and we know States want to have dollars right now, either to lower taxes or pay for services, and most of us think we should not prefer one business over another business or one taxpayer over another taxpayer. The problem is 20 years ago the technology did not exist to make it easy for an online or remote vendor to collect the sales tax in the same way the local shoestore or local vendor collects it, so the Supreme Court said it would be an undue burden on interstate commerce.

Here is the loophole in practical terms. I called the owner of the Nashville Boot Company last week after we introduced the bill, Frank Harwell. At the beginning he sold cowboy boots online. I think it is the Nashville Cowboy Boot company. But he sold boots online, and he said he sold as much as $400,000 a year of cowboy boots online. That was his major business. When he began, he was about the only one doing that, and I assume if you wanted cowboy boots, Nashville sounded like a good place to buy them, so he was doing all right. Now he said there are about 200 people selling boots online and so he does most of his boot selling out of his store. He has a store in Belle Meade Plaza right next to where I take my granddaughter to breakfast on Saturday mornings.

This is what he says happens to him. He says people come into the Nashville Cowboy Boot company store and they try on the cowboy boots and then they go home and buy them online because they don't have to pay the sales tax. They owe the sales tax, but, as I said, the online sellers are not required to collect it and many taxpayers fail to pay it even though they owe it.

Now we are not talking about Internet tax here. The Senate had a great big debate on the Internet access tax a few years ago. I was right in the middle of that. By the time we got through with it, we had a compromise and we put a moratorium on new Internet access taxes. So we are not talking about taxing the Internet or a new Internet tax. We are talking about the plain old State sales tax that everybody—except in five States, one of them being New Hampshire, which doesn't have a sales tax—in 45 States owes.

I have been very pleased with the reception I have heard to the bill introduced by Senator ENZI and Senator DURBIN. It has five Republican cosponsors. I am one of them. It has five Democratic cosponsors. We hope there will be more. Many of the people who saw problems with earlier attempts to fix the bill believe this legislation solves the problem. Some of the early bills were large. This bill is 10 pages. It is very simple. If the problem was it was too complicated for remote sellers to collect the online tax, they fixed that. They have said if Tennessee wants to require remote sellers like Amazon to do the same thing the local boot company does, it has to provide Amazon with software that will make it simple for Amazon to collect the tax.

When I want to know the weather in my hometown outside of Maryville, TN, I simply put in weather and the ZIP Code 37886, and back comes the information. That is all a remote vendor will have to do. It will put in LAMAR ALEXANDER, cowboy boots, whatever they cost, the ZIP Code, and the computer software will figure out the state and local sales tax and report it to the vendor, and the vendor will send the money electronically to whatever State. So the old problems don't exist.

I saw an article in the Wall Street Journal today which I thought was very well balanced. It takes a whole page. States require online retailers to collect sales tax. Yes, it is fair. No, it protects small firms. I am not going to put this in the RECORD, but I do want to take issue with one argument among those who said: No, it protects small firms. Two arguments, really.

One, the Enzi-Durbin legislation has a $500,000 exemption. So my friend in Nashville, who was the only, and I guess for a while, leading seller of cowboy boots online never made more than $400,000 in revenues. He said, I could tell that. So if he doesn't have more than $400,000 or $500,000 in revenue, he is not even affected by this legislation that gives States the option to decide what to do.

Second, this says the legislation would overturn the Supreme Court ruling of 20 years ago. That is not accurate. It does not overturn anything. What the Supreme Court said 20 years ago was that with the state of technology that existed with so many different taxing jurisdictions, it was an undue burden on interstate commerce for States to require online sellers to collect the tax that was owed. This is what the Court said:

This aspect of our decision is made easier by the fact that the underlying issue is not only one that Congress may be better qualified to resolve, but also one that Congress has the ultimate power to resolve. No matter how we evaluate the burdens that use taxes impose on interstate commerce, Congress remains free to disagree with our conclusions.

Then it said:

Accordingly, Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes.

This is not overturning anything. It is simply responding to the invitation by the Supreme Court 20 years ago that said: As we look at it, this is too big a burden. That was back when there were thousands of taxing districts and no easy way to collect the money. But it did say that Congress had the right to decide what represents a burden. What this bill says is, there are two ways States may do this. There is the Streamlined Sales and Use Tax Agreement where about half the States have joined together and said, we will create a single way to allow online vendors to operate, or the State of Kentucky may say, we don't like what they are doing, we will create our own way. As long as it is a simple way, a single return, a single audit, and the State provides the software, then the State has that option. That is why Amazon decided last week that it supported the Enzi-Durbin bill.

On the Republican or conservative side, there have been a lot of people who said, wait, this is about taxes. Well, it is about taxes, but it is about taxes in a way that conservatives like to talk about. We like to say we don't like it when the government policy prefers some taxpayers over others, or some businesses over others. We also, on this side of the aisle, believe in States' rights, and this bill doesn't decide anything. It simply empowers States to make their own decisions about taxes.

In our State, for example, we have one of the lowest tax burdens, but we have the highest State sales tax. If we are able to collect $300 million, $400 million, $500 million more in Tennessee from this tax that is now avoided because of the loophole, there could be proposals to reduce the sales tax rate or reduce some other tax. Certainly the money will help to avoid the arrival of a State income tax, which is about the most hated word in our tax vocabulary in Tennessee.

I ask unanimous consent to have printed in the RECORD some of the responses that have come since last week. The Memphis Commercial Appeal editorial which urged that Congress close this longstanding loophole in the current tax law. ''It's the right thing to do.''

Greg Johnson, a conservative columnist in the Knoxville News Sentinel said: ''Online sales tax bill would level the playing field.'' His article refers to the fact that 10 years ago William F. Buckley, Jr., whom he calls the father of modern conservatism, opined to the National Review about this problem and that it needed a result.

The same sort of argument was made by Al Cardenas, head of the American Conservative Union, who wrote an article last week and said this needs to be fixed and supports a bill such as the one we introduced.

There is also an editorial from the Seattle Times, an editorial from the Paris Post-Intelligencer, an editorial from the Denver Post, and one from Belleville in Illinois. All of these make the same points.

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

[From the Commercial Appeal, Nov. 13, 2011]

A LEVEL FIELD FOR RETAILERS

REQUIRING ONLINE AND CATALOGUE RETAILERS TO COLLECT SALES TAXES COULD HELP THE STATE REACH WORTHWHILE GOALS

When was the last time you sent a check to state government for the sales tax you owed for an online purchase?

More to the point, did you know you were supposed to?

Join the club.

Tennessee Sen. Lamar Alexander has come up with a way to relieve shoppers of a responsibility many of us don't even know we have.

