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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 27, 2012, at 11 a.m.

Senate

THURSDAY, JANUARY 26, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. James E. Smith, senior pastor of Mount Zion Missionary Baptist Church in Pioneer, LA.

The guest Chaplain offered the following prayer:

Let us pray.

Our Almighty God says, in 2 Chronicles, ''If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land. Now mine eyes shall be open, and mine ears attent unto the prayer that is made in this place.''

Lord, please grant our lawmakers the humility to know that complete consensus on most of the moral, religious, or political issues of these times is beyond their control. Only You, Almighty God, can move this body to seek Your wise counsel and live to honor You above all else.

As Apostle Paul says, in Ephesians, ''Endeavour to keep the unity of the Spirit in the bond of peace. There is one body, and one Spirit, even as ye are called in one hope of your calling.''

May God bless America. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

ORDER OF BUSINESS

Mr. REID. Mr. President, the guest Chaplain is from the State of Louisiana. It is my understanding Senator VITTER would like to say a few words, so I yield to him.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

WELCOMING THE GUEST CHAPLAIN

Mr. VITTER. Mr. President, it is my true honor and distinct pleasure—joy, really—to help host Reverend Smith today. As the Acting President pro tempore said, Reverend Smith is the senior pastor of the Mount Zion Missionary Baptist Church in Pioneer, LA. He is from Rayville, LA. All of this is in northeast Louisiana, the Monroe area.

Reverend Smith is very distinguished and has brought real hope to so many people in so many communities in that area—first of all, as a spiritual leader, the leader of his congregation and so many others; secondly, as a true leader in fighting truancy, fighting dropout rates very effectively, and also developing good jobs through many school systems. But the third point I really want to make is that I am most joyful to help host him today because he is a true and a good and a tremendously supportive friend. I know that from personal experience, from personal counsel and encouragement, and so do so many other Louisianans know that, and we cherish the reverend in that very personal way. So I am truly honored and delighted to be able to introduce the Senate to Reverend Smith.

RECOGNITION OF THE MAJORITY LEADER

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

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

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SCHEDULE

Mr. REID. Mr. President, following any leader remarks this morning, the Senate will begin consideration of the motion to proceed to H.J. Res. 98, which is a joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit. The time until noon will be for debate on the motion to proceed and is equally divided between the two leaders or their designees. At this time, I designate whatever time we have on this side to the chairman of the Finance Committee, Senator BAUCUS. At noon, the Senate will vote on that motion to proceed to H.J. Res. 98.

REBUILDING THE ECONOMY

Mr. REID. Mr. President, in 1946 President Harry Truman delivered his first State of the Union Message. This was the first State of the Union Message since the end of World War II. The trials of war were behind us but new challenges laid ahead. Truman laid out a vision for not only how America could survive those challenges but thrive in the modern world. He described the path forward in simple words. He said:

> Our basic objective—toward which all others lead—is to improve the welfare of the American people.

That meant economic prosperity. It meant Social Security and unemployment insurance. It meant an opportunity for higher education, access to medical care, and the dream of home ownership.

The goal, he wrote, was ''that we become a well-housed people, a well-nourished people, an educated people, a people socially and economically secure, an alert and responsible people.'' And in the three decades that followed that vision, that was reality. The middle class was never larger, never stronger, and it had never been easier to become a part of that middle class. That is the way it was. Through hard work and ingenuity, Americans prospered together.

For three decades after World War II, the rungs on the ladder to success grew closer together, but in the three decades that followed, something changed. The goal was the same—to be a well-housed, well-educated nation of responsible and economically secure people—but for many, reaching that goal became very difficult—certainly more difficult. Incomes skyrocketed for the richest few, but they stalled for the rest, and the middle class lost more and more ground.

Today, the richest 1 percent holds nearly half of all the wealth in this country. Today, the richest 1 percent takes home a quarter of all wages. Income, personal income—1 percent takes 25 percent of that. I repeat, the richest 1 percent holds nearly half of all the wealth in this country.

Americans are working just as hard as they worked 60 years ago, but that hard work is paying off for fewer and fewer people. What does that mean? For the last three decades, the rungs on the ladder to success have grown farther apart instead of closer together, and the farther apart those rungs grow, the fewer Americans climb that ladder. The farther apart those rungs are, the fewer Americans make it into a disappearing middle class.

We just weathered the worst recession since the Great Depression, but the financial collapse of 2008 was not the cause of the problem, it was a symptom of the problem. It was a symptom of a system that is rigged to pay off for a few but leave many behind, and it is time to even the playing field.

As we rebuild our economy, let's rebuild it to last. Let's rebuild it to work for every American, regardless of the size of their bank account. This week, President Obama laid out a vision to do just that.

The President's plan will spur manufacturing. It is time to reward companies that ''make it in America'' and end giveaways to companies that ship jobs overseas. It will reduce our reliance on expensive foreign oil. It is time to rely on plentiful, homegrown, renewable energy sources, in spite of the fact that President Obama said that just less than 10 years ago we were importing 60 percent of the oil and now it is less than 50 percent. We are producing more oil than we have in about a decade, and that is good, but we need to make sure the future is one of renewable energy. The plan will ensure that today's students have the skills to become tomorrow's workers. That is the only way to keep pace in a competitive world economy. And it will return this country to the core value that has always made it a great country—a country of fairness. Everyone must share the prosperity as well as the responsibility, and every person and every corporation must play by the same rules. That value encouraged three decades of growth after World War II, and it can make America grow again.

I look forward to working with my colleagues on both sides of the aisle to make this vision of fairness a reality.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

BURMA

Mr. MCCONNELL. Mr. President, I wish to briefly discuss a trip I took recently to a country that for much of the past 50 years has ranked among the world's most isolated and oppressed by its own government. Many of us wondered if things would ever change in Burma, but after my recent visit I am pleased to say that change is clearly in the air. It appears that Burma has made some progress toward democracy in the past 6 months—made more than it has in the last decade. As one who has taken a strong interest in Burma for over 20 years and as the lead author in this Chamber of an annual sanctions bill aimed at encouraging the Burmese Government to reform, I can tell you this is welcome news.

On this trip I had the opportunity and privilege to meet with a woman who for over two decades has embodied the struggle for peace in her oppressed country. After Aung San Suu Kyi's political party won 80 percent of the vote in a free and fair election back in 1995, the Burmese military regime dismissed the results and kept her under house arrest for the last 22 years—most of the time for the last 22 years confined at home. Scores of other political reformers during that period were jailed or tortured, and the regime waged a brutal campaign against ethnic minorities, driving many of them out of their homes and into refugee camps. But by her courage and her patience that justice delayed would not be justice denied, Aung San Suu Kyi has kept the hope of freedom in her country alive. I have long admired her from afar. She once took a great risk to smuggle out of Burma a letter thanking me for my support, a letter I have proudly kept to this day. But never did I think I would get to meet the Nobel laureate in person. It was quite a moment.

Following an election in 2010 that was widely thought to be unfree and unfair, the new civilian government in Burma, to the surprise of many of us, has made undeniably positive steps toward reform. In addition to releasing Suu Kyi from house arrest, scores of other political prisoners have been freed. During my visit last week, I spoke with two who had just been released days before my arrival.

One of the longest standing armed conflicts in the world—the Burmese Government's campaign against the ethnic minority called the Karen—has apparently been brought to a close. Many Karen people who fled Burma now call Kentucky home. I had the chance to meet with many of them and other refugees from Burma, now resettled in Kentucky, at Louisville's Crescent Hill Baptist Church this past Saturday. I enjoyed meeting with those folks and was pleased to relay to them the same message I share with my colleagues today that change is indeed in the air in their country.

Because of all of these positive developments, I applaud Secretary Clinton's recent decision to exchange ambassadors with Burma for the first time in 20 years. Of course, the Government of Burma still has a substantial way to go

to achieve real and lasting reform. I would not support and I do not think the administration would support lifting the sanctions that have been imposed unless there is much further progress.

The next steps will be elections to fill 48 seats of the national parliament on April 1. Suu Kyi intends to run as the representative of the district with a significant Karen population. This election will give the new government an opportunity to hold the first free and fair elections in Burma since 1990. It also demonstrates the seriousness of its recent reform efforts. The government must also fully and peacefully reconcile with Burma's ethnic minorities. This is vital. Reports indicate that the military continues to engage in hostilities with the Kachin. That is certainly troubling. And questions about Burma's relationship with North Korea must be answered.

As the new government enacts reforms, we should respond with meaningful gestures of our own in the hopes of encouraging further positive developments from Burma's leaders. Reformers such as new President Thein Sein, whom I also met on my trip, are strengthened when they can show positive results. Steps such as exchanging ambassadors with the United States would enable them to do just that.

My trip to Burma has filled me with hope for its people, hope that they will one day be free to elect their own leaders and hope that every person regardless of the ethnic group can enjoy equal rights and full protection under the rule of law. It also reaffirmed for me that the desire to be free is absolutely universal and that the patient yet persistent leadership of one woman can make a tremendous difference.

These are indeed exciting times for all who care about the future of the people of Burma. I know that includes a great many of my colleagues here in the Senate. Burma has quite a long way to go, but it is certainly moving in the right direction.

DEBT CEILING INCREASE

Mr. McCONNELL. Mr. President, a few weeks ago President Obama asked Congress to raise the Nation's debt ceiling. Today virtually every Republican in the Senate will oppose that request. Washington needs to start spending less than it takes in, and our future will be uncertain and our economy in danger as long as the President fails to lead on this crucial issue.

President Obama's record on the issue is absolutely clear. On the day he took office, the Nation's debt stood at $10.6 trillion. Today it is $15.2 trillion. More spending, more debt, fewer jobs—that is what we have gotten from this administration, and now they want to make it worse. But we should be working together to lower the debt, not having votes to increase it.

The President must be willing to face this crisis head-on. He must be willing to acknowledge how serious this issue is. Most Americans understand that we cannot keep spending money we do not have on programs we do not need. Unfortunately, the President does not seem to be one of those Americans. He has no plan to get this crisis under control, and he continues to act as if it really is not a priority. Has he noticed how that is working out for Europe?

Americans are worried and they are frustrated. Middle-class families are doing without. Why can't Washington? Well, we believe it can. So today Republicans will send a simple message to the White House: No more blank checks. Democrats have been in charge of the Senate and the White House for 3 years. They have had the time they need to figure this out. They have chosen the path of blame instead. They have had their chance. They have made it worse. We must do better.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leadership time is reserved.

DISAPPROVAL OF THE PRESIDENT'S EXERCISE OF AUTHORITY TO INCREASE THE DEBT LIMIT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.J. Res. 98.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 294, H.J. Res. 98, relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of Title 31, United States Code, on January 12, 2012.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until noon will be equally divided and controlled between the two leaders or their designees for debate on the motion to proceed.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, Benjamin Franklin once said, ''Promises may fit the friends, but nonperformance will turn them into enemies.'' We should be clear about what the debt limit means and what it does not. Raising the debt limit does not authorize new spending. Let me make that clear. Raising the debt limit does not authorize new spending. It does not mean an increase in future spending.

What does it mean? It simply means the United States will be able to meet its obligations. Increasing the debt limit only permits the Treasury Department to pay the bills we have already incurred. It does not authorize new spending. It permits the government to pay the bills that have already been incurred. They have been incurred. We owe the obligation. It says: OK, we owe that. It is in the law, passed. It is history. We have to pay the bills. It allows our country to meet our promises to our citizens, and it means there is money to provide the benefits to millions of seniors and veterans whose families depend on them every day to make their ends meet.

We should remember why we are taking today's vote. Last August, Congress enacted the Budget Control Act of 2011. We all remember it. This legislation reduced spending by $2.1 trillion. That was a budget action taken by the President and the Congress together that reduced Federal spending by $2.1 trillion. It is a reduction. That is not commonly understood, not widely known, but that is the fact. And it provided a plan to raise the debt limit by the same amount. It did so so that the Federal Government could meet its financial obligations so we could keep our promises.

Today's vote would reverse that agreement in August. Voting to disapprove an increase in the financial limit is unreasonable. It would be very much like your bank increasing your line of credit unless you tell them not to. Nonetheless, that is the issue we are voting on and debating in the Senate.

Passing this resolution would mean there would be no money to keep our promises. The United States would default for the first time in its history. It would send a message to the world that the United States does not keep its promises. With all of the uncertainty in the world, especially in Europe, that could have disastrous consequences. It could be a contagion. There could be a reaction, a debt spiral in the wrong direction, an interaction between the two—the United States defaulting on its debt and Europe—some countries defaulting on theirs, perhaps Greece.

This is clearly the wrong time to take an action that would leave the United States to be placed in default. There would be disastrous consequences for our economy alone, irrespective of the repercussions and reverberations around the world, especially Europe. Our gross domestic product would shrink by as much as 1 percent and more than $150 billion. We would be defaulting. That default would compromise our credit rating. What would happen if our credit rating was in jeopardy? It would cause interest rates to skyrocket. Just think what would happen if the United States, as we are struggling to slowly get our economy going, was faced with a big spike in interest rates. That would stop the recovery dead in its tracks. It would do more than that. It would probably plunge us back into recession. That is what would happen. Yearly prices for food, gas, and utilities would increase by hundreds of dollars for American citizens. Americans could lose thousands in retirement savings; that is, if we default and interest rates have to go up so much as a consequence of default.

We have to act so investors would want to invest in the United States. If

we default, U.S. businesses would not be able to meet payroll much less expand. Millions of Americans would not be paid. Millions more would lose their jobs. We are trying to get the unemployment rate down. This would cause it to go up dramatically. Default would cause it to go up. If this passes, that would mean the United States would be in default and jobs would be harder to find and unemployment would rise. Americans would be unable to access credit to buy a home, a car, or take out loans for college. The housing market would plummet again. The economy would fall into another recession or even a depression.

At a time when our economy is starting to show signs of recovery, now is exactly the wrong time to risk a contraction. American workers, families, and small businesses cannot afford that, to say the least. If today's vote succeeds and causes a default, the Federal Government would not have funds to pay troop salaries.

What about SEAL Team 6 who took on Osama bin Laden? We read about them in the last couple of days rescuing an American out of Somalia. There would not be a SEAL Team 6, let alone the other troops that would not be paid. Social Security benefits would not be paid. Just think of that. Medicare bills would not be paid. Think of that.

These programs would all be in danger if we were to default, and a positive vote here would cause default. We are voting on a motion to disapprove. That would hurt the families and seniors who rely on these programs I just mentioned.

We need to do all we can to help these families make ends meet, not put their jobs and paychecks in danger. There is no doubt that we need to work together to reduce the deficit. Everybody agrees on that. We need to work together to get it done. Clearly, we need to make changes to both revenue and the spending sides of the budget. That is clear.

We need to do so in a way that doesn't put jobs and economic growth at risk. We need to do it, obviously, in a fair and balanced way. That is why the people in our States sent us here.

As we do that, we can't refuse to meet our country's obligations. There have been many efforts to reduce the budget deficit, whether it was the Biden deficit commission, the so-called supercommittee, and the many budget proposals we talked about—Bowles-Simpson and Rivlin-Domenici—and we are getting closer and closer and we are going to get the job done.

As we work on that, again, we cannot refuse to meet our country's obligations, and we have to make sure we pay the bills we have already incurred. We need to show the world the United States keeps its promises. We have to show people we live up to our word.

I urge my colleagues to keep our promises and to vote no on the motion to proceed.

I yield the floor.

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

Mr. HATCH. Mr. President, I wish to express my disapproval of the President's request of a debt limit increase of $1.2 trillion, which would place the total limit just below $16.4 trillion.

The requested increase amounts to nearly $4,000 of additional debt for every American man, woman, and child; and the total debt limit being requested works out to over $50,000 per person. This would be a terrible burden to impose on our children.

For many in Washington, including this President, this debt limit increase is just a matter-of-fact necessity. Watching the mainstream media, many Americans might be surprised to even know that it was set to happen. But this is no small matter. This is not an inconsequential increase in the limit on Federal spending.

Federal spending is already out of control, and we all know it. Our total debt is already greater than the size of our entire economy. I will repeat that: Our total debt is greater than the size of our entire economy. The debt ceiling increase being requested amounts to nearly 8 percent of our entire gross domestic product, or GDP, and the total debt limit being requested amounts to over 108 percent of GDP. That would place us in worse shape than many of the eurozone countries currently confronting their devastating fiscal crisis.

Given the recent experience in Europe, it is disconcerting to hear repeated calls by the grow-government-at-all-costs crowd to double down on failed government initiatives to stimulate the economy by borrowing even more. Rates are cheap, they say, so let's continue riding this debt bubble as far as we can.

We should have learned from the housing bubble and the European sovereign debt bubble that bubbles pop rapidly and with great devastation. It was not long ago that the grow-government crowd was mocking concerns about indebtedness in the eurozone, taunting what they called ''bond vigilantes'' and saying that there was nothing there to see. Interest rates will not go up. Don't worry. Rates are low, so borrow and spend.

We know how this story ends. It was not long ago that we saw the housing market participants, lured in by the promise of an ever-bigger ''McMansion,'' being told: Don't worry. Rates are low and housing prices never fall. The government backs your mortgage, so there is no risk.

As outsized and highly speculative activity took place in the housing and financial sectors, Federal regulators ignored all warnings, failed to use their existing authority to promote safety and soundness and, frankly, failed to do their jobs. To date, it is difficult, if not impossible, to come up with a single name of a regulator who lost a job. In fact, many in the top slots got promotions. Meanwhile, everything bad that exists in the housing market and in mortgage finance is blamed on the evils of private business. That is a great way to deflect regulatory failure, but a terrible way to get private activity back into the housing arena.

The fact is, the housing bubble was caused by too much borrowing and the folks who egged it on. The results were not pretty. Global investors struck against mortgage-backed securities issued in the United States, leading ultimately to a precipitous global strike on financial intermediation and massive government bailouts of financial institutions.

The experience with the housing bubble caused by mortgage debt is being replicated with the explosion of sovereign debt. The bond vigilantes did strike against profligate eurozone countries, and they precipitously demanded higher and higher interest rates to protect lenders from risks of default. This effectively shut entire countries out of the debt market. Entire countries face an inability to borrow at rates they can sustain. Absent an ability to roll over debt, those countries have been forced quickly and violently into fiscal restructuring, immediate austerity, and sometimes even partial default.

The President's most recent request to take on more debt follows the same bubble pattern that we know will lead to devastation and losses. I, for one, don't wish for us to continue flirting with catastrophe by encouraging bubbles with the fools' gold that because rates are cheap we should borrow more.

We are on the edge of the cliff, and it is time to carefully but deliberately take a few steps back. Rates may be low today, but they can turn on a dime. When they do, the outsized Federal Government we currently have will suddenly be exposed as unaffordable. When that day comes, our creditors can go on strike as quickly as they have in Europe.

Last summer we got a taste of what is to come when we received the first downgrade of U.S. sovereign debt in history from a major credit rating agency. Americans can never be allowed to forget that this downgrade occurred under, and because of, this administration's fiscal stewardship. We cannot risk what are likely to be further downgrades in the near future by raising the debt limit.

It is time to resist the siren song of cheap credit and put our focus back on the job at hand, which is to allow the private sector to create jobs and to get rid of the $1 trillion-plus deficits of the Obama Presidency, to get rid of our mountain of debt that surpasses the size of our entire economy, and to bring the size of our Federal Government back to its historical norms.

Federal outlays as a share of our entire economy averaged 18.6 percent over the past 40 years. Under the current administration, Federal outlays represent 25 percent of GDP in 2009, 23.8

percent in 2010, and were estimated to have been 25.3 percent in 2011. The current administration has engineered a Federal Government where outlays represent 25 percent—one-quarter—of our entire economy. The last time Federal spending represented such a large share of our economy was back in 1946 as the world began rebuilding after the ravages of World War II.

I guess this is what one of my colleagues meant when he said the other day that America is in good shape. Economic and job growth remain weak, but Washington and the government jobs it funds is doing just fine.