Alexander has predicted passage of the bipartisan Marketplace Fairness Act, whose co-sponsors include five Democrats and five Republicans, including Sen. Bob Corker of Tennessee.

The bill would require online and catalogue retailers to begin collecting and remitting state sales taxes.

In Tennessee, annual revenue from online sales tax collections has been estimated at between $300 million and $400 million.

In a 2009 study, University of Tennessee-Knoxville economics and business professors estimated that $52 billion in potential revenues will have been lost in 46 states and the District of Columbia over a six-year period through 2012 because taxes on online sales are not being collected.

The measure's primary appeal is one of fairness—the elimination of an unfair advantage online sellers have over large and small brick-and-mortar stores.

Very small businesses would be protected by an exemption that covers annual online sales of less than $500,000 in the Senate version of the bill, or $1 million if the House version is adopted.

The benefits to a state such as Tennessee could be significant.

The state's public college students were hit by annual tuition and fee increases that ranged from 7.4 percent to 13.7 percent for the current school year.

Increases for the 2012–13 school year will seem even worse than usual next fall if the General Assembly decides to cut back on the eligibility standards and/or the size of state lottery scholarships.

An expansion of the TennCare rolls called for by the federal Patient Protection and Affordable Care Act of 2010 will be offset to some extent by a larger federal match, but TennCare officials have predicted that the state will have to cover at least part of the expansion.

And with new revenue from online sales, Tennessee could also consider the elimination of its sales tax on food, one of the most regressive aspects of the state revenue system.

Passage of the measure also would move up the date on which Tennessee could begin receiving revenue on sales from Amazon's new Tennessee distribution centers.

Under an arrangement worked out between Gov. Bill Haslam and the company, those collections currently aren't due to begin, absent federal standardization, until 2014.

In fact, Amazon, which has been seeking sales tax relief in several states as part of its decision making process regarding new sites, has turned out to be a supporter of the Alexander bill.

There is software available to ease the transition for online retailers—nothing, in fact, to prevent Congress from closing this long-standing loophole in current tax law. It's also the right thing to do.

[From Knoxnews.com, Nov. 11, 2011]

ONLINE SALES TAX BILL WOULD LEVEL PLAYING FIELD

(By Greg Johnson)

Almost exactly 10 years ago, William F. Buckley Jr., the father of modern conservatism, opined in the National Review about the vexing problem of e-commerce and the collection—or lack thereof—of sales taxes by state governments. Buckley stood firmly athwart principled, conservative convictions against any tax on Internet usage.

But when it came to the collection of taxes on Internet purchases, Buckley saw how the growth in online commerce was changing the world of retail sales and how local businesses were being harmed by the uneven playing field on which out-of-state vendors did not collect sales taxes.

''The estimated commerce done by the Internet in 1998 was $9 billion,'' Buckley wrote. ''Last year (2000) it was $26 billion. Which means we have to come to earth and face homespun economic truths. If the advantage of tax-free Internet commerce marginally closes out local industry, reforms are required.''

U.S. Sen. Lamar Alexander, R–Tenn., proposed such reform this week, co-sponsoring the bipartisan Marketplace Fairness Act. ''The reason I'm a co-sponsor is that it's a states'' rights issue,'' Alexander said in a Wednesday conference call. ''(The bill) gives the state of Tennessee the right to decide how to collect or not to collect its own state sales tax.''

Alexander noted how bricks-and-mortar retailers are at a disadvantage. ''Main Street sellers are up at arms because they have to collect a tax when they sell a television set or a computer, and online sellers don't,'' Alexander said. ''(This legislation) ends the subsidy of some businesses over others.''

Gov. Bill Haslam backs Alexander. ''The Marketplace Fairness Act will bring much-needed, and long overdue, relief to the state of Tennessee,'' Haslam wrote in a letter to Alexander. ''Tennessee and other states are currently unable to compel out-of-state businesses to collect sales taxes the same way local businesses do.'' The University of Tennessee's Center for Business and Economic Research estimates the state loses more than $300 million per year in uncollected revenue.

While Ebay opposes the bill, Paul Misener, Amazon's vice president for global public policy, pledged support, writing to Alexander, ''Your bill will allow states to obtain additional revenue without new taxes or federal spending and will make it easy for consumers and small retailers to comply with state sales tax laws.''

Alexander moved to pre-empt fire from the right. ''Conservatives understand (collection from online vendors) is not a new tax. It is a tax that already exists. It is not an Internet tax,'' Alexander said. ''This is an existing tax on all sales, and it is not fair to charge it to some taxpayers and not others. It is not fair to discriminate against stores in Tennessee in favor of stores outside Tennessee.''

A decade ago, Buckley embraced reality when online sales were $26 billion and local industry was being crowded out by uneven and unfair application of existing tax laws. Last year, online retailers sold $142 billion in merchandise. As Buckley wrote and Alexander recognizes, reforms are required.

[From the Seattle Times, Nov. 11, 2011]

BILL TO TAP INTO ONLINE SALES-TAX REVENUE MAKES SENSE

The Seattle Times editorial board supports the Marketplace Fairness Act, which would allow states to collect sales taxes on mail-order and online purchases across state lines.

Washington's delegation in Congress, Democrat and Republican, should support the Marketplace Fairness Act, a bipartisan Senate bill that would allow states to collect sales taxes on online and catalog purchases across state lines.

For years, Washington residents have escaped sales taxes by buying online. People have enjoyed doing this, brushing aside the irksome thought that they were short-changing local merchants, wiping out local jobs and undermining local governments. When the Internet was small and times were good, their irresponsibility could be overlooked. No longer.

In the two-year period ending June 30, 2013, Washington state government is in a $2 billion hole. Counties and cities also suffer. The Department of Revenue estimates that passing the Marketplace Fairness Act will bring state and local government $483 million in new money in the next biennium. The effect in this biennium would be less but still meaningful.

Every hundred million dollars counts.

Most states have an income tax. Our state does not, and has voted four times against one. If a sales tax is what the people want, they must update it for the 21st century—and in an Internet world, that means collecting the tax across state lines.

This state is also the home of the most successful Internet retailer, Amazon. For several years, Amazon has fought efforts of other states to collect sales taxes. Despite Amazon being a neighbor to The Seattle Times, we have criticized its position.

Amazon now changes. It has endorsed the Marketplace Fairness Act. This is strategically smart, and it is welcome.

''Amazon's coming out in support is huge,'' says Russ Brubaker, assistant director of the Department of Revenue in Olympia.

Interstate sales-tax bills have been offered before, by Democrats. Brubaker notes that the new bill, sponsored by Sen. Dick Durbin, D–Ill., now has an equal group of Republicans behind it, including Sen. Lamar Alexander of Tennessee.

''Having him on that bill makes a big difference,'' Brubaker says.

This is a bill that makes sense. The timing is right. Our delegation should support it, and push hard.

[From the Paris Post-Intelligencer, Nov. 10, 2011]

ONLINE SALES TAX PATH IS CLEARING

AFTER A LONG FIGHT, STATES ARE WINNING

Bit by bit, states are winning the battle to collect sales taxes for purchases made by computer.

What once seemed a solid wall of opposition that gave online sellers a huge advantage and caused states to lose many millions in lost revenue is being dismantled brick by brick.

The latest turn is that Tennessee's senior U.S. Senator, Lamar Alexander, has introduced a bill in Congress, coauthored by Republican and Democratic senators, to let states collect sales taxes. If enacted, the bill would negate a Supreme Court ruling that allows a state to collect taxes only when a seller has a physical location within the state.

''It's a state rights issue,'' Alexander said. ''It gives the State of Tennessee the right to decide how to collect or not to collect its own sales tax.

''It ends the subsidy for some businesses over others, it ends the subsidy for some taxpayers over others, it closes a loophole that's been growing for 20 years, and it permits the state to collect that avoided revenue.''

It's no small matter. This year, University of Tennessee economists have estimated, the Volunteer State is losing $365 million in missed sales taxes. The estimate for 2012 is $410 million.

Some traditional opponents of the tax move now support it. Chief among them is the on-line giant Amazon, which said Wednesday it will work to get Alexander's bill passed. The firm, under a deal negotiated by Gov. Bill Haslam, had already agreed to begin collecting the tax in 2014; Alexander's bill, if passed, could speed up that process.

Support also has come from Wal-Mart and Best Buy, as well as from some congressional conservatives who originally had opposed the move as a new tax. The American Conservative Union has endorsed a similar bill introduced in the House.

Some opposition remains—eBay opposes the trend on the basis that it would place a new burden on small businesses. Alexander's bill would ease that burden by exempting online sellers who have less than half a million dollars in out-of-state sales; the House bill sets a $1 million cutoff point.

The time is right. The path is clearing. Congress should act.

[From the Denver Post, Nov. 14, 2011]

ONLINE SALES TAX COULD BE A BOON

A new Internet sales tax bill introduced in Congress has the potential to allow cash-strapped states to collect billions in sales taxes from online purchases.

The Marketplace Fairness Act is a significant step forward that could help Colorado—someday.

The problem that Colorado and a handful of other states would face in trying to use the authority described in the bill is lack of uniformity.

Colorado's local taxing authorities have many different rates for various items and would have to agree on uniform sales tax rates for online purchases.

Yes, it's a heavy lift. However, the folks at the state Department of Revenue say they think it's possible. We hope so. This measure could put an end to the Amazon tax wars, and could help states collect revenues rightfully due.

Some online retailers have fought hard against state-level attempts to get them to collect sales taxes. They argued states were imposing improper and burdensome regulations on interstate commerce, and they had the law on their side.

The answer was federal legislation to allow states to compel sales tax collection. In Colorado, that could mean an additional $173 million in state and local taxes in 2012. That's not chump change.

Geoff Wilson, general counsel for the Colorado Municipal League, said his reading of the legislation is that local taxing authorities would have to agree to the same rates for online sales originating with out-of-state retailers, ones without a physical presence in Colorado. They'd still keep their local rates for local sales.

Those online sales taxes would be collected at the state level, and then disbursed to the local entities.

It would likely mean that there would still be a difference—one tax rate if you buy something in a store locally and another if you buy online. Optimally, you'd want those to be pretty close, but given the variation in Colorado's sales tax rates from one jurisdiction to another, there would certainly be a difference between the sales taxes you'd pay at a brick and mortar store versus online.

''It's not a perfect remedy, but it's not the injustice that it used to be,'' Wilson told us.

What he means by that is now, people who buy goods online from out-of-state retailers frequently do so without paying any sales taxes.

That puts a local retailer with the store down the street at a big disadvantage in competing with those selling items online. A uniform tax rate for an online purchase would drastically reduce the ''Main Street inequity'' problem, Wilson said.

State revenue officials say passage of the bill, which has bipartisan support, would create a big incentive for Colorado's many disparate taxing authorities to agree on simplification.

We hope Colorado policy makers give this serious thought. We appreciate and respect the autonomy of home rule cities and counties.

However, forging an agreement on this matter could result in a measure of fairness for local retailers and much-needed revenue for state and local governments.

[From bnd.com, Nov. 14, 2011]

INTERNET TAX IS ABOUT FAIRNESS

The tax-free days of shopping on the Internet may soon be a thing of the past. A bipartisan group of senators, including Sen. Dick Durbin of Illinois, has introduced a bill that may finally have traction.

This is good news. While no one likes paying taxes, this bill should help level the playing field for all businesses.

Opponents complain that the measure will hurt small Internet businesses, but small brick-and-mortar businesses have to collect sales taxes; why shouldn't small Internet-based businesses also?

The only reason they don't already do it is that the system of figuring each jurisdiction's sales tax rate is so complicated. This bill would set up a simplified process; states would choose whether to participate.

The bill is called, appropriately, the Marketplace Fairness Act. It's time for Congress to approve this plan.

Mr. ALEXANDER. Mr. President, this is a States rights argument. It is about allowing States to close a loophole—a tax loophole. It is about stopping the subsidization of some taxpayers over other taxpayers, stopping the subsidization of some businesses over others. About the only ones left complaining are the taxpayers and businesses that enjoy being subsidized by other taxpayers and other businesses, and that, in our opinion, is not the correct tax policy.

I am very pleased with the work of Senator ENZI and Senator DURBIN. I will conclude where I started. I think they have solved the problem. As more Senators look at the fairness of the Marketplace Fairness Act and look at the options it gives each State, I hope we will have more cosponsors. If I were running an online retailer in this country, I would begin to make my plans to collect the sales taxes that are already owed and return them to the States because States will have the right under this legislation to do it.

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

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

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

Mr. LEAHY. Madam President, I have mentioned this to the distinguished Republican floor leader, and I ask unanimous consent that I be allowed to speak for a few minutes as in morning business.

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

DEPARTMENT OF STATE AND FOREIGN OPERATIONS APPROPRIATIONS BILL

Mr. LEAHY. Madam President, at some point we may bring up the State and Foreign Operations Subcommittee's appropriations bill. I understand that several Senators on the other side have refused to allow the Senate to debate and vote on this bill, for one reason or another. That is unfortunate, because it provides the funding for many programs that have critical importance to the Nation's security. Let me mention a few:

> It supports our counterterrorism strategy in South Asia, the Horn of Africa, and the Far East. It responds to the turbulent events in the Middle East and North Africa, and threats on the Mexican border. It combats transnational crime, piracy of intellectual property, and the denial of fundamental freedoms. It promotes access for U.S. companies to foreign markets. It provides the funds to operate and secure our embassies and consulates that serve millions of Americans while traveling, working and studying overseas. It preserves U.S. influence in key international organizations and alliances. And it responds to a massive famine in Somalia, floods, and other humanitarian disasters.