The administration likes to talk about economic fairness—about the haves and have-nots. But ultimately the people in the best shape in this economy are those who owe their livelihoods to the Federal Government and Federal taxpayers. When the 99 percent are being taxed to fund and fuel an ever-growing Washington bureaucracy, we have what the President might call economic justice.

There is no end in sight. After Federal spending spiked in World War II as the entire Nation mobilized to defeat the axis powers, it quickly ratcheted down, with Federal spending averaging 16.5 percent of GDP in the 10 years that followed. Yet with President Obama, the ratchet only moved in one direction, up.

Equally of interest is the behavior of Federal spending relative to the size of the economy in those Clinton years, which many look back on as the golden age of fiscal correctness. While Democrats focus solely on the existence of budgetary bliss despite higher tax rates under Clinton, they typically fail to mention how the budgetary bliss was generated. It is difficult to deny the facts, which include a reduction in Federal outlays relative to GDP from 21.4 percent in 1993 to 18.2 percent by 2001, a 3.2-percentage point reduction.

During those years government receipts relative to GDP did rise from 17.5 percent to 19.5 percent, a 2.0-percentage point increase. But it is impossible to deny that the budget bliss was largely generated by reducing the share of the economy accounted for by Federal spending. Of course, my friends on other side of the aisle pledge allegiance to tax-and-spend economics. They wish to maintain a Federal Government where spending amounts to one-quarter of the size of the entire economy. To them, Federal spending and big government are not problems; they are virtues from which good things trickle down from government to preferred classes of people.

They decry that a deep recession has caused government receipts as a share of GDP to fall below 15 percent and argue in panic that the decline is proof that taxes must be raised, while refusing to acknowledge that the nonpartisan Congressional Budget Office projects that revenues as a share of GDP will rise with economic recovery. Federal revenues have averaged 18 percent of GDP over the past 40 years. They are projected by our Congressional Budget Office to reach nearly 19 percent of GDP in 2013, 21 percent in 2021, and 23 percent by 2035 under current law. That is what they say.

Even under the CBO's so-called alternative fiscal scenario, CBO puts revenues as a share of GDP at around 18.4 percent, higher than the long-run average. Congress and the President should focus on the things they are capable of controlling.

Mr. President, Federal revenues come from the economy, and as the economy recovers, CBO expects revenues to recover and rise above historical norms relative to the size of the economy. The President and his allies are putting the cart before the horse. They want to increase revenues by raising taxes. But the real way to increase revenues is to promote economic growth.

Federal spending is something that Congress and the President have full control over, however. Every Federal dollar spent counts because Congress and the President decide to spend it. Our deficits and debt are on an unsustainable path because of unsustainable spending. Yet with this debt limit increase, the President and his allies are confirming they are comfortable with our government consuming an ever-increasing share of the economy.

The President has made clear before that in the name of class warfare he is comfortable raising taxes regardless of whether those tax hikes generate revenues or decrease deficits and debt. With his latest proposal to tax the so-called rich, he has shown again he is willing to ignore the fact—the clear fact—we have a spending problem not a revenue problem.

To tackle our spending problem, unsustainable government promises embedded in entitlement programs such as Medicare, Medicaid, and Social Security must be reformed. There is no budget analyst on this planet who does not identify entitlement reform as key to getting the Federal budget back on track. Yet over the 3 years of the Obama Presidency, there has been no plan—no plan from the administration—to deal with entitlements.

The entitlement can is simply being kicked down the road, and to deflect attention from our real fiscal challenges my friends on the other side of the aisle resort to the politics of division. Tax the evil banks and all will be equal, just, and fair, they suggest. Tax millionaires and billionaires no matter whether they are fat cats on yachts or small business owners and all will be equal, just, and fair, they suggest.

The politics of division bears no fruit. It is an economic dead end. Yet it is elevated to the top of the President's agenda to divert attention from our bloated Federal Government. The taxes on the so-called rich or on evil financial institutions or evil energy producers or evil insurance providers have been promoted in the interest of fairness and equality.

Reducing income and wealth inequality is a laudable goal. Yet my friends on the other side of the aisle have not—and I repeat, have not—proposed new tax measures to generate greater income equality through the Tax Code. The numerous permanent surtaxes on the so-called rich or on energy producers or on financial institutions have not been offered with corresponding permanent reductions in taxes for others with lesser means. Rather, they have been offered to promote more government spending and a permanently larger government. They are permanent tax hikes used to pay for temporary stimulus or taxes on business to fuel more spending or bailouts or government jobs.

Of course, no mention is made of what effect those taxes have on businesses or private sector job creation. No mention is made about the effect those taxes have on the returns on retirement portfolios of seniors, which contain stocks and bonds of the vilified banks and energy producers and insurance companies. The message to retired seniors in Sandy, UT, is clear: You have been suffering for years through near-zero returns on bonds because of Federal Reserve policy. But now you will just have to take it on the chin when the value of your pensions fall because the Federal Government needs to tax business to get more revenue for union construction jobs or stimulus or for bailouts of mortgages of speculative housing investors.

Mr. President, my friends on the other side of the aisle say they want more equality and more jobs but do not offer tax proposals that would generate more equality through the Tax Code or a better environment for job creation. Instead, they want to tax the so-called rich to get money for things such as high-paid infrastructure contractors while fighting tooth and nail on behalf of their union constituencies to retain and even expand Davis-Bacon and Contract Service Act coverage, which we know costs taxpayers money and stifles job creation. These kinds of schemes have nothing to do with equality. They have nothing to do with promoting as much job creation as possible. They have everything to do with the politics of division and with cronyism.

In the recent flurry of tax-the-rich surcharges offered by the other side, each corresponding spending idea has been clearly directed to appease Democratic constituencies—mostly unions, again—and to build up campaign season talking points that say the only thing standing in the way of Democrats' do-goodery is Republican refusal to tax some easily demonized group. This might make for good politics, but it is no way to formulate fiscal policy, and it is no way to run a country.

At first, to pay for a massive new stimulus plan of the President, the Democrats wanted to limit deductions for people earning $200,000 or more, which in September of last year was

evidently how Democrats defined who was rich. Next came a proposed surtax of 5.6 percent on people earning $1 million or more to pay for the President's stimulus scheme. I am guessing the earlier definition of ''rich'' at $200,000 did not sit too well—or poll too well—with Democrats in high-income jurisdictions, in places such as New York and California.

Next came a surtax of 0.5 percent on those earners to give funds to States to help pay mostly union workers.

Next came a surtax of 0.7 percent on those earners to help pay for a new Fannie-and-Freddie-like, government-sponsored enterprise called the infrastructure bank.

Next came a permanent surtax of 3.25 percent on those earners for what was billed as a temporary payroll tax preference which, ironically, gives more to richer earners than it does to poorer earners and gives nothing at all to the unemployed.

Next came a long-term surtax of 1.9 percent on richer earners, again for the allegedly temporary payroll tax preference.

Mr. President, the pattern is clear. Democrats settle on their stimulus spending plan of the week, find out how much it will cost, and then find out what surtax to slap on high earners, including business income recipients. That is how we get tax proposals with rates of 5.6 percent, then 0.5 percent, then 0.7 percent, then 3.25 percent, then 1.9 percent, and who knows what is going to come next. Never mind that businesses across this country have been clear that massive uncertainty from the current administration's policies and proposals is holding back hiring, job creation, and the economy.

Given the past few months of tax rate roulette being played by the Democrats, is it any wonder families and businesses lack the confidence to take risks, make significant purchases and grow the economy?

And never mind that the Joint Committee on Taxation has told us approximately 34 percent of flow-through business income, which tends to be small business income, would be subject to Democratic surtax proposals. My friends on the other side of the aisle ask us not to mind the effect on job creators, even as the economy faces massive joblessness.

If we abide by the recommendations of the editors of the New York Times, who are in lockstep with the Democratic Party, we should not care about more taxes on businesses. Indeed, in a December 9 editorial last year, those tax policy experts told us:

> For any savvy business owner, a surtax would have no bearing on hiring decisions. If new workers are profitable before tax, they will be profitable after tax, even if the employer has to pay slightly more of the profit in taxes.

This view perfectly encapsulates the understanding of the economy held by those who have never created a private sector job or worked to turn a profit. By this view, these rich business owners would not even flinch if we increases taxes. After-tax profitability of hiring does not matter evidently, especially when we view business earners as those evil rich.

Mr. President, I know in certain circles it is fashionable to vilify business and hold the profit motive as the root cause of mega-wealth. But the notion that business decisions, including hiring, will not be affected in the least by higher taxes is truly bizarre.

The ongoing vilification of private businesses in America is shameful. Hard-working Americans who are by no definition rich, but who work in mortgage markets and real estate markets and securitization markets and energy production markets and in financial markets, have been hit with a blanket indictment from this administration that they are wrongdoers.

Of course, if they do wrong they need to go to jail. But my experience with the American people is, by and large, they play by the rules, seek to offer useful products to their buyers, and look only for fair rewards for their efforts. They do not deserve to be vilified by the President and painted as purveyors of tricks and traps to abuse their neighbors in order to buy yachts.

Again, anyone who breaks a law should go to jail. Any Federal regulator who fails to do their job should be fired. But the vast majority of Americans who operate and work hard and honestly in business should not be shamed for their work. It would be far more appropriate to shame lawmakers who set tricks and traps in the Tax Code in order to get more money for the Federal Government to spend while falsely selling their schemes as paths toward equality.

While President Obama seeks to take attention away from his historically record-high deficits and Federal spending that accounts for 25 percent of the economy and his jobs deficit and his congressional relations deficit by identifying some sort of ''trust deficit'' he has with financial institutions, it is imperative that he and Democrats in Congress do not spend the rest of this year playing election-year politics. People need jobs, and the Nation cannot afford to wait for the President and Democrats to get past November.

We need to stop the tsunami of job-crushing regulations and the runaway regulatory agencies which continually stretch their authority in order to intervene into the economy and crush job creation. We need to reduce the time needed for private sector projects to clear the forest of regulatory and permitting redtape. We need to proceed immediately with known shovel-ready, job-creating, and environmentally safe projects such as the Keystone Pipeline. Despite having cleared years of reviews and oversight and despite support from virtually all interests—including unions but excluding radical environmentalists—it is inconsistent for the President to say he cares about American jobs while he prevents them from being created by approving the pipeline.

While the President needs to approve the Keystone Pipeline, I wish to again express my disapproval of the administration's Federal spending pipeline.

For 3 years, the administration has lacked any serious and coherent budget plan. The administration has refused to deal seriously, if at all, with tackling unsustainable entitlement spending. It wishes to continue to practice the politics of division in order to permanently enshrine a European-sized Federal Government that absorbs over one-fourth of the entire size of our economy.

Americans do not want this oversized government. Americans do not want or need job-stifling tax hikes. Americans do not need the Federal Government running their lives and making their choices. Allowing the debt limit to rise would only serve to promote things that Americans do not want and that Americans do not need.

Therefore, I disapprove of the President's request for a $1.2 trillion increase in the debt limit which would place the total limit at nearly $16.4 trillion, and I urge my colleagues to similarly disapprove.

I yield the floor.

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

Mr. INHOFE. Mr. President, I first wish to thank the Senator from Iowa for allowing me to move in front of him; and I ask unanimous consent that at the conclusion of my remarks he be recognized.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I speak immediately following the Senator from Iowa.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me say to Senator HATCH and his remarks, there has never been anyone I can recall who has been so relentless in trying to stop all this deficit spending whom I associated with and served with in the Senate.

One month ago we were standing here trying to pass a balanced budget amendment to the Constitution and Senator HATCH was right in the middle providing leadership. We wanted that to be a reality.

My activity with the balanced budget amendment goes all the way back to the 1970s, when then-Senator Carl Curtis was trying to preratify an amendment to the Constitution. I was a State Senator at that time, and we were the first State to preratify the Constitution. So we know it has been a real uphill battle. It has been very difficult.

I think it is important, though, and one thing that hasn't been said in this debate is why we have this deficit and why we have this debt. It is important

for people to understand, and I know most people don't. But to overly simplify it a little bit: The debt is the responsibility of the President. It is not the Republicans, it is not the Democrats, it is not the House, it is not the Senate; it is the President who puts together a budget every year.

We have a President who put together his first budget, and the Obama first budget had a deficit of $1 trillion; the second budget he had in 2011 was $1.3 trillion; then, last year, his budget deficit was $1.1 trillion. But if you stop and think about what has happened in the past, that 2011 deficit was going to be much more than that because they have now upgraded that to $1.65 trillion. So we are talking about a President who is going to have in excess of $5 trillion in deficit, in the 4 years he has been in office, by his own budgets.

I remember back in 1996, when President Clinton came out with the first $1.65 trillion budget and I was outraged that we couldn't sustain that kind of spending. Yet that was to run the entire country of the United States of America, and this is just the deficit alone.

So it is estimated the President will have presided over $14 trillion in spending by the end of the year. By then, our national debt will be over $16.3 trillion, making this President accountable for increasing the national debt by about $6 trillion.

That is more debt than all Presidents, from George Washington to George W. Bush, combined—one President, in a 4-year period.

Over the last couple years, the President has been warned and warned and warned that we have to do something about it. He has ignored these warnings and instead went after the single largest contributor to the deficit and to debt that this government is having; that is, government-sponsored health care. He did this with the passage of ObamaCare, a bill he talked about was going to be fiscally responsible. In reality, the bill will increase the Federal expenditures by $2.5 trillion in the first 10 years following the law's full implementation. After that, it will only skyrocket.

Their own estimate on ObamaCare is, after the first 10 years, it will go up $4.4 trillion in addition to the $2.5 trillion.

We are talking about trillions, and every time I hear a projected cost, I know it is going to be a lot more than that. I recall back in 1967, when the House Ways and Means Committee projected what Medicare was going to cost. Medicare was put in, in 1966, and they said by 1990 Medicare was going to cost $12 billion. Guess what happened. In 1990, it wasn't $12 billion; it was $110 billion—10 times more than what they were expecting. So I know this is going to cost a lot more than the $4.4 trillion they are projecting after the first 10 years.

The President convened groups, gangs, commissions to figure out, Why is our Nation going so far in debt? We are going in debt because we have a President whose budget reflects over $1 trillion of deficit each year, and that is for four budgets. They talk about forming those commissions; they come out with recommendations. Some of the recommendations, by the way, were good, but the President rejected all those recommendations. In fact, I would say the only cuts he is willing to go along with are cuts that are in our national security spending. He has decimated our military, and right now we are looking at a reorganization that is going to be an even more difficult situation to recover from after this President is gone.

By the way, when the President says he inherited deficits, it is interesting that when President Bush went into office, he took over a military that had been cut down during the Clinton administration by about 40 percent. That was back during the euphoric chant that the Cold War is over and so we don't need to have a military anymore, and so they did that. Right after that, of course, we know 9/11 came. So President George W. Bush did have deficits. His deficits averaged $240 billion a year for 8 years. Add that and it is $2 trillion. But this President, in 4 years, will have done nearly $6 trillion—three times as much as President George W. Bush did in 8 years.

So we still have the problems. Unemployment is ticking around 8.5 percent, the labor market is very weak, the regulatory train wreck, and the regulations right now. People have talked an awful lot about the deficit spending. That is what we are talking about this morning. I don't want to confuse this issue, but I wish to tell you the overregulations we are having—here we have a President who is now trying to invoke a cap-and-trade through regulation that he was not able to do through legislation. There is another cost that would be somewhere in excess of $300 billion, not once but every year. So the regulations, the train wreck is on its way. It is alive and well, and we have to do everything we can to try to stop it.

So they came up with a deal. They said: Let's put together something where, over a period of 10 years, we are going to try to come up with $1.5 trillion. Keep in mind, that is over 10 years when this President does that much in deficit each year.

So the first phase of this grand program they had was to increase the debt limit by $900 billion to the current level of $15.2 trillion. It was matched by discretionary spending cuts—or it was supposed to be—in the same amount. Then the supercommittee went to work to find $1.5 trillion. Keep in mind, we are supposed to have $1.5 trillion to reduce as a justification for increasing the debt limit, which we did before, and that was over a period of one decade. So they are trying to find $1.5 trillion over 10 years that this President has been accountable for increasing the deficit, the same amount, every year—or what will be every year—for the 4-year period. But because we all know it failed, we are facing additional automatic spending cuts of $1.2 trillion. In exchange for this, the President is going to be allowed to increase the debt limit by $1.2 trillion to a staggering level of $16.4 trillion.

That is a lot of money, and it is hard for people to understand. I think the best way to explain it is, what he is doing is he is administering an increase in the debt of more than this country has sustained since the country's beginning.

In the President's first State of the Union Message, he promised to cut Federal deficits in half by the end of the first term, but we know what happened.

Before we agree to an increase in the debt limit, I think they are going to have to have some kind of reforms that actually reduce spending to levels that can put our Nation in a fiscally sound position.

If we are serious about this and want to do something about the debt, want to do something about the deficit, do you know how we can do it? It would be very simple. All we would have to do is repeal ObamaCare. That is all we would have to do. As already mentioned, the law is a fiscal nightmare, and it hasn't started yet. But as things stand, our $15 trillion debt is weighing us down, and now the President wants the authority to add another $1.2 trillion to it. We can't allow this to happen.

I know the President thinks he has us over a barrel. What he has done now three times in a row, and he is planning to do it again, is say: If you don't do something about increasing the debt limit, we are going into default. He talks about the horrible results that are going to happen. But when would that end if we don't have any sincere effort to stop the spending of the Obama administration?

Here is the last chance we have—the first chance we have is this resolution of disapproval that will be voted on. If we can do this, then that is going to shock the President into knowing he has to be fiscally conservative. I am not speaking on my behalf. I am speaking on behalf of my 20 kids and grandkids who are going to have to pay for all this fun we are having.

With that, I yield the floor.

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

RECESS APPOINTMENTS

Mr. HARKIN. Mr. President, as the chairman of the Health, Education, Labor, and Pensions Committee, I wish to respond to some of the shrill rhetoric and outright misinformation regarding President Obama's recent recess appointments to the National Labor Relations Board and to the Consumer Financial Protection Bureau.

When all the political grandstanding is done, at the heart of this dispute is the ability of these two agencies to carry out their congressionally mandated functions. One is charged with

defending the rights of consumers and the other defending the rights of workers.

Republican partisan obstruction and filibusters prevented confirmation of nominees to lead both these agencies, which would have prevented their legal authority to act. With the rights of millions of American workers and consumers on the line, the President did what was his duty to preserve the functioning of two critically important agencies—agencies that are essential cornerstones of our efforts to rebuild and restore our struggling middle class.

At a time when our Nation is engaged in serious soul-searching about the demise of the middle class, the missions of the Consumer Bureau and the Labor Board have become particularly essential. These agencies are tasked with the vital responsibility of standing for consumers and workers against Wall Street and powerful corporations.

Indeed, the true significance of the debate over the President's recess appointments is not about legislative or secure power or the meaning of a pro forma session, but the true significance is about whether we will let the powerful and well connected use the political process to rig the system or if, instead, we will enact and enforce laws that will give workers and consumers a fighting chance at a decent middle-class life.

As a centerpiece of the Dodd-Frank bill to rein in the recklessness on Wall Street, the idea behind the Consumer Bureau is simple. We need a cop on the beat, looking out for the best interests of consumers who use financial products, as we have regulators looking out for the financial health of banks, as we have a Food and Drug Administration, the FDA, looking out for the safety of food and drugs for consumers or the Consumer Product Safety Commission that looks out for and protects our kids from harmful toys.

A strong Consumer Financial Protection Bureau will ensure that consumers are not lured into debt through hidden fees. It will simplify disclosures and reduce paperwork so consumers are not faced with mountains of paperwork they cannot understand. It would oversee providers of consumer credit such as payday lenders—which for years have acted similar to banks but without facing any kind of bank regulation.

Additionally, as student debt surpasses credit card debt as the largest source of consumer debt in America, the Bureau can play a critical role in helping families better understand the increasing challenges of financing a college education as well as bringing some sanity to the private student loan marketplace.