We have to do this and much more with a budget allocation that is $6 billion below the President's request.

I worry that ''foreign aid'' today is a term often maligned and misunderstood. It is viewed by many as a form of charity, or a luxury we can do without, or that it is a sizable part of the Federal budget. But it is none of those things, as that list I just mentioned illustrates.

These have never been Democratic or Republican issues. The funds in this bill determine whether the United States will remain the global leader it has been since the Second World War.

Six weeks ago, former President George W. Bush said:

> One of the lessons of September 11th is that what happens overseas matters here at home. . . . We face an enemy that can only recruit when they find hopeless people, and there is nothing more hopeless to a child who loses a mom or dad to AIDS [than] to watch the wealthy nations of the world sit back and do nothing.

Former President Bush is right.

In fact, his former Secretary of State, Condoleezza Rice, was equally blunt about the stakes involved. She said:

> We don't have an option to retire, to take a sabbatical from leadership in the international community and the world. If we do, one of 2 things will happen. There will be chaos, because without leadership there will be chaos in the international community, and that is dangerous. But it's quite possible, that if we don't lead, somebody else will. And perhaps it will be someone who does not share our values of compassion, the rights of the individual, of liberty, and freedom.

I could not agree more, and I hope other Senators appreciate what is at stake. Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

I wonder if, in my parents' generation, this country had not rallied behind President Truman and Secretary George Marshall, who had the Marshall plan, which to many people was very unpopular, whether we would have given aid to countries we had just been at war with. What a different world it would be today if we had not helped rebuild Europe or Japan.

It is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world and to compete in the global marketplace. Great Britain's conservative government is on a path to increase its international development assistance to .7 percent of its national budget. You might say: Only .7 percent of its national budget? In the United States, it is .2 percent of our national budget.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing profoundly, and we cannot afford to retrench or succumb to isolationism.

The funding in the State, Foreign Operations bill enables us to engage with our allies, defeat our competitors, and deter our adversaries. It may be an attractive target for campaign speeches and bumper sticker politics, but without it we cannot meet the growing threats to our struggling economy and our national security.

The bill that Senator GRAHAM and I will, I hope, be able to bring to the floor of this body, was reported by the Appropriations Committee on a bipartisan vote of 28 to 2. It is $6 billion below the President's budget request. It scales back many Department of State and U.S. Agency for International Development operations and programs. It is going to force significant reductions in planned expenditures. I wish it did not, but I also agree that we have to control spending.

I doubt there is any Member of Congress from either party or either body who does not care if the United States becomes a second or third rate power. I think all of us in Congress expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of our citizens.

Yet there are unmistakable signs that our global influence is already waning. It is not preordained that the United States will remain the world's dominant power. As Former Secretary Rice said:

> If we don't lead, somebody else will.

I think every one of us can imagine which countries that might be, and I shudder to think of some of them.

You cannot have it both ways. We cannot expect others to follow if we do not lead. And we cannot lead if we do not pay our way.

We need to stop acting as though these investments do not matter; that the State Department is not important; that we do not need the United Nations; that what happens in Brazil, Russia, the Philippines, Somalia, or other countries does not matter; and that the global threats to the environment, public health, and safety will somehow be solved by others.

Think of this: The most deadly, contagious diseases in the world are only an airplane trip away from our shore.

This year's State, Foreign Operations bill, which was drafted in a bipartisan manner, balances our priorities. Funding for these programs was requested by Republicans and Democrats. In fact, I the total number of requests we received from both parties dwarfed what Senator GRAHAM and I had available to spend.

There are no earmarks in this bill. Because of the budget cuts, Members on my side did not get close to everything they wanted, and neither did Members on Senator GRAHAM's side.

But to anyone who thinks the 1 percent of the Federal budget we spend on international diplomacy and development is too much, this bill will freeze most embassy and consular operations, curtail programs, and in some cases defer payments to international organizations that we are obligated by treaty to pay.

This country is at a crossroads. We can retreat from the world, as some seem to want, while China and our other competitors continue to expand their influence, or we can remain a leader. This Senator hopes we will have the sense to choose the latter course.

I was barely a child at the end of World War II, but I watched as our soldiers came home, and I saw America's influence grow. I saw it as a young student in college and in law school. I saw students who came to this country to learn what we did—why?—they were inspired by America and wanted to learn from our example. I saw members of my family and friends join the Peace Corps. And when I have traveled overseas since becoming a Senator, I hear people say: Thank goodness America helped us. I hope my children and my grandchildren do not hear a different story.

The funding in this bill, which is strongly supported by the Department of Defense, is, along with the U.S. military, the best form of insurance the American people have.

I want to thank Chairman INOUYE and Senator COCHRAN for their support of the subcommittee's budget. And I want to thank Senator GRAHAM, who is a highly informed and passionate advocate for U.S. global leadership. I appreciate his input and support, as I do the other members of the Appropriations Committee from both parties.

It is easy for us to stand up and speak about how we want America to be No. 1. It is easy to sit on the sidelines and say you want to win the New York marathon but you do not want to train for it. If we want to be No. 1, we have to earn it.

One thing that has united some of the great leaders of our country—both Republicans and Democrats—is their desire to expand, in the most positive way, America's influence around the world, one, so we could help others, and two, because it protects us. If we get to this bill, I hope we will not find ourselves tangled in knots with sloganeering or special interest amendments, but, rather, debate it with only one interest in mind: that of the United States of America.

Madam President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

CLOSE UP FOUNDATION

Ms. LANDRIEU. Madam President, I rise to speak for just a few moments on a very special anniversary that we are celebrating, not just here in Washington but around the country; that is, the 40th anniversary of the Close Up Foundation, familiar to us all.

It is a foundation that was started in 1971. Close Up has worked for four decades to promote responsible and informed participation in the democratic process through Washington-based civic education programs and classroom publications. I had the pleasure myself of participating in one of the first ever Close Up programs back in 1972. So I participated in the second year when the program was in its fledgling stage.

Little did I believe then or know then that I would be a Member of the Senate. But I can remember the tremendous impact that program had on me at that age. It was the first time I had ever visited Washington, DC. I can tell you without the Close Up program, I probably would not have made that trip until many years later. But it made a lasting impression on me and I believe gave me some idea back then of a potential career in public service.

I am very proud to be an alum of this important program, and I am delighted to help celebrate that later tonight at a reception for the 40th anniversary, which is today.