Despite these laudable goals, Republicans refused to confirm Richard Cordray, the President's nominee to lead the agency, unless the President would agree to water down the law and weaken consumer protections. Forty-four Republican Senators served notice they would not confirm anyone to the position of Director unless structural changes were made to the Bureau that would effectively gut its ability to stand for consumers. When the President refused, they filibustered and prevented an up-or-down vote on this nomination, leaving the consumer bureau unable to fully interpret and enforce the law.

As a consequence, Americans across the country were left in limbo, with limited ability to stand up to big banks and financial scam artists. Leaving the Bureau so powerless was unacceptable, so the President had no choice but to use his constitutional authority to ensure that this critical agency can continue to perform its legislatively mandated mission.

The ramifications of Republican obstruction were even more dire at the National Labor Relations Board, where the impending loss of a quorum of members meant the Board would become totally inoperable if the President did not step in to fill the vacancies. Similar to the consumer bureau, the NLRB, as it is known, is a government agency tasked with standing up for working families. In its very text, the very text of the law that created the Board, it established that the policy of the United States is to encourage the process of collective bargaining. Senator Robert Wagner of New York, the act's author in 1935, explained that collective bargaining would increase the purchasing power of American workers and therefore aid our national recovery from the Great Depression. This law was one of the cornerstones of a new American economic policy that created the largest middle class in history, gave rise to the economic boom that transformed America and the world, and brought economic security and a better life to generations of Americans.

Unfortunately, not everyone agrees with this mission. Some very powerful interests think that a few at the very top should have a monopoly power in our economy; that they should be able to set all the rules. These interests have lined up allies in Congress to wage a relentless crusade against the National Labor Relations Board. In all my years in public office, I have never seen anything like it.

Last year, Republicans in the House held at least eight hearings, specifically addressing the NLRB. They passed two bills to amend the National Labor Relations Act to strip workers of their rights. Republican elected officials have tried to defund the agency. They have threatened the professional credentials and livelihoods of nonpartisan career employees and even called on a Republican board member to resign, in order to incapacitate the agency. On the campaign trail, Republican Presidential candidates have raged against the National Labor Relations Board and its employees.

What are the great crimes these dedicated public servants at the NLRB are supposed to have committed? First, they started a new initiative to make sure workers are aware of their rights under law. In April of this year, employers will have to post a notice about National Labor Relations Act rights on the office bulletin board, next to other longstanding notices about the minimum wage, workplace safety, and other basic worker protections. This hardly seems to be an unreasonable burden.

Second, the NLRB prosecuted a case against a company that allegedly retaliated against its employees for going on strike. I spoke at length about this case last year, on numerous occasions, on the floor of the Senate because there was so much misinformation about it. While the case was brought against a powerful company and became very controversial as a result, prosecuting retaliation cases is unquestionably a necessary and important part of the NLRB's responsibility. After all the fire and brimstone and all the threats from Republicans against this agency and the Governor of a certain State, as has happened in the past, this dispute was resolved by the company and the union. It has happened so many times in the past without us having to do a thing about it.

Third, the National Labor Relations Board enacted a rule to standardize timelines for national elections. Under the act, after workers petition for an election, the NLRB holds a hearing to decide who should be in the bargaining unit and who should not be. In recent years, many employers have started flooding that hearing with frivolous litigation to stall the elections for months or even years, while arguing or appealing over every minor detail their lawyers can imagine. The NLRB decided to fix this problem and make sure workers get a vote in a reasonable period of time. The Board said workers should vote and then, if necessary, the ballots would be sequestered while the litigation drags on over certain peripheral issues. The new rules do not encourage union organization and they do not discourage it; they just give workers the ability to say yes or no in a reasonable period of time. Workers should not have to wait until innumerable lawsuits, one after the other, are disposed of before they even get a chance to vote.

In response to these eminently reasonable and fair proposals, Republicans have attempted to shut the Board down by blocking all nominations. Senator GRAHAM of South Carolina vowed publicly to block all nominees to the labor board, even if it meant the agency would cease to function. In his opinion, Senator GRAHAM said, ''The NLRB as inoperable could be considered progress.'' To the thousands of American workers every year who rely on the NLRB to enforce the law and defend their rights, that must sound pretty cold-blooded, a direct attack on middle-class Americans.

In practice, disabling the NLRB would mean American workers would

have nowhere to turn if their rights are violated. Thousands of American workers are fired every year for trying to organize a union in their workplace—their legal right, by the way. With the labor board out of commission, these workers might never get their jobs back. If an employer or a union refused to adhere to a contract, there would be no NLRB to resolve the dispute.

The labor board also ensures that unions do not step outside the law in their interactions with workers or employers. Those cases would be stuck in limbo too. Perhaps that is why a senior counsel to the National Federation of Independent Business told the Congressional Quarterly that ''to have the Board totally shut down would be a travesty.''

The President averted this travesty by appropriately exercising his recess appointment authority. Indeed, the President showed restraint by only appointing nominees to agencies that would lose their ability to function due to Republican obstruction. Acting to ensure the continued smooth functioning of government under these circumstances is a President's—whether it is President Obama or any other President—constitutional responsibility. As constitutional scholar Laurence Tribe has explained, the Constitution considered the possibility that congressional squabbles would lead to paralysis and determined:

> The Constitution that has guided our Republic for centuries is not blind to the threat of Congress's extending its internal squabbles into a general paralysis of the entire body politic, rendering vital regulatory agencies headless and therefore impotent. Preserving the authority the President needs to carry out his basic duties, rather than deferring to partisan games and gimmicks, is our Constitution's clear command.

Again, I say, if my colleagues do not like the National Labor Relations Act or Dodd-Frank, they can introduce a bill and try to get support to change the law. Of course, Republicans know such a bill would fail miserably. Instead, they are trying to short-circuit the process laid out by the Constitution to pass legislation. Under their theory, under the Republicans' theory, just 41 Senators could effectively repeal an existing law by simply denying an up-or-down vote on the President's nominees. Think about that. We pass a law by majority vote. It might even get through; of course, overriding a filibuster with 60 votes. The President signed it into law. A couple years later, the minority says we want to change it. We do not have the votes to change it, but we can block a nominee, nominees to the agency, and effectively shut down the agency with only 41 Senators. That is what is going on here. That is what is going on.

President Obama took a bold but necessary step. Stepping in to protect ordinary Americans from the consequences of congressional dysfunction is hardly an intrusion on Congress's authority. It is the essence of leadership.

I might point out I think facts will show that the last President before President Obama, President Bush, exercised his authority to appoint recess appointees 171 times. I think President Obama is right now around 20 or 21, something like that.

Since President Obama was elected, Republicans have openly stated their No. 1 goal is not to govern or legislate; their No. 1 goal is to prevent the reelection of President Obama. Republicans in Congress may have the luxury of playing these political games but any President does not. Americans are counting on this President to do what is right for the middle class and that is unquestionably what he did by making these recess appointments to these two vital consumer protection agencies, the Consumer Protection Agency and the National Labor Relations Board.

I yield the floor.

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

Mrs. HUTCHISON. Mr. President, I am going to speak about the debt disapproval resolution that is before us because I feel so strongly it is time to send a strong message to the President and give the people of America some comfort that we are not going to continue to raise the debt ceiling again and again without doing something that shows we understand the crisis we are in and that we are going to take the steps necessary to whittle down our debt and do the responsible thing. However, I do want to respond to what has just been said about the recess appointment of Mr. Cordray, the Director of the new consumer agency, which was done by the President when Congress was out of session, depriving Congress of the ability to advise and consent to this appointment.

I think to put it in the context where it is proper, it is very important to know that this consumer agency was created by a Democratic President who had complete Democratic control of Congress and gave this agency unprecedented power—unprecedented in that the agency has no congressional oversight. None. We don't control the budget. In fact, no one controls the budget of this new agency that was created with complete Democratic control of Congress and the Presidency.

This agency was created in the Dodd-Frank bill with no oversight by any entity whatsoever other than the Democratic President who signed the bill that was given to him by the Democratically controlled Congress. So Mr. Cordray is now the head of an agency without congressional approval, and Congress has no control over its budget, and we now have the possibility of a burgeoning new Federal bureaucracy that is going to put more regulations on probably the most overregulated industry in America today, which is the banking industry.

If you talk to anybody out there trying to get capital in a small business, they will tell you that the banks are being hamstrung. So now we are going to give them more regulations that are going to put a freeze on their capability to make consumer small loans. The banking industry has plenty of regulation, and the Comptroller of the Currency does a good job. Certainly the FDIC has done its job in trying to make sure that the reserves are met for banks to be stable because we are not going to be bailing out banks.

I heard the President of the United States talking at his State of the Union Message. I heard him say: We are going to go through this government, and we are going to cut back on regulations because we know regulations can hamper the ability of our small businesses to get up and get out there and hire people and make a profit. We think profit is good because we think profit makes people able to hire more people and get this economy going.

So there is a constitutional issue at stake where the President just decided that Congress was out of session and appointed Mr. Cordray. In any other instance, Congress would have some say because we would be able to set a budget for the agency and we would be able to curb some of its overreach if we feel that it is there; however, not this agency because there is no congressional oversight of this agency.

So we are in a position where we have Mr. Cordray—and let me say there is nothing personal against Mr. Cordray, but there is a lot that is wrong with Mr. Cordray being appointed by the President rather than being confirmed by the Senate, which is in the law. There is a problem when there is no congressional oversight whatsoever that would be able to curb the overregulation that we suspect is going to happen in this agency.

This is not the end of this subject. Today we are going to be voting on the increase in the debt limit by $1.2 trillion. What do we already have on the books for debt? It is $15.2 trillion, which is a figure that is now equal to or more than our gross domestic product. We are not talking about Greece, we are talking about the United States of America. We should be the beacon of economic stability in the world, and we are here to raise the debt limit without so much as a plan to curb spending or to look at the entitlement reforms we know are necessary because we cannot cut enough spending in the discretionary accounts to actually do what we must do to whittle down a $15 trillion debt because the discretionary accounts are approximately 30 percent of the total expenditures of our country.

The major responsibility this country has in defense is getting ready to be shredded by this administration, while we have a new consumer agency that has unfettered budgetary authority. Where is our perspective here? We are talking now about 30 percent of the budget that we spend, the spending in our country, being discretionary accounts, and we are hearing today that the President is going to cut enormous numbers out of our defense budget, but

at the same time we hear very little talk about entitlements, which are the automatic expenditures we cannot control. If the President were to lead, he would be going into the entitlements and providing some solutions and some leadership. The Republicans have said repeatedly: We will work with you on entitlements because we know it is hard.

I have introduced legislation—along with Senator KYL—that would begin the process of shoring up Social Security and saving our system. In fact, it is called the Defend and Save Social Security Act, and it would cover a 75-year shortfall without raising taxes and without cutting core benefits. Anyone in our plan who is 58 years of age or older would not be affected at all. However, starting in 2016, under our bill, the normal retirement age would start to increase 3 months each year for normal retirement. So if you are 58 or above, it would not affect you at all. If you are 57, you would retire 3 months later. If you are 56, you would retire 6 months later. That would begin to put us on a much more accurate table of when people are actually living and retiring. The actuarial tables show that people are healthier now than when Social Security passed, they work longer, they want to work longer, and we need to make the actuarial tables match today's standards of health and work.

In addition, my bill would propose a very modest change in the annual cost-of-living adjustment. We would begin the cost-of-living adjustment if inflation is over 1 percent, and at that point we would factor in whatever the inflation rate is. So it would be a minor adjustment in the cost-of-living adjustment, but we would never go into the core benefits, nor would we tax anyone any more than they are being taxed right now. That is how we can address this in a gradual way and give our Social Security system the ability to stay solid and secure for 75 years.

We have not heard the President of the United States talk about correcting something as solid and necessary as Social Security. We have not heard anything from him about helping to solve the Medicare problem, which is a different issue, but clearly it must be addressed because we are going into deficits every month, every week, and every day on Medicare.

The missing ingredient—and what the President has said in his State of the Union and what actually needs to happen—is entitlement reform. Republicans have said: We will work with you on tax reform that will produce more revenue with a fairer, flatter tax system, and one that will make our businesses and corporations more competitive. If we put our corporations at a better competitive position in the world, then they are going to hire more people. If we can do that with the President, we can make a difference in this debt and the deficits. However, all I am hearing is kind of a class warfare argument. It just seems old and stale because I think the American people are smarter than that. I think the American people know that if businesses are hiring and if we can get an economy that is robust and strong with more people working, everybody is going to do better, and that is what we all want.

Raising taxes, which is the only option the President seems to care about, is not what we ought to be doing in a recession. You can dance around it, but if this is not a recession, then I don't know what it is with millions of people not working and almost a 9-percent unemployment rate. I don't know what the definition of ''recession'' is by the economists, but I think that when millions of people are not working and the unemployment rate is about 9 percent, that is a time when you don't want to increase taxes and increase the burden on businesses with a health care plan that is out of control. It is freezing hiring.

It is not rocket science, and it is time we got together with the President of the United States. He is the elected leader of our country, and we don't need partisan rhetoric and campaign speeches. What we need to do is look at the real capability we have to do something about this deficit; that is, cut domestic spending in a reasonable way, address entitlement reform, which we can do, and for heaven's sake, tax reform that creates a fairer, flatter tax and gives our corporations the ability to compete globally would be a step in the right direction.

I hope we reject his request. Let's not increase the debt limit. Let's sit down and get to work on bringing the debt down so we will never go beyond $15 trillion in debt for our country and our future generations.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Senator DURBIN of Illinois be the next Democratic speaker.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VOTING LAWS IN FLORIDA

Mr. NELSON of Florida. Mr. President, Senator DURBIN, the chairman of the Civil Rights Subcommittee of the Judiciary Committee, will convene a hearing of the subcommittee in Tampa tomorrow afternoon at 1 o'clock for the purpose of reviewing Florida's new election law that was passed a year ago by the Florida Legislature. It is what has been characterized by this Senator and others as a voter suppression law. Interestingly, there is a pattern in about 14 States that has changed the election laws to make it harder to vote, harder to register to vote, and harder to have one's vote counted as they intend. It is rather extraordinary that in this year of 2012 we would be concerned about the right of access to the ballot and the right to vote, which is a cherished constitutional right and one which is under assault in this country at this moment, especially in my State of Florida.

Let me give my colleagues some particulars. The new election law, for example, has changed the voting registration requirements for those who sign up to register others—in other words, third parties—such as the League of Women Voters. The League of Women Voters had been registering voters in Florida under the old law that was on the books for decades. That law gave them, once they registered the voter—took the information—10 days to turn it in to the county supervisor of elections. That law had been on the books for decades.

Last year the Florida Legislature—signed into law by the Governor—changed that time period to 48 hours and the penalties that accrue go up to $1,000 for the person who is registering the voters and does not turn in those names within 48 hours. Therefore, the League of Women Voters in Florida, which has been doing this as a civic duty, has stopped registering voters. They are not going to take the chance that their members would be fined up to $1,000.

Now, doesn't that sound like something exactly the opposite of what we should be doing? We should be encouraging people to register to vote, which is what the League of Women Voters has been doing according to their civic duty for years. It is happening before our eyes. But there is more.

College students, young people, got excited about politics in the last Presidential election and voted in record numbers compared to what they had been doing before. But the Florida Legislature changed the law. Now, if a college student who has not been registered before suddenly gets interested and goes down to the Supervisor of Elections Office and registers to vote for this year's general election, and they arrive on election day and they are asked to show their identification, and they pull out their driver's license—the likelihood is their driver's license is the address of their parents where they have grown up. If that address is in a different county from the county they registered in, they will not get a ballot; they will get a provisional ballot.

We know from the last Presidential election in 2008 in Florida only half of the provisional ballots were counted. Is this what we want to do to encourage young people to get excited and interested in their government, to get there on election day and get a provisional ballot instead of a regular ballot? I don't think so. But it is happening right underneath our noses. That is one of the reasons the Judiciary Committee is coming to Tampa tomorrow. We are going to flesh this out with a whole bunch of witnesses. But, unfortunately, there is more.

After the debacle in the 2000 Presidential election in Florida where we

saw mistake after mistake after mistake—and all too painfully we know the results of how that election played out—to the credit of the Florida State government, they made it easier to vote. They created early voting. They created what was the old absentee ballot, where a person had to swear they were actually going to be absent from their place of voting on election day, and they made that easier by having the vote by mail. They set early voting—and it has been the case for years now—14 days prior to the election.

It was so successful in the last Presidential election that fully 40 percent of the entire general electorate voted before election day. So one can imagine the process was a lot more orderly and there were less lines when 60 percent of the electorate turned out on election day between 7 a.m. and 7 p.m. Of course, the 40 percent who voted early, many of them have jobs, and it wasn't convenient for them to get to the polls. So they could do it at their convenience and they could do it on the weekend. Some of them, such as single moms who had to arrange to get a babysitter, could do it at their convenience. Indeed, many minorities found it convenient when they could not get away from work to vote early.

So the Florida Legislature changed the law, and it was signed into law by the Governor, constricting that 14 days to 8 days. Then a very interesting change took place. Instead of early voting going all the way up to and including the Sunday before the Tuesday election, they constricted that so the last day of the 8 days is now Saturday. Guess who has voted in record numbers after church on the Sunday before the Tuesday election, record numbers: African Americans. So they will not be able to go and vote on the Sunday before the Tuesday election because of the new law in Florida.

Now, those who passed this new law said it was to cut down on fraud. Yet they have no example—and I am looking forward to asking some of the witnesses tomorrow to make the record complete—no example of any increase in fraud in the last decade of which these election laws were passed after the 2000 Presidential election to make it easier to vote. So what we have is a pattern in over 14 States, including our State, of what I have just described, which is the law is one of the most onerous and one of the more distinct voter suppression laws that has been enacted. Why? Is it for partisan reasons?

If we restrict young people, if we restrict minorities, if we make it more difficult for women, particularly single moms, does that suggest a pattern of restricting certain voters and making it more difficult because of partisan reasons? I think it is pretty clear. This is happening in America in the year 2012 when, in fact, the Constitution tells us that one of the most cherished opportunities—we even went through a civil war and then we went through the civil rights movement in order to guarantee the right of access to the ballot, and we had to knock down poll taxes and all kinds of impediments for people to vote. We have gone through all of that experience since the 1850s and here, right under our noses, we are having these kinds of voter suppression laws enacted.

There is a three-judge panel that is now considering this law in the District of Columbia. There is also an examination under the Voting Rights Act of 1965 in the five counties that are watched counties under that act in Florida as to whether their civil rights have been eclipsed. I am certainly hopeful that the court and/or the Civil Rights Division of the Justice Department will look behind this smoke screen of so-called fraud as to what is really the motivation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.J. Res. 98.

Mr. COBURN. And the amount of time that has been allocated by the majority leader and under the unanimous consent agreement?

The PRESIDING OFFICER. The Republicans have 8 minutes remaining.

Mr. COBURN. I understand that, but what is the total amount of time that has been allocated to H.J. Res. 98?

The PRESIDING OFFICER. The time until noon is equally divided.

Mr. COBURN. So the total amount of time is less than 2 hours today that we are going to discuss this resolution; is that correct?

The PRESIDING OFFICER. Slightly more than 2 hours.

Mr. COBURN. Thank you. I ask unanimous consent to speak on the resolution for 20 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how many minutes does the minority have remaining?

The PRESIDING OFFICER. The minority has 7 minutes remaining.

Mr. NELSON of Florida. How much time does the majority have remaining?

The PRESIDING OFFICER. The majority has 24 minutes remaining.

Mr. NELSON of Florida. Would the Senator consider 15 minutes, given the inequity of the time?

Mr. COBURN. Well, actually, that was my whole point. We are going to spend a little more than 2 hours to raise the debt limit by $1.2 trillion, and we can't give a Senator 20 minutes to talk about it?

Mr. NELSON of Florida. Mr. President, is there a consent order that was entered into yesterday?

The PRESIDING OFFICER. There was a unanimous consent agreement yesterday.

Mr. NELSON of Florida. And the minority has 8 minutes remaining?

The PRESIDING OFFICER. The Senator now has 6½ minutes remaining.

Mr. COBURN. Mr. President, I am asking for unanimous consent to speak on this issue, a $1.2 trillion raise in the debt limit, for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator will proceed.

Mr. COBURN. Mr. President, I come to the floor aghast that we have entered into a unanimous consent agreement to spend less than 2½ hours talking about raising the debt ceiling another $1.2 trillion—$1.2 trillion.

We passed the Budget Control Act that raised the debt limit to $15.2 trillion. The President has requested another increase in the debt limit of another $1.2 trillion. We passed the Budget Control Act that didn't cut spending. There is no absolute reduction in spending. We didn't eliminate one program. We didn't do one oversight hearing on the waste, fraud, and abuse in the Federal Government from the time of August, when we passed that, until now. No wonder America is disgusted with Congress.

On September 7, the debt limit was increased from $8.9 trillion to $9.8 trillion. In July of 2008 the debt limit was increased to $10.6 trillion, and in October to $11.3 trillion, in February of 2009 to $12.1 trillion, in February of 2010 to $14.3 trillion, in August of 2011 to $14.7 trillion, in September of 2011 to $15.2 trillion, and now we are going to raise it to $16.3 trillion.

I did not vote for one of those. The reason is a debt limit does not mean anything in this country, because every time we come up to the debt limit, what we do is just pass it rather than do what the American people have asked us to do.

Little has changed in Washington in the last 5 years. We have argued, debated, and lamented over how to rein in the Federal Government's costs and the out-of-control spending. All the time that was going on, we were on a spending binge, spending money we do not have on things we do not need. Even though we knew we had to borrow more money, Congress has done nothing to avoid raising the debt limit—nothing.

We did not do oversight of Federal programs. We did not eliminate one duplicative program. We did not eliminate any spending in the Tax Code.

We hear all the Members of Congress and the President talking about how we have to change stuff. We did not do anything on that which would generate more revenue, fair revenue to the Federal Government. We did not work to save Medicare. We did not work to save Social Security. Instead of fixing the problem, we made it worse. We increased the deficit. We funded ineffective programs. We wasted money on

silly projects. We funded duplication. We approved $1 trillion in more spending for next year—all of which will essentially be borrowed on the backs of our grandkids and our kids.

Let me give some examples of what we spent money on last year.

We spent $75,000 to promote the awareness that Michigan raises Christmas trees. We spent $113,000 for video game preservation. We spent $550,000 for a documentary about how rock music contributed to the collapse of the Soviet Union. We spent $48,000 for the second annual Hawaii Chocolate Festival. We spent $350,000 to support an international art exhibit in Venice, Italy. We spent $10 million to remake ''Sesame Street'' for Pakistan. We spent $35 million on our own party conventions, and we spent $764,000 to figure out how students use mobile messaging devices for social networking, which they already know how they do it.

In February of last year, GAO brought us a wonderful report. It showed thousands upon thousands of programs that are duplications. The majority leader of this body voted against both attempts I made to take advantage of that and eliminate waste and duplication. He never once instructed committee chairmen to go find this duplication and eliminate it to save our children, to save our country, and we did not do any better on our side of the aisle. The fact is, we did not do anything. Of the thousands of things we could have done, we did nothing to lower our deficit, cut the waste or eliminate duplication.

We have known about this significant $100 billion gold mine of savings from the GAO report for over 1 year now, and we have done nothing—zero. America should be disgusted with Congress because what we care about is party power, not fixing the problems of this country.

Just this week, the GAO reported—an additional report; and next month we are getting the second third of the Federal Government on duplication, and it is going to have another $100 billion identified as waste—we have 209 separate Federal programs to advance science, technology, engineering, and math education—209 programs, of which most of them overlap one another.

We have put amendments on the floor to say: We want every agency to tell us of all the programs. It is defeated. They vote against it because they do not want to know what all the programs are. The only way we eliminate the duplication is to make the agencies show us what they are doing. That goes down to defeat. Why? Because we do not want to do the hard work of living within our means such as every family and every business in this country does. We ignore the realities. We are in la-la land on who can win the next election.

We have done nothing about the $9.5 billion in government benefits that have been paid to people who earn more than $1 million a year in this country. We have done nothing about that since that report came out. Government benefits from unemployment insurance to student loans, $9.5 billion a year, and we have done nothing—zero. We could have done it. We could save money. We have done nothing.

Real Americans—everyday Americans—understand the way we get out of our problems is through sacrifice and prioritizing what is important for our country. We lack the leadership in this body to do that.

A veteran who served our country in a time of war wrote me a letter about our current financial situation. More than nearly anyone I come in contact with in Washington, this regular citizen from the middle of the country understands the problem, and he understands what is needed to fix it.

DEAR SENATOR COBURN:

I'm a retired military member and Veteran, deployed four times during my career—having spent years of my life in some very dangerous places, away from home, and in tough conditions. I am very familiar with shared sacrifice. In all those days away, my sole purpose was to be prepared and ensure my Soldiers were ready to deploy and return alive. In our current situation, it's easy to feel like we're (as a country) going into battle unprepared against an economic, financial enemy of political gridlock and no compromise [no leadership]; with two political parties vying for the next election.

I'm well aware that many proposals currently out there would potentially affect me. However, I'm willing to work hard now and be part of a solution which solidifies our country's future versus robbing my kids and grandkids from the same opportunities our great country [offered me].

Please inform your colleagues—there are more people like me awaiting leadership and good decision making than there are left and right side uncompromising voters. These times call for briefings to the American people, not speeches. These times call for members of congress to stand together and [to brief us on our unfunded liabilities]—and to show how sacrifice now can lead to renewed prosperity later.

Sincerely,

ROBERT BOUDIETTE, Jr.,
Lawton, OK.

I am embarrassed for us that we fail to meet the very standard we ask of the people who serve this country.

So rather than give a speech, let me give a briefing. We have done nothing to fix the 100-plus programs in surface transportation. We have done nothing to eliminate the duplication in the 82 Federal Government programs for teacher quality. We have done nothing to consolidate the 88 economic development programs. We have done nothing to consolidate the 80 different transportation assistance programs. We have done nothing to eliminate the 56 financial literacy programs. We have no business teaching anybody financial literacy when we do not even have it ourselves. We have done nothing to consolidate the 47 job training programs. As a matter of fact, we heard the President say he wanted to add to it. Homeless prevention and assistance, 20 programs we have done nothing to consolidate; the food programs, disaster response and FEMA, and there are hundreds more. Yet we have done nothing.

Shouldn't we come together as men and women, Americans—not Democrats and Republicans—and say we are going to do what we can do to assure the future of this country and quit thinking about the next election? We ought to be doing what is needed. It is called making priorities. We could save $50 billion if we got together and said: OK. Every committee is going to do oversight, eliminate duplication, and eliminate fraud. We have a bill with 37 cosponsors to eliminate the fraud in Medicare—37. It is bipartisan. We cannot even get it to the floor to vote on it to make sure CMS eliminates some of the $100 billion a year in waste and fraud at CMS in terms of Medicare. That is how we save Medicare. But yet we cannot get it to the floor. So when we do work together, we are blocked or impeded from having a vote where we have bipartisan consensus.

I call on my colleagues—I love them dearly; I think they are tremendous individuals—we better change our vision. We better change what we have our eye on in terms of the risk to our country, the survival of our country, and it is time we come together, put partisanship aside, and say we are going to solve the problems in front of this country. We can do it. The brainpower is here. The capability is here. Let's do it.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Democratic side has 18 minutes remaining.

Mr. DURBIN. Is there time remaining on the other side?

The PRESIDING OFFICER. There is no remaining time on the other side.

Mr. DURBIN. Mr. President, I would like to ask the chairman if I could have 8 minutes or 10 minutes to speak.

Mr. BAUCUS. Mr. President, I yield 10 minutes to my colleague from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman of the Finance Committee and my friend from Utah, the ranking member of the committee.

Senator COBURN of Oklahoma, who just spoke, and I probably see so many things differently, but yet we see many things the same. He and I come to the Senate with different backgrounds, perhaps different political values in many areas, and a much different voting record. They would put us on opposite sides of the political spectrum if they described those voting records. Yet I have found, over the last several years, Senator COBURN and I have been able to agree and come together on some of the important issues which he just raised on the Republican side of the aisle, which are shared on the Democratic side of the aisle.

Senator COBURN and I served on the Bowles-Simpson Commission, a commission appointed by President Obama, to reduce our Nation's debt and deficit. I voted for the Commission report, with some misgiving over proposals but believed it moved us in the right, proper, and necessary direction.

The fact and simple fact is, the United States borrows 40 cents for every $1 our government spends. It borrows 40 cents for every $1 we spend, primarily after we have exhausted the savings of Americans, from foreign nations such as China, that end up buying the U.S. treasurys to fund our debt. So as we go more deeply into debt, we become more indebted to foreign countries, sovereign nations and their sovereign funds. I think that is something that needs to be addressed, addressed in a proper fashion. Where Senator COBURN and I may disagree is in the fashion that we approach it.

We are currently emerging from a recession. We know what the impact has been. Families and businesses across America have been hard hit—families and their savings, many people losing their jobs, and businesses either going out of business or cutting back.

We are starting to see the first indications of recovery—the ''green shoots,'' as they say. As the President said in his State of the Union Address, we lost 4 million jobs in America in the 6 months before he was sworn in and another 4 million before his proposal to get the economy moving forward was enacted into law—8 million jobs in that short timeframe out of the 14 million unemployed today.

The President started to move the economy forward working off a proposal by President Bush to deal with financial institutions—a bitter pill for many of us but, I am afraid, necessary to keep our economy stable—and then, with his investment program, to put America back to work.

These things are starting to take hold. We have seen a growth of some 3 million private sector jobs since the President's program started. It is an indication we are moving in the right direction.

I would just say to my friend from Oklahoma, when we talk about issues such as deficit reduction and spending reduction, we should speak to those issues in the context of economic recovery, to make certain that whatever decisions we make in reducing the deficit, reducing spending, raising taxes, whatever it may be, that at this point in time in our history, it is in the context of getting America back to work.

At 12 o'clock today we have a scheduled vote, and the vote is on the debt ceiling. What is the debt ceiling? It goes back to my earlier point. When we spend more than we bring in in revenue, we need to borrow it. As the need to borrow increases, the President has a responsibility to ask for authorization from Congress. It is known as the debt ceiling limit. In years gone by, it was a routine vote. In fact, if I am not mistaken, President Reagan asked for some 16 debt ceiling extensions in the 8 years he served. For most of these, he was given permission to extend the debt ceiling on a bipartisan vote. Sixteen times in 8 years—a rather common occurrence at that time but one that we anticipated being part of the ordinary business of government. That issue has become politicized now, and there are some Members who will come to the floor and vote against extending the debt ceiling, extending the authority of the President to borrow money to keep our government functioning.

What troubles me greatly is that many of the same Senators who are going to vote against the debt ceiling voted for the spending. They voted to spend the money knowing we did not have it and now, as former Congressman Obey of Wisconsin used to say, want to pose for holy pictures—''Oh, I am opposed to the debt ceiling. I am not in favor of debt.'' Really? How about your vote for the appropriations bills to fund our wars? Did you not vote for those? Did you not vote for the budget resolution which passed on a bipartisan basis which established our spending for 2 years? Did you not vote as well when it came to the continuing resolution of appropriations that had to pass both the House and the Senate?

Many of my colleagues who dutifully voted for all of this spending, knowing in the back of their minds we did not have enough money and would have to borrow to accomplish it, now will come to the floor in a few moments and are going to say: We are holier than the others. We are going to vote against an extension of the debt ceiling.

I would say to those colleagues: Do not vote for the spending if you will not vote for the borrowing because we know now they are linked together. They are one in the same. And the President is only doing what is responsible.

You know, we faced a government shutdown over this debt ceiling last year. That was one of the first ever where a serious threat was looming that we were not going to extend the debt ceiling and, in fact, would renege or basically default on America's debts around the world. The result of that would have been catastrophic. The reputation of America, its economy, and the soundness of the dollar was at stake. Thank goodness, at the last minute those who were opposing the debt ceiling relented, and they set up the process we will be addressing in just a few moments. They said: Well, on a periodic basis, the Congress will have to vote to extend the debt ceiling.

Last week, the House of Representatives said: No, we do not want to extend the debt ceiling. The same Members of the House who voted for the spending bill, the same Members who voted for the Budget Enforcement Act, the same Members who give speeches back home about how we can't turn our backs on our men and women in uniform and have to spend the money to bring them home safely, those same Members voted against the debt ceiling. It is a totally inconsistent position. It is not honest. An honest position would be ''I do vote for spending. I do not vote for borrowing.'' Very few Senators, if any, can say that with a straight face. In fact, just the opposite is true.

I hope my colleagues here will accept our responsibility to extend the debt ceiling by voting no on the motion to proceed to the consideration of the debt ceiling. It is an important vote. And then I want to join and meet the challenge of Senator COBURN of Oklahoma. There are things we can and must do to bring our Nation's debt down, consistent with the Bowles-Simpson deficit commission, consistent with the work of the Gang of 6, and consistent with growing the American economy. It has to include, as the Bowles-Simpson deficit commission recommended, both revenue increases as well as spending cuts. Both have to happen.

When the President comes before us in the State of the Union and suggests increasing tax rates of those making over $1 million a year, the vast majority of Americans say that is reasonable. It is reasonable to ask those who are well off to pay their fair share. Well, let's make that part of our conversation here. If we are serious about the deficit, let's include revenue that will not hurt working families who are struggling from paycheck to paycheck but will bring the money in to lessen our need to borrow money from overseas.

That should be part of it, spending cuts and revenue enhancement that will not hurt the economy. I think we can do that if we address it on a bipartisan basis. I stand ready to cooperate with my colleagues to achieve that. I hope they will join me in voting no against the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

BURMA

Mr. BAUCUS. Mr. President, I will speak on a different matter for about 2 minutes. I wish to compliment the senior Senator from Kentucky for his longtime work on behalf of dissidents in Burma. Very recently, he visited Burma. He met Aung San Suu Kyi, who was awarded the Nobel Peace Prize. As the senior Senator from Kentucky reported to us earlier this morning on the floor of the Senate, we as Americans are making real progress in Burma. Our sanctions in Burma are working. The government there is relenting. I have had briefings from the State Department, and while we need to retain sanctions for the time being to encourage further progress, it is undeniable that we have been seeing real progress in Burma. The dissidents, as led by Aung San Suu Kyi, are engaged in this process. Again, I want to compliment the Senator from Kentucky for his 20 years of work in this area, and I

think it is probably in large part due to his efforts that we are making progress in Burma.

Mr. President, turning back to the subject at hand, Alexander Hamilton once said:

> To be able to borrow upon good terms, it is essential that the credit of a nation should be well established.

That is obvious. We have low interest rates today because so far we have been able to borrow on good terms. The good terms are that the American people and investors worldwide know the United States is a safe haven given all the consternation occurring in the world, the problems in Europe, for example, and other countries. The United States is a safe haven. Investors want to borrow on U.S. Treasurys. That is why the rate is low, the lowest in recent history. And that is essentially because our credit is good. Investors trust the United States.

It is important to also remember that this debt limit we are voting on today is not an authorization for new spending. I repeat, it does not authorize new spending. That is not what this is. It has nothing to do with new spending. It just says that we have to honor our past bills, honor our past debts. As Alexander Hamilton said, for a country to be on good terms, it is important that we honor our past debts. The credit of a nation should be well established.

I strongly urge our colleagues to vote no on this motion to proceed to disapprove because the result would be chaos. If that were to pass, it would be chaos. We would plunge ourselves back into recession, probably through that into a depression. Interest rates would skyrocket. Inflation would skyrocket. We are trying to lower unemployment rates, not increase unemployment rates. We want people to have jobs, not people not to have jobs.

If the United States did not honor its bills, if the United States did not honor its debt it has heretofore incurred, it would cause chaos. It would show we are not a creditworthy country. For that reason, I think it is a no-brainer that this bill should be disapproved and, frankly, should be unanimously disapproved.

I think every Member of the Senate wants to honor the credit of the United States of America, wants to pay the bills we incurred in the past. It is an entirely different question as to what we do in the future, entirely different question as to how much we reduce our debt, entirely different question as to how much we cut spending and increase revenues in order to reduce our deficits and our debt. That is an entirely different issue—an extremely important issue but entirely different. That has nothing—nothing—to do with this vote. This vote is only whether we honor our past debts.

Once we say yes, we are going to honor our past debts, then clearly it is imperative that this body move ahead to reduce deficits, reduce our national debt. There has been a lot of discussion about that. We have not made as much headway as we should have. But it is important to remember that in August of last year, this Congress voted to reduce spending by $2 trillion, $2.1 trillion—to reduce spending by $2.1 trillion over 10 years. Close to $1 trillion of that was accomplished on that vote, and the other $1.2 is part of the sequestration which goes in effect in January of next year. It is not unimportant that this body voted to reduce spending by about $2 trillion.

So we should honor our past debts. We should reduce spending—we should reduce our budget debt and deficit. We do that by cutting spending and increasing revenue. That is a different issue. That is what we do in the future. That is what we have to work on this year and next year. But today, it is important for the world to know that we honor our commitments; the United States can be trusted; we have credit that is well established because we honor our past obligations.

I strongly urge Members of the Senate to vote no on the motion to proceed to disapproval because I think there would not be a positive outcome if that vote were to pass. I am not one who is prone to exaggeration or to hyperbole, but I might say in this case that if this motion were to proceed, we would be on the border of catastrophe.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, we are here today to debate the President's desire to take on more debt. We are here to debate whether it is a good thing to put current and future generations on the hook for the spending policies of this administration.

I believe that it is not a good thing. We should not enable this administration to spend more taxpayer dollars by increasing the debt ceiling.

We should be forcing the administration to lead, and to make the reductions in government programs and spending that everyone knows must happen if we are to remain a free and prosperous Nation.

Here is the bottom line, and it is not pretty.

Our debt today is $4.6 trillion higher than when President Obama took office.

In his 3 years in office, President Obama has run up the three largest deficits in American history.

Three trillion-dollar deficits.

This is an enormous burden that the President is placing on American taxpayers.

He talks about fairness. Well, this debt is unfair to current taxpayers and future generations.

Yet by this debt ceiling increase, he wants Congress to give him a green light to spend more, running our debt up to nearly $16.4 trillion.

The debt per person has increased by $13,963 since President Obama took office.

This is unacceptable.

I will be voting for this resolution of disapproval. The debt ceiling should not be increased. The fiscal path that this Nation is on is a path to ruin. The President knows that. But instead of hitting the brakes and getting spending under control, he is slamming on the accelerator.

This is no longer acceptable.

Voting for this resolution, as the House did overwhelmingly, would make it clear that the way to address our spending problem is by reducing spending.

This resolution is worthy of our support, and I encourage my colleagues to support it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. BAUCUS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to the motion to proceed to H.J. Res 98.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted ''yea.''

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—44

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—52

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	McCaskill	Webb
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—4

Chambliss	Kirk
Corker	McCain

The motion was rejected.

MORNING BUSINESS

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the time from 1 p.m. to 2 p.m. in morning business be reserved for the majority.

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

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2012

Mr. UDALL of New Mexico. Madam President, I rise today to discuss H.R. 3801, the Ultralight Aircraft Smuggling Prevention Act of 2012, and I urge the Senate to pass this legislation today. Passing this bill will not only help to secure our southwest border, but it also affords us the opportunity to honor an incredible colleague.

I had the privilege of serving with Congresswoman Gabby Giffords in the House of Representatives, and she is the force behind this legislation. She originally introduced it in 2010, before the senseless act of violence that took place, and she won its passage. But the Senate failed to take it up.

Over this past year, we have been working with Gabby's staff, and I was honored to introduce her bill in the Senate with Senators HELLER, BINGAMAN, and FEINSTEIN. It passed by unanimous consent in December but was held up in the House because of a procedural issue. This allowed Gabby to reintroduce it in the House this week with Congressman JEFF FLAKE. Yesterday, as we all bid Gabby an emotional farewell, the House overwhelmingly passed it by a vote of 408–0.