Close Up's mission is to inform, educate, and inspire young people to be active citizens in our democracy. Close Up seeks to create a generation of Americans that exercise their rights and accept the responsibilities of citizenship.

Each year, Close Up serves thousands of high school and middle school students and their teachers on Washington-based government and citizenship education programs. These programs demonstrate that an active citizenry is necessary for the perpetuation of our democracy, and they provide students with the knowledge and skills to participate firsthand—hands on, seeing is believing, being here in Washington, seeing the buildings, experiencing firsthand the ways of the Senate and the House operating, seeing the Supreme Court in action leaves a lasting impression, believe me, on these students—since the 1970s.

I know my colleagues will join me in the pride that 750,000 students and teachers from across the country have participated in Close Up programs. Participating students return to their schools and share with their classrooms, with their student bodies, what they learned and experienced. So while we have had 750,000 students participate, we have directly touched millions of students and teachers and family members, as these students go back and relay very fine experiences.

Students who participate in Close Up Washington travel to our Nation's Capital, usually for about 1 week, joining with their peers from all over the United States, to live and learn together during an intensive, inspiring, and skill-building program. The program is designed to enrich students' knowledge of the basic concepts and institutions of the Federal Government, an important part of our democracy, and to develop a practical understanding of the process of the democratic political system and the role of citizens in this system, which is central, as the Chair knows.

To engage students, expert institutional staff use best practices and methodologies, including role modeling, small group discussions, simulations, and student-driven interaction with key policy experts. In other words, this is not just a tour of Washington, it is not just a tour of the building, it is an interactive, hands-on experience for young middle school and high school students to have a better understanding of how their government operates.

If we think about it, we know they understand by maybe reading the paper and talking to friends how their local government operates. They get a sense of how their State governments operate. Without a real opportunity to visit the Nation's Capital, which many of these students might not have, how will they get a feel for what goes on here, which is very important.

Each year the Close Up Washington program participants engage in 1,000 meetings with Members of Congress and their staffs on Capitol Hill. Our Capital's institutions and historic sites are used as classrooms to help students explore the link between history and contemporary political issues. It brings it alive to them. It makes it real for them. That is why it is so important for us to continue this program.

Students also learn and practice the habits of active, effective citizenship with an intense emphasis on civil discourse. One of the most important and commendable aspects of the Close Up program is its accessibility to economically disadvantaged students. I wish to take a minute to stress this. There are many programs that are sponsored directly or indirectly by the Federal Government that allow students to come to Washington. Then, of course, there are many privately funded activities.

But this is the only Federal program that I know of that reaches out in a special way to students that would be unable to come under any other circumstances, they just could not afford it. Their families cannot afford it, and so it would be out of reach for many of them. That is what is so important about Close Up.

The other important aspect, it is not just for the kids in the class who are 4.0 students. Many students come on academic scholarships or they are chosen because of their academic prowess. This is for the average kid, as well as those who are achieving academically. But it is for the average kid, the kid whom we depend on to be our citizen for the future.

So because of that, it is especially important for us to continue this opportunity. Close Up provides a diverse program experience for its participants and has provided over $100 million in fellowship assistance to students and teachers from underserved communities through public funding and a committed network of corporate and philanthropic donors. So to the Federal money that serves as its base, we get additional support from individuals and from foundations to leverage that resource, to provide an opportunity for kids who would never be able to see with their own eyes the Capitol or the White House, would never be able to walk into the Supreme Court, to actually see it and touch it and to experience it.

If it sparks an interest in one-fourth of the children who come, that would be great. But I think it sparks an interest in almost 100 percent of them in some way. When they leave, they are forever changed in a positive way and can become active participants in this democracy.

So at a time when students throughout the United States show an alarming lack of proficiency in civics, as

demonstrated by the recent results of the National Assessment of Educational Progress testing of 4th, 8th, and 12th graders, Close Up continues to work to engage young people so they understand the political process, find their own voice, and they embrace the rights and responsibilities of citizenship, which is indeed a gift, and they learn to appreciate that gift and to participate more fully in this democracy.

I commend and congratulate Close Up for 40 years of excellent service. I hope it will continue for another 40 years. I am proud to be a strong supporter of the Close Up program. I urge my colleagues, as we have an opportunity, to support the funding for this program, even in these tough budgetary times.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

IRAN'S GROWING NUCLEAR THREAT

Mr. COATS. Mr. President, we have been seized with obviously pressing issues and emergencies, and I fear we have not been paying enough attention to the issue of Iran and the growing nuclear threat posed by that country. The recent release of the report by the International Atomic Energy Commission has returned the Iran nuclear issue to the front pages and, hopefully, to the top of our list of priority issues that need to be discussed and need to be evaluated.

The IAEA nuclear watchdog, which I visited last March with a group of Members of the Senate and House Intelligence Committees, has never been an instrument of U.S. policy. In fact, it has often offered perspectives contrary to America's views or preferences and has rigorously defended its objectivity independent of individual governments. Therefore, I think this latest report has all the more weight that we should give serious consideration to. This objective organization of nuclear experts has had unrivaled access to information and sources within Iran. It has stripped away the veneer of ambiguity and uncertainty about Iranian efforts to develop nuclear weapons.

Iran is after the bomb, and we all know it. We can see the proof in this IAEA report, including compelling detail about Iran amassing fissile material, designing explosive trigger devices, and developing delivery systems. The report details the way in which Iran has relentlessly pursued this objective over the years and from whom it has obtained assistance.

The report also shows our own intelligence community's official estimate in 2007 that Iran had suspended these activities in 2003 was wrong. The activities to design nuclear weapons soon resumed and are continuing.

Ironically, it seems efforts to slow down or halt nuclear weapons development through sanctions or even through computer viruses have only had minimal or temporary effect. Many have been unwisely comforted by such delays and, therefore, have been less focused and less determined to find real solutions to this mortal security threat.

Also, we have been mistakenly reassured by the contention that Iran has not yet made the political decision to actually assemble nuclear weapons. This could potentially be one of the most dangerous conclusions of all. As I have repeatedly said from this floor and during my tenure at the Bipartisan Policy Center, a nuclear weapons-capable Iran is nearly as dangerous as a nuclear-armed Iran. An Iran that has spent years secretly pursuing—and now we know successfully—the technologies, the expertise, and materials required to create nuclear weapons is a threat to the United States and to the world.

Facing this imminent danger now, with ample verification from the IAEA that our anxieties are well-founded, is absolutely essential. It is no longer possible to avoid the hard choices or defer to the administration's decisions. In my opinion, there are only three ways we can respond to this threat: We can accept the inevitability of a nuclear Iran and learn to live with it—to tolerate and try to contain this new Iranian power; secondly, we can reluctantly take up the military option to remove the threat—an option three Presidents have confirmed has always been on the table; or, third, we can dramatically escalate the sanctions regimes to force Iranian compliance with our collective international will.