I commend the House leadership for working to make sure this important legislation passed as Gabby's final legislative act before resigning. I want to especially say how honored I am to have worked on this legislation with her.

Like all Americans, I have watched in awe at Gabby's courage and her remarkable grace. She inspires us all. She represents the best of our Nation. Dr. Martin Luther King once said that darkness cannot drive out darkness; only light can do that. Gabby is truly a shining light to all who know her.

The Ultralight Aircraft Smuggling Prevention Act is a testament to Gabby's commitment to securing our borders from illegal activity. A new trend in drug smuggling is to fly a one-person ultralight aircraft over the border to drop drugs. Hundreds are flown across the southwest border each year. Each one can carry hundreds of pounds of narcotics.

Because ultralights are not categorized under existing law as aircraft by the Federal Aviation Administration, they do not fall under the provisions of the Tariff Act of 1930. This means a drug smuggler piloting an ultralight is subject to weaker criminal penalties than one who uses a small plane.

Ultralight presents a unique challenge for Border Patrol and prosecutors. Our legislation will close any unintended loopholes. It will give our law enforcement and prosecutors the additional tools they need to combat drug smuggling. It will also add an attempt and conspiracy provision to the aviation smuggling law. This enables prosecutors to charge people other than the pilot who are involved in aviation smuggling. It gives prosecutors a new tool to go after the ground crews who aid pilots as well as those who pick up drugs that are being dropped off in the United States.

This bill will also direct the Department of Defense and the Department of Homeland Security to establish and collaborate in identifying the equipment and technology for border protection to detect ultralights. The ultimate purpose of this legislation is to make our communities safer, and it is fitting that Gabby, from the very beginning, has been so instrumental in making it happen. I also want to acknowledge the hard work of her staff who worked on this bill tirelessly every day. Peter Ambler is one of her staff members who has been key. I know Gabby's staff is very dedicated to her, and I know Gabby's perseverance to advance her legislative priorities during her recovery demonstrate what a good public servant she is.

Gabby, we know you will be back. But until then, we wish you and Mark all the very best, and we thank you for your extraordinary service to our Nation.

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

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

The legislative clerk proceeded to call the roll.

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

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

RECESS APPOINTMENTS

Mr. GRASSLEY. Mr. President, I addressed the Senate recently on President Obama's recess appointments, and he did this when the Senate was not in fact in recess. I described at length why this was an outrageous and unconstitutional power grab. However, President Obama's decision to bypass the constitutional advice and consent of the Senate is not an isolated incident by the President. It is merely the latest escalation in a pattern of contempt for elected representatives of the American people and the constitutional separation of powers. This pattern has become more apparent since the last election when public opinion turned against the direction that President Obama was trying to take the country.

When the President's party in 2009 and 2010 had an overwhelming control of both Houses of Congress, he was able to pursue his agenda with only the slightest of lip service to the objections from congressional Republicans because we were very much in the minority, and, of course, we believe we were representing millions of Americans whose views were in opposition to President Obama's views. In 2009 and 2010, President Obama could in fact govern more like a Prime Minister in a European parliament, where the leader of the party in power dictates the policy to be rubberstamped by that parliament.

Since the 2010 election, that is no longer the case. There was a tremendous voter backlash against both the style and substance of the President's agenda. A groundswell of Americans became convinced their government was out of touch, and they demanded to be heard. The President's party in the Senate is now well below the supermajority necessary to pass legislation without consulting the minority party, and that is the way it was intended for the Senate to work. Moreover, there is now a new majority in the House of Representatives trying to chart a new course based on the concerns that so many voters expressed in the last election.

Rather than accept the message of the 2010 election and the fact he is faced with a Congress that is no longer a rubberstamp, the President has decided that he does not need Congress at all. Imagine that. In fact, he has even said so.

In October, upset that Congress would not pass his latest stimulus bill exactly as he had proposed, the President launched a media campaign around the tag line, ''We can't wait for Congress.'' Under this banner he has announced executive actions for everything from mortgage and student loans, summer jobs for youth, and new fuel economy standards.

A President being frustrated with Congress is nothing new. We all know that from history. What is more remarkable is the notion that the President, however, can act independently of Congress. ''Where they won't act, I will,'' the President has said.

Article I, section 1 of the Constitution of the United States says:

All legislative Powers herein granted shall be vested in a Congress of the United States,

which shall consist of a Senate and House of Representatives.

Having had their rights violated by King George, our Founding Fathers intentionally put the power to make laws in the branch of government that is most directly related and accountable to the citizenry of this country. Under our Constitution, the President's role is not to make policy unilaterally but, to quote the Constitution, ''take care that the laws are faithfully executed.''

Some might say the whole ''we can't wait'' campaign is just harmless political rhetoric. It would be bad enough if the President were just kidding when he implies that he is usurping legislative power, the legislative power vested in the duly elected representatives of the citizens of the 50 States. However, after his latest power grab, there can be no doubt that President Obama is dead serious. It is not just political rhetoric.

This disregard for the constitutional role of Congress did not start with President Obama's ''we can't wait for Congress'' campaign. An earlier indicator of actions to come was his controversial appointment of several new so-called czars. The President is well within his rights to choose advisers. We all agree to that. That is in the past just what these positions now termed ''czars'' are supposed to be, just advisers. However, it became clear that many of President Obama's new high-level czars—such as the climate czar, for instance—were involved in crafting regulations and other roles normally reserved for Senate-confirmed officials. Why? Because then they could be called to the Senate committees to respond and have us operate a proper oversight function.

Another example of President Obama's disregard for Congress is his administration's unilateral pursuit of climate change regulations. The House and Senate have considered various proposals to regulate greenhouse gas emissions, but these have proved very controversial and very harmful to the economy. When the climate legislation backed by President Obama could not achieve sufficient support to pass Congress, the administration announced that it would go ahead anyway. While a Supreme Court ruling opened the door to that possibility, the fact that Congress specifically did not authorize such regulations should have given the President pause.

In a similar move, when the DREAM Act as currently written was unable to secure sufficient support in Congress to pass, an Immigration and Customs memorandum appeared calling for immigration laws to be enforced so as to bring about the same ends as the legislation that could not pass Congress. Congress also rejected the card check bill supported by President Obama to eliminate secret ballot elections for union members. Sure enough, the National Labor Relations Board proposed a rule providing for snap elections, which would achieve the same goals, thus giving union leaders an upper hand in union elections.

The President's ''Race to the Top'' education program is another significant overreach. Congress bears responsibility for writing a $5 billion check to the Secretary of Education in the first stimulus bill with minimal guidelines attached. However, the administration blew past even those broad guidelines to implement an unprecedented Federal intervention into State education policy. The resulting program offered the possibility of big grants to cash-strapped States provided they first changed State laws to implement specific policies favored by the Secretary of Education. Most States, such as Iowa, implemented the Secretary's preferred policies and applied for the funds yet never saw a dime in return for changing out State laws.

In a similar move, the President announced he would grant waivers to States for relief from the requirements of the No Child Left Behind Act. The catch is that States will have to adopt key components of his education reform agenda in order to get such a waiver. This is despite the fact that Congress is currently considering legislation to update the Federal education policy and may not adopt all aspects of the President's proposal. Moreover, current law allows for waiving existing requirements on a case-by-case basis but does not authorize the administration to add new requirements in return.

So far during my remarks I have mostly focused on areas where the President has acted without authority from Congress. On the other hand, when Congress has passed legislation the President has not entirely agreed with, he has announced while signing them into law that he will not implement the parts he does not like.

During the 2008 campaign, candidate Obama said that he was ''not going to use signing statements as a way of doing an end run around Congress.''

However, he has done just that on numerous occasions.

Moreover, he has made clear his intention to not enforce certain laws that are already on the books, such as federal anti-drug laws.

The President's Attorney General also decided not to defend a legal challenge to the Defense of Marriage Act.

Again, the Constitution makes clear that it is the President's responsibility to ''take Care that the Laws be faithfully executed'' whether the current occupant of the White House agrees with those laws or not.

I can think of plenty more examples of executive overreach.

It would be much harder to think of examples where Congress has successfully fought off an executive power grab.

In fact, the more President Obama has gotten away with these little power grabs, the bolder he has become.

Congress has not been effective in fighting this executive encroachment because Congress is not of one mind.

Members of the President's party are understandably reluctant to oppose him publicly.

However, with this latest escalation, the time has come for Congress, on a bipartisan basis, to say ''Enough is enough.''

I would ask my colleagues on the other side of the aisle to think hard about the precedent being set for the next Republican President.

Once the genie is out of the bottle, you are not likely to be able to get it back in.

For those who are tempted to sympathize with the President when he justifies bypassing Congress because of ''obstructionism'', I would return to the fact that our system of checks and balances between the different branches of government did not come about by accident.

The philosophy underpinning the American Revolution, as expressed in the Declaration of Independence, is based on ''unalienable Rights'' and the principle ''That to secure these Rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.''

As a result, our government was intentionally structured to provide maximum protection to individual rights.

In our Constitution, that principle takes precedent over getting things done.

In my previous remarks, I quoted the Father of the Constitution, James Madison, in Federalist 51, ''separate and distinct exercise of the different powers of government'' is ''essential to the preservation of liberty.''

Madison was concerned about a temporary majority faction assuming full control of the government and acting tyrannically toward those Americans in the minority.

By contrast, the French Revolution was inspired by the philosophy of Jean-Jacques Rousseau, who wrote that claims of natural rights must be abandoned in favor of submission to the authority of the ''general will'' of the people as a whole.

The application of this philosophy tends to result in power centralized in a ruling elite that claims a unique ability to interpret the ''general will''.

This centralization of power allows for a more active government.

That may be attractive to those whose main concern is making the trains run on time. But Amtrak doesn't run on time.

On the other hand, the single-minded pursuit of a common purpose at the expense of individual rights has led to some of history's worst tyrannies.

Our system of separation of powers, federalism, and checks and balances, designed to protect individual rights, results in a more deliberative form of government.

This can be frustrating.

It means that the President cannot expect Congress to just pass his proposals without reading them. But Speaker PELOSI said about Health Care

Reform we have to first pass it to find out what is in it.

Still, these features of our Constitution perform an important role in preventing one faction of Americans from dominating another.

President Obama is not the first to become frustrated with the checks and balances built into our constitutional system.

In fact, at the dawn of the 20th century, an entire philosophical movement developed around the idea that our Constitution had become outmoded, that its focus on individual rights was no longer applicable to the modern age.

I mentioned in my previous remarks about the President's unconstitutional appointments that it was Theodore Roosevelt who started to change the way Presidents viewed power.

It is worth noting that President Obama recently gave a speech in Osawatomie, KS, the site of Teddy Roosevelt's famous ''New Nationalism'' speech.

That speech marked the beginning of Roosevelt's break with the incumbent Republican president, William Howard Taft.

Roosevelt then went on to challenge Taft in the 1912 election on the Progressive Party ticket.

In that speech, which President Obama commemorated, Roosevelt described his New Nationalism as ''. . . impatient of the impotence which springs from overdivision of governmental powers.'' Throw the Constitution out the window.

He went on to say that, ''This New Nationalism regards the executive power as the steward of the public welfare.''

An even more explicit description of the progressive view of the Constitution was written by the ultimate winner of the 1912 presidential election, Woodrow Wilson.

In his Constitutional Government, Wilson wrote,

> The makers of the Constitution constructed the federal government upon a theory of checks and balances which was meant to limit the operation of each part and allow to no single part of organ of it a dominating force; but no government, can be successfully conducted upon so mechanical a theory.
>
> Leadership and control must be lodged somewhere . . .

It seems strange we have made it for 225 years under our Constitution.

He then goes on to describe at length why he feels the President is where this ''leadership and control'' should ultimately be lodged.

This philosophy advocates a concentration of power in order to more effectively act on behalf of ''the people,'' at the expense of representing the diverse views of Americans.

It is contrary to the founding principles of our Nation and foreign to the realities of American civic life.

We are a large nation with tremendous variety in both geography and people.

No one man can claim to speak on behalf of all Americans, which is why we have a Congress in the first place.

The voices of all Americans deserve to be heard through their elected representatives and the rights of each American must be respected.

As the State motto of Iowa goes, ''Our liberties we prize, and our rights we will maintain.''

We must not let short term partisan interests trump those enduring constitutional principles.

The Senate, and the whole Congress, has a solemn duty to defend its constitutional role.

The PRESIDING OFFICER. The Senator from Michigan.

MICHIGAN'S 175TH ANNIVERSARY

Ms. STABENOW. Mr. President, I rise today to congratulate my State of Michigan on its 175th anniversary of statehood. On Thursday, January 26, 1837, President Andrew Jackson signed into law the bill granting Michigan statehood. The bill was surprisingly controversial. At the time, Michigan and Ohio had been embroiled in an argument called the Toledo war. Before Michigan was granted statehood it had to surrender its claim over Toledo. But in exchange we got the Upper Peninsula of Michigan, one of the most beautiful places in the entire country—I would say in the entire world. So I think we won that trade.

Twenty-four years later President Lincoln would exclaim, ''Thank God for Michigan,'' when Michigan troops arrived to defend Washington, DC, during the Civil War. Around the turn of the century, the auto industry took off in Michigan. Henry Ford paid the workers $5 a day to build the Model Ts so they could afford to buy the cars they made. That was viewed as revolutionary at the time. Those workers not only created the middle class in this country—and we are very proud it started in Michigan with our workers—but they made America an international superpower.

During World War I, Michigan factories built boats and vehicles that helped turn the tide in Europe. During World War II, Michigan's role became even more important. Auto plants were rapidly converted to military use, building tanks and jeeps and bombers. The Nation's first freeways were built in Michigan to connect our factories in Detroit with those in other parts of the State. The iconic image of Rosie the Riveter saying, ''We can do it'' was based on a real woman named Rose Monroe who worked at the Willow Run factory in Michigan.

After the war, Michigan experienced incredible growth, becoming the home of our American middle class. Only California and Florida saw greater population growth than Michigan in the postwar years. Manufacturing took off across the State and eventually across the country. Farms saw greater increases in production with the invention of new machinery and the adoption of increased specialization. We built the Mackinac Bridge connecting our two beautiful peninsulas, an engineering marvel that remains one of the largest suspension bridges in the world. Of course, Motown Records and all the wonderful musicians who have come since then gave the world some of the most wonderful music and the best musicians who have ever lived.

The last few years have been tough on all of us in Michigan, but we have been through tough times before, and every time we have come back stronger than ever. We may be 175 years old, but one would not know it. Our economy is growing stronger and more nimble than ever. Great sacrifices have gotten us to this point as we have moved through great recessions and changes in a global economy. I am very proud of everyone in Michigan who is working hard and bringing things back.

Our auto companies have made an incredible comeback. G.M. is, once again, the world's largest automaker. Ford is investing billions of dollars in Michigan plants, and Chrysler is reminding the country that the very best cars and trucks are imported from Detroit. I am so grateful for all the sacrifice and hard work of our workers who have helped get our companies to this point.

It was great to hear President Obama talk so much about the future of Michigan's economy in his State of the Union speech. We are diversifying to support new technologies and new businesses. The President invited a Michigan worker, Bryan Ritterby, who lost his job in the furniture business at age 55 and was able to get retrained and have a new job at a wind turbine factory on the west side of the State. He said, ''I am proud to be working in the industry of the future.'' That came about because of the concerted effort of all of us working together not only to help General Motors and Chrysler but to focus on a manufacturing strategy of the future to make things in America.

The President talked about our leadership with clean energy manufacturing and advanced battery technology. In fact, Michigan is now No. 1 in new clean energy patents. We are doing so much in innovation. In fact, the U.S. Patent and Trademark Office is opening a new office in Detroit in July, which is the first satellite office in the country. I am proud to have offered the provision to name it the Elijah McCoy Patent Office, after an African-American inventor whose high-quality products and innovations gave rise to the expression, ''the real McCoy.''

On Michigan's 175th anniversary, there are so many reasons I am proud to represent our beautiful Great Lakes State, from our incredible waters to our tradition of manufacturing, to our great diversity in agriculture. We make and grow products in Michigan. We don't have a middle class in this country, we don't have an economy unless we do that, and Michigan is, once

again, leading the way. I am most honored to serve the great people of Michigan who are, without a doubt, the toughest, friendliest, hardest-working people in the country.

The author John Steinbeck once wrote of a trip he took to Michigan. He said, ''It seemed to me that the Earth was generous and outgoing here in the heartland, and, perhaps, its people took a cue from it.'' In fact, our people have.

Today, as we celebrate Michigan's 175th birthday, we have an incredible history to be proud of and an incredible future to look forward to.

Mr. LEVIN. Mr. President, the State of my birth, the State I am honored to represent in the Senate, the great State of Michigan celebrates its 175th birthday today. This landmark occasion is cause to reflect on Michigan's contributions to the greatness of our nation.

Michigan has never failed to excite imaginations. The great Civil War historian Bruce Catton, a Michigan native, once wrote that Michigan has always been less about the present than about our voyage to the future, ''to the fantastic reality that must lie beyond the mists.'' From the first European explorers who yearned to learn what they would find on the far lakeshore or around the next river bend, to the scientists and engineers who today are charting the technologies that will define our world for decades to come, Michigan has always helped to answer America's burning question: What comes next?

To a large degree, that voyage of discovery has always been about the growth of America's economy and the prosperity of her people. The lumber that built great cities in New York and Chicago came from our forests. The ores that fed the Industrial Revolution came from our Copper Country and Iron Mountains. The cars that put the world on wheels, and helped build America's middle class, came from our factories—as did the bombers and tanks that helped win World War II. And today, the exploration of new technologies in energy and transportation is helping to shape America's economy so that we can prosper in an extraordinarily competitive global marketplace.

Our State's identity is inextricably linked to the jewels that surround us: the Great Lakes. Their waters provide the drinking water that sustains us. They drive our economy. They help move goods to and from the far corners of the globe. They bring visitors to our shores. And they are a treasure trove of memories—of families sharing a picnic on the beach, of a kayaker's solo paddle through the mists of early morning, of a youngster's first successful cast of a fishing line or of a sunset walk along the water. We are custodians of the largest store of fresh water on the globe, and throughout our history, Michiganians have sought to exercise that responsibility with gratitude and care.

Michiganians have left an indelible mark on history, a mark that reaches far beyond our borders. The cry ''Remember the Raisin!'' rallied American troops to win the War of 1812, and Custer's shout, ''Come on, you Wolverines!'' helped turn the tide at Gettysburg. From W.K. Kellogg's cereal to Thomas Edison's light bulb to Henry Ford's assembly line, Michigan innovators have shaped the world around us. Michiganians helped to run the Underground Railroad and to lead the fight for civil rights. A Michigan woman, Sojourner Truth, changed the world by asking, ''Ain't I a woman?'' And a Michigan man in the White House, Gerald Ford, helped heal the wounds of division in the dark days of Watergate.

Michigan has given the world remarkable artists, from the poems of Philip Levine to the sounds of Motown. Michigan has given the world Magic Johnson's smile, Joe Louis's power and Derek Jeter's leadership.

Michiganians look back with pride on these 175 years. And we look forward with hope and anticipation to that always-approaching future that Bruce Catton described, to the fantastic reality that awaits our State in the years ahead. I hope my colleagues will join me in celebrating the 175th anniversary of Michigan statehood and the greatness ahead for our State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CITIZENS UNITED ANNIVERSARY

Mr. WHITEHOUSE. Mr. President, representing a State that is coming up on our 350th anniversary, I am delighted to salute the great State of Michigan on its 175th anniversary.

I rise to note the anniversary of an unfortunate event that is undermining the very core of our cherished democracy. This past Saturday marked the 2-year anniversary of the Supreme Court's disastrous 5-to-4 decision in a case called Citizens United v. the Federal Election Commission. With that feat of judicial activism, the conservative block of the Supreme Court gnawed a hole in the dike protecting our elections integrity, overturned the will of Congress and the American people, and allowed unlimited, anonymous corporate money to flood into our elections.

Senator MCCAIN recently called this ''one of the worst decisions in history.'' Senator SCHUMER said, at the time, ''One thing is clear; the conservative block of the Supreme Court has predetermined the outcome of the next election; the winners will be the corporations.''

It is no secret around here that big corporate interests long have had oversized influence in the legislative and executive branches. But Citizens United supersizes that influence so it threatens to overrun our elections. Here is how my home State newspaper, the Providence Journal, explained it:

> The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

This election year already confirms those fears. Senator MCCAIN noted earlier this month—and I will quote him again:

> I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold finance] law, that there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening . . . and I predict . . . that, in the future, there will be scandals because there is too much money washing around political campaigns now that nobody knows where it came from and nobody knows where it's going.

Senator MCCAIN got it right. Look at Iowa, New Hampshire, and South Carolina. This election cycle has been the coming-out party for the super-PACs, the so-called ''evil twins'' of candidates' campaigns.

Why evil twins? Because unlike candidates' campaigns, super-PACs can accept unlimited corporate cash. Unlike candidates' campaigns, super-PACs can hide the identities of who is funding them until long after the voting is over. Unlike candidate's campaigns, super-PACs can run vicious and misleading advertisements without anyone being accountable to the voters.

Super-PACs supposedly cannot coordinate their activities with the candidates' campaigns, but we all know this is pure fiction. In practice, they are run by close confederates of the candidates, fueled by the same donors and acting in perfect harmony with the campaigns and it is out of control. Through the date of the New Hampshire primary, super-PACs spent over $14 million, far more than the candidates' campaigns did themselves. Here is the problem: Corporations are not people. By refusing to acknowledge this, the Citizens United opinion has undermined the integrity of our democracy, allowing unlimited corporate money to drown out ordinary citizens' voices.

This is not just some unfortunate side effect of a longstanding right enshrined in our Constitution. This is new and novel. The Founders certainly did not consider corporations to be citizens of our democracy. Corporations are not even mentioned in the Constitution once. Indeed, private business corporations were actually rare at our Nation's founding.

As Justice Stevens noted in his dissent in Citizens United it is:

> Implausible that the Framers believed 'the freedom of speech' would extend equally to all corporate speakers, much less that it would preclude legislatures from taking limited measures to guard against corporate capture of elections.

So there is no case to support the Citizens United decision if one is an ''originalist.''

Federal laws have restricted corporate spending on campaigns since 1907. The principle that an inanimate business corporation is not allowed to spend unlimited dollars to influence political campaigns is a long-established cornerstone of our political system from Teddy Roosevelt, a century ago, to Senators MCCAIN and Feingold in our time, who won that bruising legislative battle for the 2002 bipartisan Campaign Reform Act. Citizens United overturned not just all that legislation but also overturned a long line of judicial decisions upholding those restrictions on corporate cash and elections. So there is no case based on precedent either.

Justice Stevens noted that ''the only relevant thing that has changed [since those prior precedents] . . . is the composition of this Court.''

The conservatives got a majority of five and they ran with it—judicial activism pure, plain, and simple. The activism appears pretty nakedly in the majority's finding of fact.

For starters, a Supreme Court is not supposed to make findings of fact. Its role is to review the factual record presented to it and interpret the law. But the Supreme Court's conservative bloc nevertheless made findings of fact in Citizens United. Here is one:

> We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

They just declared that to be true. So a company comes in, drops a couple million dollars to smear one candidate on behalf of the other in a closely contested race, and you don't think that other candidate is in the company's pocket? Please.

Say a year later that company comes back and it sits down quietly with the Congressman and says: Remember that ad we ran smearing your opponent last year that helped you win the election? Well, here is one we are going to run against you through a different, phony shell organization unless you vote with us on this bill. No possibility of corruption or the appearance of corruption? Please. It is ludicrous. It is patently false.

Here is another finding of fact by this bloc of judges:

> The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy.

If all we are doing is listening to the corporations, people are going to be fine with that. Please. Anyone in politics knows how phony that statement is. There are hundreds of thousands of pages to the contrary in the records of the previous Supreme Court decisions that were overturned and from legislative hearings.

Here is what the Senate said 100 years ago, speaking about corporate money in elections:

> The evils of the use of [this] money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government and calculated to promote purity in the selection of public officials.

This finding of the Senate was magically overturned by the Citizens United Five. Other courts are having trouble swallowing this phony factfinding.

The Montana Supreme Court recently rejected this false premise that underlies Citizens United. Here is what they said:

> Clearly the impact of unlimited corporate donations creates a dominating impact on the political process and inevitably minimizes the impact of individual citizens.

Now, that is true. But the conservative justices comprising the Citizens United Five had to make these unsupported findings of fact. They are the analytical linchpin of the Citizens United decision. Without the pretense that corporate money could never corrupt or appear to corrupt elections, the rest of their analysis falls to pieces, and they would never have been able to open the floodgates for the big corporations.

So they had to make these findings, even though the findings were contrary to precedent, contrary to common sense, contrary to fact.

Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections. Rhode Islander Charles—I will just use his first name—in Little Compton wrote to me:

> [i]t is wrong that someone who shouts louder or further, in this instance solely because they have more money, should drown out another person . . . [C]orporations have no problems getting their views aired.

Hope-Whitney in Bristol wrote to me:

> [j]ust the idea that a corporation is considered an individual in regards to politics goes against everything American to me . . . [T]hey have become the Emperors as they have the financial ability to be heard everywhere . . . I'd be willing to bet that a majority of their own employees do not agree with their political representation.

Elizabeth in Wakefield, RI, wrote:

> Big business should not control our elections. It is bad enough that they deeply influence our politicians through lobbyists.

Rhode Islanders, like Americans across the country, have had enough. In 2010, we came within one vote in this Chamber of passing the DISCLOSE Act, which would have at least kept the corporate cash from flooding our elections anonymously. This year, let's redouble our efforts to limit the damage done by Citizens United. We must if we are to preserve democracy of the people, by the people, and for the people from this tide of unlimited, unaccountable, and anonymous corporate money polluting the power of elections.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Minnesota.

Mr. FRANKEN. Madam President, I rise today to talk about one of the worst Supreme Court decisions in the history of the Court. Two years ago the Supreme Court handed down the landmark decision Citizens United, and with it they gave corporations a blank check to utterly destroy our political system. I wish to take a few minutes this afternoon to tell my colleagues about the practical impact of this decision and how it threatens our democracy and why we need to do something about it.

Let me start with the punch line. In Citizens United, the Supreme Court ruled for the first time that corporations are guaranteed the same free speech rights as real people to influence elections. I didn't say it was a funny punch line. The Court had previously held that money or campaign contributions are speech, so functionally that means the corporations are now able to spend as much money as they want, whenever they want, in any election in this country.

Let me tell my colleagues how.

My colleagues may have heard a lot about PACs. ''PAC'' is short for political action committee, and it is an entity that is separate from a campaign that can run political ads on issues or support or oppose a candidate. They can also give a limited amount of money directly to campaigns. The idea behind them is that if a number of citizens share views on issues, say, the environment, they can pool their resources, make their views known, and influence an election. They can run ads to call for the election of a candidate who supports those shared beliefs. But a PAC cannot coordinate with that candidate's campaign. It is not supposed to be an extension of that campaign.

Prior to Citizens United, corporations could get involved in the political process, but there were special protections in place. They couldn't use their money to make a direct contribution to a campaign, and they couldn't buy political ads to directly influence elections. Instead, they had to give money to a PAC, and how much they could give was very tightly restricted. Corporations could only use their treasury funds to pay to set up and administer a PAC and could not use any money to expressly advocate for the election or defeat of any candidate. Their executives, like all other individuals, could only write checks of up to $5,000 to these PACs.

Citizens United began the process of unraveling these protections when it was found that companies could give unlimited money to PACs for the purposes of running ads directly advocating for or against a candidate. This kind of activity is called ''independent expenditures.''

There is one line from the Supreme Court's opinion that I think is worth sharing with my colleagues, as Senator WHITEHOUSE did as well, because it highlights for me and for him just how absurd the thinking of the Court was on this case. It said:

> [I]ndependent expenditures, including those made by corporations, do not give rise

to corruption or the appearance of corruption.

I added the emphasis.

This one line that is so flawed and so out of touch with reality is what has spawned the complete unraveling of our campaign finance system, and it has opened the floodgates for political spending.

A subsequent case, FreeSpeechNow.org v. FEC, continued what Citizens United started by finding the contribution caps—the limits on what corporations and wealthy individuals can give to PACs—to be unconstitutional.

The combination of these two court cases is what gave rise to what is now known as a super PAC, and as a result many regular PACs have now given way to these super PACs. What does this mean in practice? It means that corporations can now give an unlimited amount of funds directly from their general treasuries to PACs and that those funds can be used to run ads supporting a candidate or running attack ads against their opponents. And because the cap on contributions to PACs was eliminated for individuals as well, now CEOs and other superwealthy individuals can write multimillion-dollar checks to influence elections. This entirely undermines the restrictions that were put in place on how much an individual or corporation can give to a candidate running for office. A person just gives however much they want to the candidate's super PAC, and they buy ads that support the candidate's election or, as we have seen a lot of lately, they run negative ads that smear another candidate.

A super PAC is not a new legal entity; it is just a PAC that started to bundle together these unlimited corporate donations with unlimited donations from super-rich individuals with the goal of supporting or defeating certain candidates. Let's be clear. These super PACs aren't about issues, they are about campaigning for candidates—even though they ostensibly can't coordinate with the official campaign and legally a candidate can't even force them to stop.

As so many people have noted, in this new political reality it would be unilateral disarmament—and ultimately electoral defeat—for elected officials to run away from super PACs. That is why the system needs to be changed.

But it gets even worse. In a post-Citizens United world, one often cannot even find out where the money is coming from. PACs and super PACs have to disclose several times a year where they get their money from, but companies often don't want us to know they are giving lots of money to elect or defeat someone, so they do something that looks like money laundering, except that it is legal. They might create and give money to a shell corporation which in turn donates to a super PAC. When you look at the records of the super PAC, which are published only about quarterly, you will see the shell corporation but not the original source of the money. A company might give money to one shell corporation which, in turn, could give money to another PAC, and so on, until it finally reaches the ultimate super PAC. With records published so infrequently, it is nearly impossible to trace back to the original corporation.

To make matters even worse, many super PACs have been able to get permission from the Federal Election Commission to delay their disclosure statements, rendering all of these supposed disclosures completely useless.

So back to the punch line. Corporations can now spend an unlimited sum of money to buy elections, and the American people generally won't even know about it. Corporations and superwealthy individuals no longer have to play by any sensible rules when it comes to the checks they write for campaigns. Citizens United ushered in the wild, wild west of political spending. But don't take my word for it. Let's look at some of the numbers.

In the 2010 election, outside groups spent over $280 million on political ads and other campaign expenses. This is more than double the amount spent by outside groups in 2008 before the decision, and it is more than five times the amount spent by these groups in 2006. The chamber of commerce alone spent more than $32 million on campaigns in 2010, which is more than any other single outside group, and it is nearly double the amount it spent in 2008. Outside groups spent more on political advertising in 2010 than the official Democratic and Republican Party committees.

But that was 2010, when corporations and the superwealthy were just beginning to understand the utility of this amazingly misguided decision. The last several months have given us example after example of what big money can do to control the political process.

Now, I may not agree with the views of all of the Republican primary candidates—or any of them, for that matter; some of them individually, maybe, but not as a whole—but I do believe that everyone deserves a fair shake when they run for office. And a fair election is just not possible when corporations and wealthy individuals can swoop in and drown out the voices of hundreds of thousands of Americans with a single fat check.

Madam President, I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRANKEN. Former Speaker Newt Gingrich pulled off a surprise win in South Carolina. But I would venture to guess it wouldn't have happened if Mr. Gingrich's super PAC hadn't received a $5 million check from one guy, a multibillionaire from Las Vegas. This super PAC, also known as the group Winning Our Future, used the money to pay for attack ads against former Governor Mitt Romney. Just a few days ago, it was announced that the wife of this same billionaire wrote another $5 million check to Mr. Gingrich's super PAC to help him out in Florida. Now, I wish I could offer an example of a company writing a similar check, but as I mentioned before, there is just no way of knowing if they did or didn't because they don't have to disclose it and they can take steps to hide it. But this example of two $5 million checks from one couple who just happened to be willing to talk about their donations should show just how big we are talking about. This is very, very big money, and it is happening now.

To be fair, Mr. Romney has his own super PAC called Restore Our Future, and it is currently outspending every other PAC in Florida by 20 to 1. I wish I could tell my colleagues how this is possible, but the first disclosure statement for this campaign season won't be out until the end of this month, and even then it will be hard to trace it back to individual companies or people through all the shell corporations and other PACs.

This is only the beginning. Hold on to your hats. Over the next 10 months, I predict we will not just see a flood, but we will see a tidal wave of political spending by corporations and the wealthiest of the wealthiest Americans, the vast majority of whom are also running these corporations. And what will this mean? It means it will be hard for $25 individual contributions to make any impact when compared to a single $5 million check from a superwealthy and super-self-interested individual. Your voice and the voice of millions of Americans like you will be overwhelmed by the voice of a corporation or ''uber'' wealthy individual who can write multimillion-dollar checks without blinking an eye. All of this is going to happen under a shroud of secrecy.

We may not know who is bankrolling these groups, but we do know who is hurt by them, and it is all of us—Democrats and Republicans alike. No matter where one's ideology falls or with what political party one associates, I think people will agree with me that this process isn't fair. It isn't right, and it is something we need to change.

Congress tried to do something about this a little over a year ago when we took up CHUCK SCHUMER's DISCLOSE Act. Despite overwhelming public support for disclosure laws, this tremendous piece of legislation did not pass. It failed in the Senate by one vote. I am sad to say that every Democrat voted for it and every Republican voted against it. That is a very disappointing outcome because this is an issue that affects candidates of both parties. It is one we should all be able to get behind.

We are all hurt by corporations that can write enormous checks to their favorite politician, and we are all hurt when wealthy individuals can shield their contributions from the public by donating to shell groups and phony organizations that do nothing but pass

those dollars on to help the candidate of their choice. This is a matter of transparency and accountability and fairness which should cut across the entire political spectrum.

Although we may not agree on everything, I do think we can all agree we need to do more to bring greater transparency to the election process. A number of my Republican colleagues agree with me—and had agreed for years before the Supreme Court further unraveled restrictions on corporate spending.

I will read one of the quotes. A good friend of mine, Senator JEFF SESSIONS, said:

> I don't like it when a large source of money is out there funding ads and is unaccountable. . . . To the extent we can, I tend to favor disclosure.

I could go for minute upon minute upon minute reading these quotes. I will not in the interest of time.

So this is a problem we all need to recognize, we all need to deal with. Republican Presidential candidates are dealing with it now, but soon it will be the Democrats' turn. So I have teamed up with a number of my colleagues, many of whom will be speaking today, to see that Congress can take up legislation where we disclose, where we have greater transparency for this out-of-control spending. We are going to work hard to bring our Republican colleagues to the table and get their agreement on a path forward. Disclosure will not fix all the evils of Citizens United, but it certainly will be a step forward. I hope my colleagues will join with us in this effort, and I hope to be back on the floor many times on this issue.

Madam President, I thank you for your indulgence because I have run out of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Minnesota. As he was eloquently telling us, last Saturday was the 2-year anniversary of the Citizens United Supreme Court decision that caused our democracy to take a giant step back from the values we hold dear in this country. It was a ruling that overturned decades of campaign finance law and policy, allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy, and blew the door wide open for foreign corporations to spend their money on elections right here in the United States.

That disastrous decision opened loopholes in our campaign finance laws big enough for the biggest corporations and wealthiest Americans to drive truckloads of anonymous money right through, and as we have seen over the last 2 years, that is exactly what they have done. Tens of millions of dollars have flooded our electoral process, with no transparency, no accountability, no way for the American people to know where it is coming from or who would benefit from the policies being advocated. This is wrong. It is not the way elections in America are supposed to work.

We are a country that believes very strongly that every voice deserves to be heard. If you have a good idea, you can go out and talk about it. If your fellow citizens agree with you, they can stand with you. They can tell their friends and their neighbors and vote for you or in support of the issue. That is one of the foundations of our great democracy. Today it is being subverted. The Citizens United ruling has given special interest groups and the wealthiest Americans a giant megaphone to drown out the voices of ordinary citizens across America—to spend unlimited money and do it with no transparency, no accountability.

This is a personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of average Washington State families were being represented. They made phone calls. They went door to door. They talked to families across my State who wanted more from their government. Well, we ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But to be honest, I do not think it would have been possible if corporations and special interests had been able to drown out their voices with a barrage of anonymous negative ads.

My story is not unique. In every election across the country, ordinary citizens make the decision to get involved in the political process. They lace up their shoes, hit the streets, and make their case to their fellow citizens. They ask their friends and their neighbors for financial support to help them spread their ideas. And they publicly—publicly—release the names and contributions of everyone who supports their campaign.

These men and women come from all different walks of life, and they each have their own reasons for running, but for most of our Nation's history, they had a shot. They could compete. Ordinary Americans who wanted to get involved in public service to improve their community or their State or their Nation could do that because their voice could be heard. But if Citizens United is allowed to stand, these Americans are going to be drowned out and beaten down by the onslaught of unlimited and anonymous money special interests can throw into races to support the candidates who agree with them, the candidates who will be good for their own bottom line and who will not threaten the loopholes and subsidies or tax breaks from which their financial backers profit. This is wrong. It needs to end.

Last session, I was proud to support legislation—the DISCLOSE Act—that would shine a bright spotlight on this process and force special interest groups and CEOs to take responsibility for the ads they put on the airwaves—the same way candidates do. That bill would have strengthened overall disclosure requirements for groups that are attempting to sway our elections. It would have banned foreign corporations and special interest groups from spending in U.S. elections, made sure corporations are not hiding their election spending from their shareholders, limited election spending by government contractors to make sure taxpayer funding is never used to influence an election, and would have banned coordination between candidates and outside groups on advertising so corporations and special interest groups can never sponsor a candidate.

That bill was blocked on the Senate floor last session, but we cannot give up. We need to overturn Citizens United and hand democracy back to our citizens. Anyone who believes special interest groups and big corporations should not be able to spend unlimited money influencing our elections without any accountability or any transparency should support this effort. Anyone who believes foreign entities should have no right to influence U.S. elections should stand by our side. And anyone who agrees with Justice Brandeis that ''sunlight is the best disinfectant'' should drop their opposition to this and work with us to get this done.

Throughout the history of our great Nation, ordinary citizens have had a strong voice in our electoral process. The Citizens United decision is a threat to that critical foundation of or democracy, and 2 years later, it is clearer than ever that we cannot allow it the stand. So I thank all of our colleagues who are speaking out here on this floor and vow to continue to work with them to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to follow the distinguished Senator from the State of Washington who has spoken so powerfully on this issue, which is especially appropriate at this time because we do mark the 2-year anniversary of the U.S. Supreme Court's momentous and misguided decision in Citizens United v. Federal Election Commission. That decision strikes at the core of democratic ideals and principles, not just because it opens the floodgates for money that can drown out the voices of millions of ordinary Americans in the political process, but it also demonstrates the results of judicial activism at its worst. In that case, the Court, by a 5-to-4 margin, held that corporations have a first amendment right to spend unlimited amounts of money in the service of political candidates and that those rights cannot be abridged by placing limits on their

independent spending for political purposes.

This decision not only expanded the ability of wealthy individuals and large corporations to flood out the voices of millions of ordinary Americans, it also reversed nearly a century of existing law and struck down the validly approved—by this Congress—Bipartisan Campaign Reform Act, approved in 2002. The purpose of that act was to limit the corrosive influence of money on our political process that has been discussed and denounced by Members of this body again and again and again and by the President of the United States as recently as a couple nights ago.

This decision, in my view, was wrong as a matter of law as well as policy. It enables unlimited anonymous money to be contributed in support of or opposition to candidates. It allows the wealthy and powerful to have a disproportionate voice in the most important and fundamental aspect of our democracy—a free and fair election that counts everyone's vote equally.