The first option—tolerating a nuclear weapons-capable Iran—is not acceptable. As I said, three previous U.S. Presidents have unequivocally stated this. A nuclear-armed Iran would threaten the entire region and its enormous energy resources, motivate broad nuclear proliferation throughout the Middle East, further destabilize a region already in turmoil, encourage radicalism and terrorism, and threaten the destruction of the State of Israel.

This last danger alone—to which Israel, as a last resort, would most certainly respond to ensure its survival—compels us to be clear-eyed and determined to find a viable solution. Toleration, I would suggest, is not a solution.

The second option—military action, while always posed as a last resort following the failure of all other efforts—must, in my opinion, remain on the table. Our Nation and the international community as a whole must see with vivid clarity what measures remain should our other efforts continue to fail. The Iranian regime must be especially nondelusional about those potential consequences, should it not change its behavior. Indeed, to make all our efforts to find a solution credible, the military option itself must be entirely believable.

It is also essential to note that military options are not ours alone. There is broad, open discussion now in Israel and elsewhere about whether Israel itself should act to remove this threat to the survival of their state. This also must be part of our own policy calculation.

As former Secretary of State Condoleezza Rice said in a television interview this weekend: ''I don't have any doubt that the Israelis will defend themselves if the Iranians look as if they really are about to cross that nuclear threshold.''

If there is any remaining doubt the United States should not tolerate a nuclear Iran, I think we can assume Israel may not.

It is exactly to avoid this violent option that we must renew all our efforts at finding other ways to force the Iranian regime to change its behavior, and that includes compelling persuasion to convince our friends and allies—and China and Russia as well—that united efforts are essential.

We need a new dramatically tougher sanctions regime, and we need it now. If we don't impose it now, it may very well be too late.

I say this with some real reservations about whether any new sanctions can persuade the Iranian regime to change its policy. If we truly believe a nuclear weapons-capable Iran is unacceptable, then the only logical response is to at least prepare for a strike and send the signal that the United States is prepared to act on what has been deemed by, as I said, three Presidents as unacceptable.

I think it is contrary to U.S. interests to try to outsource this task to the State of Israel, but I also think the long-term danger is far greater than the serious but shorter term negative consequences of a strike.

Having said that, this force option needs to be carefully considered, and I think we need to continue whatever efforts we can make to prevent us from having to ultimately choose that as our only option.

So I am suggesting a new, dramatically tougher sanctions regime. It is going to have to be imposed very quickly. Publicly released information clearly indicates that Iran is much closer to nuclear weapons capability than previously acknowledged. We must use the full focused power of our diplomatic instrument not to persuade Iran—that has clearly been a total failure to date—but to persuade other nations that immediate, tough, new international sanctions are the only way to prevent us from having to go to an option which none of us wishes to go to.

We must convince other reluctant nations to make different calculations about their own self-interest in this matter. If other Nations, including China and Russia, come to realize that a nuclear Iran truly will not be tolerated and that new developments bring us closer to a military solution and its unforeseeable consequences, then they will hopefully come to different conclusions about how their own interests can best be served.

Our allies and friends, once they come to accept the reality of our firm determination to neither tolerate a nuclear Iran nor remove the military option, will increase their own commitment to the sorts of sanctions regime that are now essential. This in turn will show the Iranian regime at last that they face a truly united, truly formidable, and genuinely firm coalition entirely devoted to preventing them from having nuclear weapons at their disposal. Only then will we have a chance to force the regime to change its behavior.

So far, as I said, sanctions are simply not achieving the desired result. Those who point to their modest effect actually harm the broader effort, because those effects deflect our determination to force a real change in Iranian behavior. Sanctions may have reduced Iranian GDP by one or two percentage points and may have forced the regime to find creative ways to avoid them. For example, I understand that as official banks have been subject to sanctions, many banks have miraculously privatized.

There is absolutely no evidence anywhere that these sanctions have actually forced the regime to change its behavior regarding its nuclear ambitions. And now we learn from the IAEA report that these sanctions have also not been serious obstacles to the technological, commercial, and scientific activities focused on acquiring nuclear weapons capability. We simply must do much more, and we must do it now.

I am cosponsor of a bill, S. 1048, which is intended to further tighten the noose on the Iranian regime. I will continue to support those measures. But in light of this new information from the IAEA, I am in favor of even greater sanctions pressure. I have signed a letter to the President calling on him to use his prerogatives to impose sanctions on the Iranian central bank. Many have opposed that option because it could constrict global energy supplies, increase oil prices, and would be ineffective if not supported by other nations. According to media reports, the administration itself decided just days before the release of this IAEA report to take central bank sanctions off the table for these reasons. This was, I believe, a serious mistake and those judgments, I suggest, should be reconsidered.

When the reality of this imminent threat to global security is clear, when all nations reflect on the consequences of military action against Iran, and when a well-designed comprehensive new sanctions regime with real teeth is presented to them, we will have the determined coalition we need to avert the disastrous consequences of our failure to prevent the unacceptable.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Mr. President, as I understand the current situation, we do not know whether we are on three bills or one bill. That is up to the leadership. Senator ALEXANDER and I have worked on the Energy and Water bill. We are very hopeful we can move this bill. It was unanimous in the subcommittee on Appropriations. There was only one dissent in the full committee—which is one of the largest committees in the Senate, in the Appropriations Committee. It is a significant bill. We believe we should move it as quickly as we possibly can. We have been talking. Obviously we are waiting to hear from the leadership. We are hopeful that once we hear we can move very quickly to get this bill passed by this body.

It has been a great pleasure for me to work with Senator ALEXANDER. I know he has some comments he wishes to make at this time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. As she usually does, the Senator from California said directly what the situation is. We on the Republican side understand that the majority leader has some important business he has to make sure the Senate finishes this week. We, as would many Democrats, want us to get to the Defense authorization bill before we go home. Senator REID wishes to do that. We respect that and we agree with that.

Senator REID wishes to make sure we have a chance to deal with the conference report that the House is expected to pass on Thursday, which contains a continuing resolution to fund the government to mid-December. We understand that as well.