The shock waves of that decision in Citizens United are reverberating now with increasing impact throughout our political system. We can see them every day, literally, in the ads that appear on TV in major markets in the primary States and throughout the country that could and would—might as well be in the voices of the candidates themselves. Outside groups spent four times as much money in the 2010 midterms as in the 2006 midterms—nearly $300 million. Nearly half of the money spent in the 2010 elections was spent by just 10 groups. Outside spending per race tilted in favor of the winning candidate in 60 of the 75 contests last year where power changed hands. This impact is visible and tangible, undeniable in our political process. It is right before us, as visible as the desks and people in this Chamber. That impact can be expected to grow dramatically in 2013, as spending in the Presidential years is typically much higher than in the midterm elections.

According to opensecrets.org, which tracks political spending, as of today, 296 groups organized as super PACs have already reported spending nearly $41 million on the upcoming election. These super PACs are banned from explicitly coordinating with the candidate they support, but they are operated and controlled by supporters, many of them former staff members. Their collaboration and confederacy are no less impactful because of that rule barring explicit coordination.

We must act to limit the destructive effects of Citizens United before it permanently alters the nature of our political system, undermining it forever and eviscerating the fundamental rights and freedoms that are protected by our Constitution.

I am a strong proponent of legislative proposals to force corporations and individuals to disclose their enormous donations and expenditures to the public—a number of them have been mentioned by my colleagues—and I support them. The Supreme Court's opinion in Citizens United naively argued that voters could readily learn the identity of companies behind these corporate-funded political advertisements. But the fact is otherwise.

Nearly half of the $300 million spent by outside groups in 2006 came from groups that did not disclose their funding source. We must pass disclosure legislation immediately to at least allow sunshine to rein in the worst excesses of this new system, to give ordinary Americans the knowledge they need so that disclosure protects their freedom.

But I also believe we need to go further, and that is why I am a cosponsor of the constitutional amendment that would reverse this decision. The amendment, S.J. Res. 29, would reiterate what we all believed the law to be before Citizens United. That resolution clarifies, and the amendment would do so, that Congress does indeed have the power ''to regulate the raising and spending of money and in kind equivalents with respect to Federal elections and that States have the authority with regard to State elections to do the same.''

I know that amending the Constitution is not easy, and supporting a proposed amendment is not something I do lightly. But, unfortunately, the Supreme Court has clearly demonstrated that it will permit unchecked corporate power over elections, and the task is then for Congress and the States and the people to restrain such spending and thereby rein in the Supreme Court.

Many have seen Citizens United as an expression of the U.S. Supreme Court's judicial activism in favor of well-funded and well-lawyered corporations, often at the expense of vulnerable Americans, and there is support for that view of the Supreme Court trend in decisions.

In AT&T v. Concepcion, it expanded the ability of companies to force consumers into secretive binding arbitration agreements. In Wal-Mart v. Dukes, it restricted the ability of similarly situated persons, including female employees who faced discrimination in the workplace, to ban together and seek redress against a powerful company.

In PLIVA v. Mensing, a case involving a woman who sustained injuries from a drug company's failure to properly disclose the risk of a generic drug, the Court sided with the drug companies, holding that a generic drug company is not liable under State law for failing to notify the FDA or the consumer about newly discovered risks of the drug.

In Sorrell v. IMF Health, the Court overturned a Vermont law intended to prevent improper and invasive practices of drug companies tracking doctors' prescriptions to patients. Just 2 weeks ago, in CompuCredit v. Greenberg, the Court halted a class action lawsuit by consumers who signed up for a credit card marketed to individuals with poor credit histories. Each of those decisions and others has been interpreted as part of a pattern that led the Senate Judiciary Committee to hold a hearing a few months ago entitled: ''Barriers to Justice and Accountability: How the Supreme Court's Recent Rulings will Affect Corporate Behavior.''

But more important than that perception and the appearance of that favoritism in judicial activism is the activism itself, the potential overreaching that undermines the faith and confidence of people in the Court. Citizens United exemplifies judicial activism at its worst. People want limits on the corrosive and corrupting influence of money. They want restraints on the power of corporations and wealthy individuals to fund——

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

Mr. BLUMENTHAL. I ask unanimous consent for 2 additional minutes.

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

Mr. BLUMENTHAL. In closing, people speak through their legislature. The judiciary struck down a measure through which the people spoke to place those limits on the ability of corporations to shape results, and the judiciary now should be overturned through a constitutional amendment that restores the Democratic voice of the people as a whole.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon State.

Mr. MERKLEY. Madam President, my colleagues and I come here today to speak out against the hijacking of American democracy by powerful special interests. It was 2 years ago this last Saturday that the Supreme Court found in Citizens United that unlimited secret funding of campaigns in America is just fine. This is not an opinion shared by Americans who understand that secret donations corrupt the electoral process. It is not an opinion shared by virtually everyone who serves in this body, who has come to this floor and talked about transparency and accountability. Certainly it is a viewpoint that would be very strange to the authors of the Constitution.

What are those first beautiful three words of the Constitution? Are they, ''We the powerful''? Are they, ''We the special interests''? No, they are not. Those three words are, ''We the people.'' Virtually every schoolchild in America can tell you that. ''We the people.'' That is what American democracy is all about.

The entire Constitution is written for the prosperity and success for the rights of the citizens of the United States of America. Indeed, it was President Lincoln who captured the genius of American democracy in this phrase: A government of the people, a government by the people, for the people.

Citizens United is the opposite. Secret unlimited donations are an instrument of the powerful. Secret unlimited donations are an instrument of very large companies. Our Constitution honors free speech. The first amendment is about free speech. It recognizes how important it is that citizens are able to openly debate the merits of candidates and the merits of ideas. But the action of the first amendment is that competing voices must be heard and measured against each other in a marketplace of ideas. But that falls apart under Citizens United.

Under Citizens United, the torrent of cash amounts to the equivalent of a stadium sound system drowning out the voices of the people. Let me give you an example of what I am talking about. If you were to take a very successful company in 2008—I will choose one, Exxon, a very profitable company—if it had spent 3 percent of its net profits in 2008, that money would have been equal to the money spent by all Americans on the Presidential campaign. One company, one board room, one proposal, spending 3 percent—only 3 out of 100—of the net profits, equivalent to all money spent by all of the rest of America on a Presidential election. That completely corrupts the concept of a government of the people, by the people, and for the people.

Now, in 2012 we are seeing the results. I am going to put up a chart. Take a little comparison. We see that spending in 2008 at this point in the campaign was about $23 million. About half of that, where these blue arrows come to, was coming from independent expenditures. The other half was coming from candidates and parties.

Well, here we are 4 years later, post-Citizens United. Look down here, and you will see the very small amount that comes from candidates and parties. You will see this enormous part of the funding coming from independent parties. Ninety-five percent up to this point is coming from independent parties. Well, the number went from 26 to 45, and the amount spent through the ordinary system has dropped massively. This is the special interest impact on American elections. This is the impact of the powerful on American elections.

Now, let's look at the campaigns to date for the Presidency. The Iowa caucuses: Newt Gingrich started to rise to the top of the polls, but then super PACs supporting Mitt Romney weighed in. They came to town and they spent a huge amount of money. When caucus night came, Gingrich lost, and he lost badly.

Newt Gingrich commented, ''For a State this size,'' referring to Iowa, ''to spend that number of dollars in negative ads aimed at one candidate is pretty amazing.''

It is amazing and it is effective. The story changes when Newt Gingrich had a super PAC of his own that came in with $5 million in South Carolina. Instead of being defeated, he won. The pattern is clear. The message is clear: The vast expenditures of secret powerful money make an enormous difference in who wins elections.

Why is this corrupting? Every person on this floor, every one of us sees that pattern. Everyone running across this country sees that pattern. It means, when the powerful come to an individual and say: You are going to run. This is my position. Will you not back it? And they know that company can put millions into their race, that corrupts the process.

When a bill is on the floor of this Chamber and someone knows the person backing that bill can spend millions of dollars in the upcoming race, that corrupts this process. That is not what American democracy is all about. So we must change that. We must have full disclosure of donors. We must have timely disclosure of donors. We must have commonsense limitations on how money is raised and how it is spent. That is why with others, I have joined to back Senator TOM UDALL's constitutional amendment that makes it very clear that is exactly what can be done.

This does not constrain speech; this makes free speech work as designed in the Constitution for the citizens in a government by and for the people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I commend my colleague from Oregon for his statement.

Mr. SCHUMER. Would the Senator yield?

Mr. WYDEN. I would yield.

Mr. SCHUMER. I ask unanimous consent that I be allowed to speak immediately after Senator WYDEN for no more than 5 minutes.

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

Mr. WYDEN. I thank the Senator from New York for his courtesy. I too will be brief. It is an extraordinary honor to represent Oregon in the Senate. Having this special privilege, I have tried to make the lodestar of my service transparency and accountability. It is why I worked with the distinguished Senator from Missouri Mrs. MCCASKILL to end secret holds in the Senate.

I have had more than 600 open town meetings. That is why we take legislative drafts and put them online so citizens can comment wherever possible. It is all about transparency and accountability. Today's campaign finance system is neither. It is not transparent, it is not possible for Americans to see who is giving what sums to what particular candidate, and there is no accountability—certainly no accountability in the sense that when people go to the polls in Vermont or New Hampshire or New York or anywhere else people know who has given a donation so that they can factor that in to their political judgment.

With the explosion of mass media, the tradition of negative campaigning through pamphleteers and partisans has grown and grown to the point where the typical voter cannot find a way to avoid the flood of half truths and outright falsehoods. It becomes even harder to send the message that voters want; that is, we made our choice because we have full and complete information.

Now, all of this was getting worse until the Congress came together to take two steps. The first was Congress enacted regulations of independent expenditures and eliminated the so-called soft corporate money that had begun to overwhelm the process.

The second step—and I want to thank Senator COLLINS from Maine for working with me on this issue—is we passed what is called ''stand by your ad.''

This is the law that requires candidates who sponsor political ads to take individual responsibility for their ads and state in the ads that they ''approve this message.'' I thank Senator SCHUMER, who has been a champion for this kind of accountability for years.

That is where we were until the U.S. Supreme Court's decision in Citizens United drove the system right back into the mud. Through this decision, the Supreme Court has seen fit to create what amounts to a new route for massive sums of unreported, unaccountable, and unacceptable spending to drown out any responsible discourse. In my view, this decision degrades our democracy and creates the appearance that the American Government is simply up for sale to the highest corporate bidder.

This decision by the 5-to-4 majority on the Supreme Court overturned almost a century of precedent and undermined the intent of the Founders. The decision, in my view, reflects a lack of understanding about a political process and an inability to see the corrosive effect of massive and hidden expenditures.

Justice Kennedy, in the decision, specifically said this:

> We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

In effect, it was the opinion of the Court that if Disney or Comcast or British Petroleum spends $20 million in an otherwise $10 million Senate race advocating one candidate, that newly elected Senator will not even have the appearance of working in their corporate interests instead of the public interest. In my view, that kind of reasoning does not pass the smell test. This is the sort of decision that ought to be left to the branch of government with constituents who understand not just the theory but the reality of elections.

It is incumbent upon the Congress, whose members do understand the electoral system, to begin the process of restoring balance to the mechanisms of democracy. This needs to be done before our elections are entirely overrun by shadowy interests warring unchecked, using the political system and American voters as pawns.

My final point is that I do not reach this judgment lightly. I believe constitutional amendments ought to be reserved for those situations when the delicate balance set up by the Founders has been upset by time, circumstance, or, in this case, a sudden and ill-considered change in the jurisprudence that governs our system. That is the situation we face today, and it is why I have decided to add my name to the sponsors of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to again call for increased disclosure of campaign contributions and expenditures so the American people are informed about who is spending in our elections.

I thank my colleagues from Oregon, Senator WYDEN and Senator MERKLEY, for their good remarks, as well as many of the others who have spoken.

This week marks the second anniversary of the Supreme Court's appalling decision in Citizens United, in which Chief Justice Roberts and his cohort of activist judges overturned a century of legal precedent and created a flood of special interest group spending coursing through the veins of American elections.

It is my view this decision has done more to poison our politics than most any other in recent times. In fact, some have argued this is the worst decision the Supreme Court has made since Plessy v. Ferguson. I agree a great deal with that argument.

The Court's decision created a loophole that allowed entities to create groups to serve as a conduit to anonymously funnel money and mislead the public about their true motives. The decision has also led to the creation of super PACs, which are not only able to receive unlimited contributions and spend money at unprecedented levels, they are able to do so without accountability, working under the protective shadow of anonymity. As a result, a multimillionaire individual, corporations, and labor unions could spend $1 million or $5 million or $10 million against a candidate because they didn't like his or her stand on the environment, but all the ads would talk about would be, say, gay marriage. Nobody would know where the ads came from.

What the decision does is make our people feel more and more distant from our politics and our government. That is corrosive—vituperatively corrosive for any democracy. What has happened since this decision is appalling. I sometimes wonder what our Supreme Court Justices are thinking as they watch what is happening. Can they hide up in their ivory tower and say this is the first amendment at work? They know better than anybody that no amendment is absolute. They know we can't scream fire falsely in a crowded theater and we have libel laws, child pornography laws, and other kinds of laws that balance the needs of the first amendment with other societal needs.

One of the foremost needs of our society is for a fair functioning democracy, where there is some semblance of equality, that each person who votes has the same weight in the system. We know money counterbalances that fundamental fairness, but never has the balance been so put out of whack as by this decision. This decision—it is hard to believe that our Supreme Court Justices, whatever their ideology, went for this. I hope some of them are paying attention.

To be honest with you, I sat behind the Supreme Court Justices at the State of the Union Address. I was so tempted to talk to them about this, but I wasn't sure if that was appropriate protocol. I hope they are listening today—particularly Justice Kennedy, the swing vote, who wrote the majority decision. I hope they will listen to what we are saying because what they are doing is undoing our democracy. It is that fundamental.

In short, the Citizens United decision represents one of the most corrosive and destructive changes in law that has occurred in recent memory. Democracy is already struggling to stay afloat in a sea of powerful special interests, and this decision is an anchor around its neck.

In my judgment, there is no more important step we can take to ensure America's continued greatness than to fight back against this deeply flawed decision allowing anonymous special interests to subvert democracy. The need for reform is urgent.

Last Congress, I sponsored the Disclose Act to foster effective disclosure. I pledged my continuing commitment to fight for disclosure legislation in this Congress. The Disclose Act failed to get cloture by one vote. I hope the level of unmitigated spending in the Republican primary has changed the minds of the opponents. As we have seen, we now have a system where a single person can change the course of an election. That is a system more like monarchy than a democracy.

This is not a partisan issue. There are super PACs and other kinds of anonymous giving on both sides. In fact, two of the leading candidates for the Republican Presidential nomination called super PACs ''totally irresponsible, totally secret'' and ''a disaster . . . [that] makes a mockery out of our political campaign season.'' That wasn't me or Senator SHAHEEN or BERNIE SANDERS speaking. One quote came from Newt Gingrich and one quote came from Mitt Romney.

Disclosure will lift the curtain of secrecy and at least reveal the true identity of these organizations. One of the Supreme Court Justices' predecessors, Justice Brandeis, said, ''Sunlight is the greatest disinfectant.'' People would not have malicious, pernicious, and false ads if they had to disclose who they are. It is plain and simple. But if you can hide behind the shroud of secrecy and put unlimited money into these campaigns, as the Supreme Court decision allows—and we have not changed it because our colleagues on the other side are even against disclosure, which, of course, is allowed by the law—the American democracy gets weaker.

Even eight of the nine Justices, in the activist and overreaching decision in Citizens United, agreed that the American people deserve meaningful disclosure. That makes the decision even more galling because they didn't require disclosure or limit what they did in light of the fact that we don't have disclosure, as they wrote. The Court found, though, that there was a strong governmental interest in ''providing the electorate with information about the sources of election-related funding.''

In conclusion, we cannot afford to be complacent while our democracy is under attack. The effect of the Court's decision is clear. The flood of secret money has begun cascading through our election system, and the American people need us to act. Spending by special interest groups must be checked, and the very least we can do is demand that these groups step into the light and identify themselves.

The Citizens United decision is a poison coursing through our body politic and disclosure is the antidote.

I yield the floor. If Mr. COATS is not here, with the permission of the minority, I ask unanimous consent that the Senator from New Hampshire be allowed to proceed immediately after me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, to all of my colleagues who have come to the floor today to talk about the critical nature of spending in our campaigns, I say I am pleased to join them to talk about the importance of preserving our representative democracy by restoring some commonsense restrictions to our Nation's campaign finance system.

As we have heard, Saturday was the second anniversary of the Supreme Court decision in the case of Citizens United v. The Federal Election Committee. Already we have seen how that decision has altered the landscape of politics in this country.

When the Supreme Court struck down limits on corporate financing of elections, it ushered in the age of the super PAC. These so-called super PACs can raise and spend unlimited amounts of money during political campaigns with very limited disclosure requirements.

This election cycle the floodgates have opened. Super PACs have already spent over $30 million in the 2012 cycle, and the election is still 10 months away. That amount of money is staggering.

When I was home over the holidays in New Hampshire, before our Presidential primary, I witnessed firsthand that influx of corporate cash and what

it does to the Presidential election. Negative ads paid for by the super PACs contributed to disaffecting our voters and drowning out the voices of the people, those ordinary, everyday citizens of New Hampshire who aren't able to put in tens of thousands of dollars, in some cases millions, to affect the outcome of an election.

This has to stop. This is not a partisan issue. The commonsense restrictions that were struck down in the Citizens United decision were part of legislation like the Bipartisan Campaign Reform Act of 2002, otherwise known as McCain-Feingold. That thoughtful legislation which had broad, bipartisan support limited soft money and corporate funding of political ads and campaign spending in a way that made sense.

Our campaign finance system has gotten way off course. It is time for us in the Congress to help put it back on track. The unchecked influence of money in our elections compromises the very future of our representative democracy.

The monied special interests and corporations have been given free rein to spend unlimited amounts of money during campaigns, and they do not need our help being heard. It is homeowners struggling to pay their mortgages, parents who want to send their children to college but aren't sure how they can afford it, and unemployed workers who are looking for jobs and hoping tomorrow will be better than today—those are the voices that are being drowned out in a sea of corporate and special interest cash, and those are the voices of the American people who need to be heard in Washington.

So on the second anniversary of this decision, as we think about what we need to do to address this and to change the negative direction it is taking this country, I urge all of my colleagues to turn their attention to this important work and to reach across the aisle to build consensus on this issue. Let's all tell the American people that we hear their voices calling for change.

I look forward to speaking with all of my colleagues in the coming weeks and months about the specific approaches we can take to repair our broken campaign finance system, and I hope we will have the courage and the commitment to do something about this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I very much appreciate joining all my colleagues on the floor who have been speaking about the Citizens United case. I think what we are seeing in the Senate is what we are seeing in the country. The citizens of this country are concerned about unlimited corporate funds in campaigns, and Senators who are also concerned about that are standing and speaking out, as I know our Presiding Officer has, and are offering constitutional amendments in trying to resolve the situation we have before us.

Two years ago this week, the Supreme Court issued its misguided decision in Citizens United v. FEC. Citizens United was a victory for special interests at the expense of the average American. It held that corporations deserve the same free speech protections as individual Americans. It enables these corporations to spend freely from their treasuries on campaign advertising. It also gave rise to so-called super PACs that we are seeing too much of. These super PACs can raise and spend unlimited funds to campaign for or against candidates.

Now, what do we mean by corporate treasuries and super PACs? Let me cite an example. Exxon—the large oil company—has $80 billion in its corporate treasury. If Exxon wanted to go out and create a super PAC or contribute to these 200-plus super PACs that are out there to the tune of $80 billion, it could do it. That is what the Supreme Court opened in terms of its ruling.

The toxic effect of this ruling has become brutally clear in the last 2 years. The Citizens United decision opened the floodgates to unprecedented campaign spending, drowning out the voices of ordinary Americans. Huge sums of unregulated, unaccountable money are flooding the airwaves. An endless wave of attack ads, paid for by billionaires, is poisoning our political discourse. The American public—rightly so—looks on in disgust. As we head into the election year, this bad situation will only get worse. The checkbooks are out, and the money is gushing. Citizens United really means citizens denied—denied a fair playing field, denied an equitable influence in our political system, denied their right to be truly heard, and denied the right to even know who is spending all of this money.