That gives us a little time here, a day or two, to consider the Energy and Water appropriations bill that Senator FEINSTEIN has described. It has broad consensus here in the Senate. It has no mandatory spending in it. It has an important defense component—nuclear weapons nonproliferation. It has a great many nondefense items that are important to the growth of our country. It seems on the Republican side—I can speak for that—there is broad consensus. At Senator REID's request I checked with many of our Republican Senators, asked them how many amendments they have and whether they thought they could bring them to the floor today or tomorrow morning so we could deal with them tomorrow, at the latest Thursday morning. So far the news has been encouraging. There have not been that many amendments and all the Senators with whom I have talked have said if they have amendments they believe there is no reason why, as long as they are given a short period of time to talk and a chance to vote on them—and they are germane, of course; they will have to be germane to fit with the rules of the Senate—they will be fine with that.

We are going to be checking tonight with all Republican offices. We do not want to encourage any more amendments but we want to know about them if there are any so I can go to Senator FEINSTEIN and Senator REID and say here are the amendments the Republican Senators want to offer, we are ready to go, we can deal with it tomorrow and Thursday and hopefully we will be able to do our basic work. Our basic work is to do appropriations work in this body. That is our constitutional responsibility.

So I thank Senator FEINSTEIN for the way she approaches this. I understand where the majority leader is, and so far, I am encouraged. I will gather information. I will make my report to you and Senator REID, and then we will see where you want to go.

Mrs. FEINSTEIN. Let me thank the distinguished ranking member for those comments, and I believe we are in agreement. What is sauce for the goose is sauce for the gander. I would hope any Democratic amendments could come in just as quickly as possible, and we think we have a good bill. Hopefully there will not be many. I agree with what the Senator said about the Defense bill. We have a CR, and we really need to get cracking. Time is of the essence.

We have been sitting here for a couple of hours waiting for amendments. There have been none thus far, and I think the word is out: Now is the time. Please, Members, if you have amendments, please file them. We have had one amendment just filed on the Republican side and know of a couple of others, but that is about it at this stage.

Let me thank the ranking member. I guess we just sit here and wait.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, as I indicated, Senator FEINSTEIN and Senator ALEXANDER are working very hard to

come up with an agreement that we can move forward with on the Energy and Water bill. I am terribly disappointed we weren't able to do the so-called minibus, consisting of three appropriations bills, as we did a couple weeks ago. It is too bad, unfortunate, that we were not able to do so, but an objection was raised that caused us not to be able to do that. They have not been able to reach an agreement tonight, so we will continue working and, hopefully, tomorrow something good will happen.

It is my understanding the Republicans have run a hotline with their Members to see if they can reduce the number of amendments on the Energy and Water bill. Remember, we can't legislate on an appropriations bill, and it has to be germane, so at least we have those restrictions.

I would also say that while my friends on the Republican side are working through amendments—if, in fact, there is an agreement—there are Democrats who also want to offer amendments, so it is not going to be just amendments offered by Republicans. If, in fact, we can work something out, Democrats also wish to offer amendments. So I hope, and I am cautiously optimistic, that the two fine Senators can work through this morass we have and move forward. I sure hope we can do that.

We are not going to spend a lot of time on this. We wasted most of the day on procedural issues relating to this. But Thanksgiving is fast approaching. We have a lot of stuff to do other than this Energy and Water appropriations bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

AMERICAN EDUCATION WEEK

Mr. BROWN of Ohio. This week marks the 90th anniversary of American Education Week where we honor our teachers, education support professionals, parents, and substitute teachers for their dedication and service to our children and to our schools.

My mother was a high school English teacher. Born in Mansfield, GA, a town of about 500 people, she taught in the era of segregation in central Florida. Raising my two older brothers and me in Mansfield, OH, she taught in an era of a growing American middle class. As have teachers throughout our history, she taught her students and her sons that education is the gateway to opportunity, that it can integrate a divided and segregated Nation and, in the process, create a more prosperous nation.

When our Nation needs our teachers the most—at a time when our economy needs our schools to succeed—we must remind ourselves of the importance of educators. I would add that the Presiding Officer is known in this body as one of the premier educators in our country, before he came to the Senate, as superintendent of the Denver schools.

Unfortunately, many of our educators are working in substandard school buildings with leaky roofs and poor air quality and malfunctioning HVAC systems. The average U.S. public school building is 40 years old—obviously, many are much older—impairing teacher effectiveness and student achievement. In Ohio, thanks to former Governor Taft, who, in part, was able to renovate a large number of our school buildings about a decade ago, has made a significant difference. But school buildings in my State, as they are across the country, are still too often old, decayed and much less efficient and often compromise teacher and student morale and teacher effectiveness. Conservative estimates suggest it would cost some $270 billion to make much needed maintenance and repairs for schools.

That is why I introduced the Fix America's Schools Today Act—the FAST Act—which would invest some $30 billion to repair and modernize our Nation's school facilities. The FAST Act would invest in States and local school districts to help them make critical repairs to existing facilities or to supplement their current maintenance efforts.

Modernizing our schools can save $100,000 a year in maintenance costs—enough for two new teachers or 200 more computers or 5,000 textbooks.

The FAST Act would focus on areas of need—school districts with high percentages of poor children and schools with the greatest need for repair and renovation.

Modernizing schools can improve the academic experience for students. In September, I spoke with principals from across Ohio who discussed how the quality of their school facilities affected their students and their teachers. This is pretty interesting. I heard from the former principal at a high school near Zanesville, a city in eastern Ohio, who described a student's reaction following the renovation of their school. This was a generally low-income, an Appalachian area of Ohio. Students were used to going to schools that were substandard—not in terms of teacher quality but in terms of the facility itself. We preach to our young people that education matters more than anything else in our society, and then we send students to physically substandard schools. But this student's reaction, after the renovation of the school: ''I felt rich,'' he said, because he was going to school now in a renovated, modern, high-tech environment, something he had never seen growing up in Appalachia, Ohio, as a kid whose parents didn't make a lot of money.

Improving school facilities, of course, though, is more than just about student morale. Research has proven the rates of absenteeism decline and test scores improve in a more modern school facility. It is also about teacher effectiveness. According to a study conducted by the Department of Education, 47 percent of schools indicated the condition of their permanent facilities interferes with the delivery of instruction. The condition of the school interferes with the delivery of instruction. This is problematic. Some 70 percent of students are forced to learn in facilities that have at least one significant—sometimes more than that—inadequate building feature, such as an outdated heating and air-conditioning system, a leaky roof, a plumbing problem. Some 57 percent of students are learning in a school with at least one unsatisfactory environmental condition, such as poor indoor air quality, poor acoustics or heating and lighting challenges.

These substandard conditions can also harm the health and well-being of teachers and support professionals. Last week, I hosted a national call with advocates to discuss this legislation and discuss the impact substandard schools have on students and faculties and parents. One of the participants shared with me her personal experience as a special ed teacher. It is a story I imagine many of my colleagues have heard before and can be found anywhere in our country.

Joellen spent 9 years of her 23-year teaching career in an elementary school in Fairfield, CT, with severe mold contamination. Poor air quality in the school forced her into an early retirement by compromising her health and her well-being. Because of these poor working conditions, Joellen has lost 50 percent of her lung function and is currently dependent on an oxygen tank. She is not the only one affected by these conditions. Eighty-five of her colleagues are also battling health conditions as a result of an unhealthy school environment.

It is unacceptable that our failure to act undermines student achievement and teacher effectiveness and the health and the well-being of our entire school communities. It is even more disturbing that our schools go unrepaired when there are thousands of workers ready and willing to modernize our schools. The FAST Act, by employing people to repair our aging schools, would create good-paying, middle-class jobs.

We know we have to fix our schools. We know we have to do this renovation. We know as a nation, when we put real attention into infrastructure, the dividends it paid for generations were significant. The United States, in the 1950s, 1960s, 1970s, and 1980s, led the world in infrastructure. Whether it was school repairs, the building of community colleges, water and sewer systems, highways and bridges, ports and locks or medical research, we were the envy of the world in our infrastructure, and it set the foundation for decades of prosperity. Unfortunately, as this Congress has been more interested in tax cuts for the rich and less interested in

investment in medical research, in education, in health care facilities, in transportation, we have declined economically as a nation. The middle class is under fire. We are not able to build and produce the way we could have if we had kept this infrastructure up to date.

That is the importance of the FAST Act. It is the importance of much of the rest of the jobs bills we have pushed in this Congress. We know that every $1 billion in school renovation can create 10,000 jobs.

The FAST Act includes strong ''Buy American'' provisions to ensure that Ohio construction workers, for instance—we are the third leading manufacturing State in the country, exceeded only by Texas, twice the size of California—three times the size—building technicians, boiler repairmen, roofers, painters, electricians, and people who manufacture these products are using American-made products.

The FAST Act is included in President Obama's American Jobs Act. Under his proposal, Ohio would receive some $985 million in funding for K–12 schools and an additional $148 million for Ohio's community colleges. Ohio has one of the best community college networks in the country.

It is obvious our schools need fixing. Our workers need work. Interest rates are low. Construction companies want to put people to work and, competing with each other, will bid as low as they likely will in the next decade or two, so now is the time to do this.

This bill has been endorsed by some 50 organizations: the American Association of School Administrators, the American Federation of Teachers, the National Education Association, the Building & Construction Trades, First Focus Campaign for Children, and the Parent Teacher Association, the PTA. They agree it is about jobs, about education, and our Nation's future. I urge my colleagues to support this commonsense legislation.

Lastly, I wish to read a couple letters I received about this legislation. First is Jeannine from Strongsville, OH. She is a teacher:

> I have taught at the same middle school for 24 years. During that time, I have watched our building physically deteriorate before my eyes.

Strongsville is what we would call, by most measurements, one of Cleveland's more affluent suburbs. Nonetheless, she has seen it physically deteriorate in 24 years of teaching.

> The leaky roof leaves stains on the ceilings and the floors. Often the heating doesn't work.
>
> Two years ago, my classroom had no heat in December. We are a suburb of Cleveland, so do I need to tell you how cold it was in there?
>
> After more than two decades with no money for paint, our vice principal asked Home Depot for help—it donated enough paint to spruce up the hallways, offices, and a handful of classrooms.

She writes:

> Does it sound like I teach in the inner-city or an extreme rural area in Ohio?

She doesn't. She teaches in what we would call an affluent suburb of Cleveland.

> I teach in a suburban community where many of the houses sell for around $300,000 or more. But the community has not passed a levy in a while.
>
> I pay 20% toward my health insurance . . .

My colleagues may remember that Governor Kasich had just pushed through a bill to take away collective bargaining rights for people such as Jeannine, saying they should be paying more of their health care. They have already made those concessions at the bargaining table. That is why Jeannine says she pays 20 percent toward her health insurance. She says:

> 10% toward my retirement, and [I] have not seen a pay increase in years.
>
> I really love what I do, but am despondent at times about the lack of community support for education.

That is a whole other issue. But we do know we can make a difference in making not just Jeannine's life better—that is a goal we should share—but, most importantly, making teacher morale, student morale, teacher effectiveness, and student learning significantly better.

The last letter I will share is from Erin from Columbus, OH. She is a special ed teacher. She writes:

> Of our 14 schools, 5 are currently undergoing the last of a 2 year renovation project.
>
> We had schools where walls were literally falling in, we were in urgent need of these repairs.
>
> Now, we find ourselves lacking in technology, and are in need of updating these needs, in order to compete with the ever changing needs of the demands of the workplace that our students will be entering.
>
> Investments in education such as targeted resources for school and campus repair and modernization will jump start the economy and ensure students the learning environments so essential to their success.
>
> Our student day is now shorter, all in an effort to save money.

Think about this: They are making the schoolday shorter when we are talking, in the paragraph before in her letter, about: How do we compete internationally? We are going to make our schoolday shorter when already we go to school—I think the former Denver school superintendent, the Presiding Officer, would confirm this—fewer days than many of our economic competitors. So because of costs, because we need to continue to give tax breaks to the wealthiest people in this country, we cannot fund the kinds of things we want to fund in education to compete internationally.

In the end, Erin writes:

> It's the students that lose, and our educators know this, and [we all] strive each and every day to reach every single student, with the ever increasing demands put upon them.

She writes:

> The FAST Act will make sure that our students have the learning environments they need and deserve.

My words may have, I hope, convinced some of my colleagues. I hope the words, the two letters from Jeannine and Erin—Jeannine from a Cleveland suburb; Erin, a central Ohio teacher, both with long experience in the classroom—I hope their words were compelling enough so my colleagues will join me in supporting the FAST Act, getting it through the Senate—not filibustering it. Let's debate it, talk about it, vote on it up or down, and send it to the House. I hope we get it to the President by the end of the year so we can start putting people back to work doing the school renovation, putting our factory workers back to work making the windows and cement and brick and all we need in school construction and school renovation and making a difference for our students in the decades ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

PASSAGE OF S. RES. 199

Mr. REID. Mr. President, I rise today to express my appreciation for the passage of S. Res. 199 by unanimous consent last night. This resolution supports the goals and ideals of Crohn's and Colitis Awareness Week.

Crohn's disease and ulcerative colitis, known collectively as inflammatory bowel disease, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent of whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to IBD can include: arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease is being diagnosed with increased frequency in children and can be especially devastating for these young patients and their families.

Despite the prevalence of IBD, a lack of awareness among both the general public and health professionals may contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis. S. Res. 199 will support efforts to increase awareness and education about these illnesses. It will also recognize the individuals and families who must contend with IBD as part of their daily lives, as well as the health care professionals who care for