While much of the focus this week is on Citizens United, we must realize that the corruption of our campaign finance system did not suddenly happen 2 years ago. The Citizens United decision sparked a renewed focus on the need for reform, but the Supreme Court laid the groundwork for a broken system many years ago.

In 1976, the Court held in Buckley v. Valeo that restricting candidate campaign expenditures violates the first amendment right to free speech. It established the flawed precedent that money and speech are the same. Since then, the influence of money has continued to play an increasing role in our Nation's elections. Sadly, in many cases, a candidate's ability to either raise money or self-finance can outweigh the quality of a candidate's ideas or dedication to public service.

The Buckley and Citizens United decisions, among others, demonstrate the Court's willingness to ignore longstanding precedent and declare our campaign finance laws unconstitutional. Because of this, I believe the only way to truly fix the problem is to first amend the Constitution and grant Congress clear authority to regulate the campaign finance system. In November of last year, I introduced such an amendment. I am proud to say it currently has 19 cosponsors and support continues to grow.

Our proposed constitutional amendment is broadly tailored and similar to bipartisan proposals introduced in previous sessions of Congress dating back to 1983. It would authorize Congress to regulate the raising and spending of money for Federal political campaigns, including independent expenditures, and it would allow States to regulate such spending at their level. It would not dictate any specific policies or regulations.

I chose my approach to not only overturn the previous bad Court decisions but also to prevent future ones. We don't know what a future Court may do. In Citizens United, the Court upheld campaign contribution disclosure requirements. A future Court might declare the same laws unconstitutional. Our amendment would remedy this problem by restoring Congress's authority—stripped by Buckley v. Valeo and subsequent decisions—to regulate the campaign finance system. If ratified, the amendment would ensure that campaign finance laws would stand constitutional challenges regardless of the makeup of the Supreme Court.

The text of my constitutional amendment and any of the others is less important right now than the concept. Hearings can be held, and the text can be worked out. That is really the easy part of a difficult process. What is harder to achieve—and something we rarely see in our country—is gaining the widespread support necessary to amend the Constitution.

The Citizens United decision was disastrous, and it may have been the very catalyst we needed to build a movement to amend the Constitution. There is a groundswell of support growing across the country for a constitutional amendment to rein in the out-of-control campaign finance system. City councils, from places as diverse as Los Angeles and New York to Missoula, MT, have endorsed resolutions calling on Congress to pass an amendment. Several grassroots organizations and coalitions have formed to advocate an amendment. Hundreds of thousands of citizens have signed petitions. Is it difficult to amend the Constitution? Yes, and it should be. But I believe the growing momentum demonstrates that this is the right time for Congress to act.

Our Founders did not intend for elections to be bought and paid for by secretive super PACs. Our Founders did not bequeath a government of the millionaires, by the millionaires, and for the millionaires. Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government.

We need to put elections back in the hands of average Americans and not in

the hands of special interests with unlimited bank accounts. We need to answer to the American people and not just to the privileged. Our Nation cannot afford a system that says ''come on in'' to the rich and powerful but then says ''don't bother'' to everyone else. The faith of the American people in their electoral system is being corrupted by big money. It is time to restore that faith. It is time for Congress to take back control. It is time for a constitutional amendment that will allow real reform.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

DRUG SHORTAGE CRISIS

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the drug shortage crisis that is continuing to spread across the country. I am proud to stand here today with my friend and colleague, Senator SUSAN COLLINS of Maine, who has been a leader on this issue and who shares my concern for so many patients who are struggling to find much needed medication. This is a crisis that has grown to such proportion that current drug shortages have impacted individuals all across the country, forcing some patients to delay their lifesaving treatments or use unproven, less effective alternatives. In some cases, drug shortages have even resulted in patient deaths. Enough is enough. We can no longer just simply talk about this issue and have meetings. We need to act.

Here is one story. A few months ago, I met a young boy named Axel Zirbes. Axel has bright eyes and a big smile. He also happens to have no hair on his head because he has childhood leukemia. When his parents found he had leukemia, and he was scheduled to start chemotherapy treatment last year, they learned that an essential drug—Cytarabine—was in short supply and might not be available for their son. Understandably, they were thrown into a panic, desperately looking for any available alternatives. They even prepared and made plans to take Axel to Canada, where the drug was still readily available. Fortunately, it didn't come to that.

But Axel and his parents are not alone. Earlier this month, I held a forum in Edina, MN, where a woman by the name of Mary McHugh Morrison shared her story of how she struggled with the shortage of the chemotherapy drug Doxil. When Doxil went into shortage last year, Mary was in the middle of her chemotherapy regimen and was shocked when her doctor told her they had actually run out of the drug necessary to continue her treatment. This is in Minnesota, where we have excellent health care, as you know, Mr. President. Literally, they ran out of the drug in the middle of a chemotherapy treatment.

While trying to get herself added to a wait list, Mary was able to call around to other hospitals and clinics in her area in search of any available Doxil and was able to find extra treatments four separate times. She actually talked to the forum about how she grappled with the ethics of the fact that because she knew people and was able to call around and get this, that she was taking this limited drug out of supply for herself and not for other patients.

However, because of a few delays in the treatment, Mary's doctor told her that her tumor had, unfortunately, returned and that she was no longer responding to Doxil. She is now going without treatment and, depending on her health condition, could be placed on a clinical trial at the Mayo Clinic in March.

But these shortages aren't just affecting cancer patients. There are also shortages in drugs that help people improve their quality of life. Just this week, the Minneapolis Star Tribune reported that hundreds of patients in the Minnesota Sleep Disorder Center at Hennepin County Medical Center have suffered a shortage of Ritalin, Adderall, and their generic equivalents. These shortages have had significant impacts on these patients' quality of life, oftentimes forcing them to pay hundreds more dollars for expensive alternatives or professionals risking their careers to adjust to their diseases and spending extra hours and days of time trying to find ways to fill their prescriptions or their pharmacists doing that or their doctors doing that or their nurses doing that. We know how difficult this health care system is anyway, and now we are putting patients in this position and wasting the time of medical professionals to find drugs that should be readily available.

These are just a few examples of real people who are just trying to deal with their disease, and there are many more like them.

Across the country, hospitals, physicians, and pharmacists are confronting unprecedented shortages. Many of these are generic drug products that have been widely used for years and are proven effective. Many of them are for cancer. The number of drug shortages has more than tripled over the last 6 years—and if you don't believe my stories, listen to this—jumping from 61 drug products that were in shortage in 2005 to more than 200 last year. That is not 200 instances, that is 200 different kinds of drugs that affect hundreds of thousands and millions of patients across this country. A survey by the American Hospital Association found that virtually every single hospital in the United States of America has experienced shortages of critical drugs in the past 6 months. More than 80 percent reported delays in patient treatment due to a shortage. These aren't just a few stories that come into our office anymore, these are the facts.

For some of these drugs, no substitutes are available or, if they are, they may be less effective and may involve greater risk of adverse side effects. The chance of medical errors also rises as providers are forced to use second- or third-tier drugs with which they are less familiar.

A survey conducted by the American Hospital Association showed that nearly 100 percent of their hospitals experienced a shortage. Another survey conducted by Premier Health System showed that 89 percent of its hospitals and pharmacists experienced shortages that may have caused a medication safety issue or error in patient care.

It is clear that there are a large number of overlapping factors that are resulting in unprecedented shortages. Experts cite a number of factors that are responsible. These include market consolidation and poor business incentives, manufacturing problems, production delays, unexpected increases in demand for a drug, inability to procure raw materials, and even—and this is a new phenomenon—the influence of a ''gray market,'' where middlemen are literally hoarding the drugs because they have heard there is going to be a shortage.

Financial decisions in the pharmaceutical industry are also a major factor. Many of these medications are in short supply because companies have simply stopped production. They decided it wasn't profitable enough to keep producing them. Mergers in the drug industry have narrowed the focus of production lines. As a result, some products are discontinued or production has moved to different sites, leading to delays. When drugs are made by only a few companies, a decision by any one drugmaker can have a large impact.

To help correct a poor market environment or to prevent ''gray market'' drugs from contaminating our medication supply chain, we must address the drug shortage problem at its root. Last year, I introduced the Preserving Access to Life-Saving Medications Act to address this issue. With the support and leadership of Senator COLLINS, Senator BOB CASEY, and others, this bipartisan bill would require drug manufacturers to provide early notification to the FDA whenever there is a factor that may lead to a shortage. This will help the FDA take the lead in working with pharmacy groups, drug manufacturers, and health care providers to better manage and prepare for impending shortages, more effectively manage those shortages when they occur, and

minimize—and that is what we want to do—their impact on patient care. The legislation would also direct the FDA to provide up-to-date public information of a shortage situation and the actions the agency would take to address them.

Additionally, the bill requires the FDA to develop an evidence-based list of drugs vulnerable to shortages and to work with the manufacturers to come up with a continuity of operations plan to address potential problems that may result in a shortage. The bill would also direct the FDA to establish an expedited reinspection process for manufacturers of a product in shortage. With manufacturers providing early notification, the FDA's drug shortage team—and they do now have a drug shortage team—can then appropriately use their tools to prevent shortages from happening.

If you think this wouldn't work, in the last 2 years the FDA, with more information, has successfully prevented nearly 200 drug shortages. So it does work when they get the information. But nothing requires them to get the information, and that is what we are trying to do today. It is not the end-all, be-all solution for the long term, but at least in the short term, when these patients are experiencing these drug shortages that can impact their treatment, that can impact their lives, it gives the FDA that extra tool to look for alternative drugs. If they can't find them in this country, maybe they can find them in Canada. But it puts the patient first, not the drug companies.

At the urging of the bipartisan work group I have been involved in, the FDA held a public workshop last September that brought together patient advocates, industry, consumer groups, health care professionals, and researchers to discuss the causes and the impact of drug shortages and possible strategies for preventing or mitigating future shortages.

In addition to the workshop, we have been speaking with a broad range of stakeholders to try to discover why we have seen such a large number of shortages over the past few years. This current explosion of shortages appears to be a consequence of a lack of supply of certain products to keep up with the substantial expansion in the scope and demand for these products. We must ensure we have the manufacturing capabilities to keep up with the demand.

There are a lot of ideas for incentives and pricing, but we also know that those will take a long time to take effect on the immediate shortage problem. That is why we want to get this bill passed—and passed very soon.

The President has issued an Executive order, which is helpful, but it still doesn't get at the very serious problem of the kinds of drug shortages we are seeing. The Executive order pushes drug companies to notify the FDA of impending shortages, expands the FDA's current efforts, and instructs the FDA to work with the Department of Justice. But there is still much more work to be done. Patients such as Axel or Mary shouldn't have to be burdened with the added stress and worry about whether they have enough medicine. It is time for action. I urge my colleagues to pass our bill.

I now turn it over to my friend and colleague from Maine, Senator SUSAN COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me first begin my remarks by commending my friend and colleague from Minnesota for leading the way on this very important bill.

There are so many issues that divide us in this Chamber. Surely, this is an issue that should unite us. It is not a Democratic issue. It is not a Republican issue. It is an issue of serious consequence to the American people and to our health care system. I would hope—and the reason Senator KLOBUCHAR and I have come to the floor today—that we can act immediately to pass our bill, get it through the House, and send it to the President.

Physicians, pharmacists, and patients throughout the country are struggling to cope with the surge in shortages of needed drugs which is causing significant disruption in health care and putting patients at risk. I share with my colleague from Minnesota her concern about this critically important problem.

According to the U.S. Food and Drug Administration, the number of drug shortages has nearly quadrupled over the last 6 years, jumping from 61 products in 2005 to a record 231 by the end of November of last year. And there appears to be no end in sight.

Many of the drugs in short supply are vital. They are used in hospitals and cancer centers for anesthesia, for chemotherapy, and for the treatment of infections. There are also continuing shortages of drugs used in emergency rooms and in intensive care units.

I have met with several doctors and other medical professionals and pharmacists in Maine who are extremely concerned about this issue. They have told me that these shortages are causing serious problems around our State and across our Nation, including forcing some medical centers to ration drugs or postpone elective surgeries. Even more tragic, oncologists have told me of situations where they have been forced to change a patient's chemotherapy regime midcourse because they suddenly encountered a shortage of a particular drug. Moreover, for some drugs, such as the leukemia drug Cytarabine, which Senator KLOBUCHAR mentioned as well, there are no effective substitutes.

This crisis is widespread. In a survey by the American Hospital Association, more than 80 percent of our hospitals reported that they have had to delay treatment due to the shortages. Just think what that is like for a patient who has received the diagnosis of cancer and has started treatment and then finds out the lifesaving drug they need is not available. It is hard enough to cope with the devastating diagnosis. To add to that the fact that the drug you need isn't available is just too much to bear. More than half of our hospitals have said they could not provide some of their patients with the recommended therapy.

Drug shortages are also adding to the cost of care. Hospital pharmacists are having to spend additional time—some 8 to 12 hours per week—dealing with shortages, increasing labor costs by an estimated $216 million a year.

That is why I joined with my colleague from Minnesota in cosponsoring the Preserving Access to Life-Saving Medications Act. Our bill will provide the FDA with better tools to better manage and, we hope, prevent shortages of lifesaving medications.

First and foremost, it takes the very commonsense step of requiring pharmaceutical manufacturers to notify the FDA of the discontinuance, interruption, or other adjustment in the manufacture of a drug that would likely lead to a shortage. Providing early warning when a drug will not be available will help both physicians and their patients. It builds on its successful model—the FDA's Drug Shortage Program—which encourages manufacturers to report potential or existing shortages so that the problems can be addressed or other manufacturers can ramp up their production. Through this voluntary approach, the FDA was able to avert 195 shortages last year.

Our bill also directs the FDA to provide up-to-date public notification of any shortages, and it directs the FDA to work with manufacturers to establish contingency plans to address drug shortages due to manufacturing problems, such as the shortage of raw materials or reduction in production capabilities.

Our legislation would give the FDA the information and the tools it needs to help address and prevent drug shortages. This, in turn, will help to ensure that our hospitals and health care professionals are able to provide the best care medical science allows. Most important, it will help ensure that patients have access to the medications they need when they need them most.

I am proud to join with my colleague from Minnesota in sponsoring such an important initiative. I urge our colleagues on the HELP Committee to act quickly to report this bill and the full Senate to act without delay to approve it as well. Surely, this is an issue that should bring this Chamber together and that we should act on immediately.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask to speak as in morning business.

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

Ms. KLOBUCHAR. Mr. President, I thank Senator COLLINS for her great

leadership. This bill is moving. This bill is picking up support across the Nation. Again, we need to get it done. We cannot wait. These patients cannot wait.

CITIZENS UNITED

Ms. KLOBUCHAR. I am here today also to talk about something that is very important to the future of our democracy; that is, campaign finance reform and the Citizens United decision by the Supreme Court which had its second anniversary a few days ago.

I see Senator GILLIBRAND from New York is also here to speak on this important issue. She is a leader. The Presiding Officer has done some very important work in this area as well, which I will get to in a minute. Most fundamentally, I am here to talk about the public lack of trust and our need to ensure that the American people have a government that is responsive to their concerns.

It is vital that the American people have trust and confidence in their government. Right now it is clear they do not have either. The American people believe Washington is focused more on scoring political points for special interests and not looking out for their interests, for the interests of the people of this country, for the interests of the middle class. They have seen the preservation of oil company subsidies while at the same time the price of gasoline has remained painfully high. Simply put, they think the system is broken.

While most people probably do not have the time to study the intricate details of campaign finance law, which unfortunately has loopholes and things written in it that make it hard to figure, the American people have a pretty good sense there is something wrong with how we conduct our elections. The American people know spending on campaigns has gotten out of control and that spending by special interest groups is contributing greatly to that problem—and they are right.

The Supreme Court Citizens United decision has made it profoundly worse by loosening the rules on special interest spending on political campaigns. We are now in a situation where candidates have to report every single contribution they raise over a certain amount. That is good. But literally millions of dollars in special interest money can come in in attack ads, can come in and do whatever it wants, and you literally cannot prove who that person is who put in that money. It shakes the very foundation of our democracy when the people who are voting in these elections cannot even tell where the money is coming from that is paying for the ads.

Citizens United has unleashed a new wave of special interest spending, and the American people have been inundated with negative ads on their televisions. Worse, they are constantly hearing about the increased role that special interests are playing in our elections, and that heightens their suspicions that Washington is working only for the powerful, only for the people who can pay for issue ads. The public justifiably believes the more money outside groups spend on campaigns the less their voices are heard. How can they have a voice when people are drowning out their voices with multimillions of dollars? This is a big problem and it is something I think we need to address.

The President touched on this issue of money in politics in his State of the Union this week, and in his address last year he took on Citizens United directly. He knows we need change, and I agree. Unfortunately, the Citizens United decision makes it very difficult to take action legislatively. That is why I am a sponsor of a constitutional amendment which would allow Congress to pass laws regulating campaign fundraising and spending.

TOM UDALL has worked on one. I know the Presiding Officer also has a similar bill as well. I hope we can advance this amendment, but I realize it will be an uphill battle, especially as we enter an election year. But we must change this system. In the meantime, even before the election, I am hopeful we will take some steps to make it more transparent so at least we can start finding out who is spending this money—the people of Vermont or the people of New York or the people of Minnesota can find out who is putting in millions of dollars, and they can draw their own conclusions—they are pretty smart—about why they are spending that money.

We need it to be transparent. We also have to stem this great abuse of power, this great amount of money that is coming into the system. But in the end we will need a constitutional amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues in marking the 2-year anniversary of the Supreme Court's decision in Citizens United. I want to express my support for legislation to reverse the harmful impact of this decision and restore accountability, transparency and common sense to our Nation's electoral system.

Nearly 2 years ago, on January 21, 2010, the Roberts Court handed down a 5–4 decision striking down parts of the ''Bipartisan Campaign Reform Act.''

That decision—Citizens United v. Federal Election Commission—flew in the face of nearly a century of Congressional law and overturned two prior rulings of the Supreme Court.

This case is not alone.

It is part of a pattern of decisions from the Roberts Court that have overturned precedent.

I have a real concern that this Court is going out of its way to rewrite and reinterpret prior law with decisions, I am sorry to say, seem to favor corporate interests over the interests of the American people.

The Citizens United decision may be the most troubling of these activist decisions.

This decision does not only impact one group of people or one area of the law—it affects the very functioning of our elections and the democracy of more than 300 million Americans.

The Court's decision in this case opened the door to unlimited corporate spending in Federal elections.

Let me repeat: unlimited spending.

The Court held that the First Amendment of the Constitution protects the rights of corporations to spend freely—in the millions or even the billions—on election ads to support or defeat a particular candidate.

What does this mean in the real world?

This means that an oil company like ExxonMobil—a company that earned $45 billion in profits last year—could spend unlimited money to support a candidate who supports more drilling, or to defeat a candidate who opposes more oil drilling.

It means that Xe Services, formerly known as Blackwater, and other defense contractors could spend unlimited sums toward the election of candidates who view their defense positions favorably.

Or large banks like Bank of America would be free to use their corporate treasury to attack candidates who favor financial regulation and consumer protection.

As Fred Wertheimer of Democracy 21 testified at a Rules Committee hearing in 2010, ''It would not take many examples of elections where multimillion corporate expenditures defeat a Member of Congress before all Members quickly learn the lesson, vote against the corporate interest at stake in a piece of legislation and you run the risk of being hit with a multimillion-dollar corporate ad campaign to defeat you.''

Is this what we want?

Four years ago in 2008, at this same point in the presidential election cycle, $12.9 million was spent by super PACs in support of candidates.

The fall 2010 midterm elections ushered in this new political landscape with outside groups spending a record $300 million on political advertisements and other messages. This amount represents a 340 percent increase above 2006 spending levels.

According to the Center for Responsive Politics, the spending by presidential super PACs in this year's election cycle has quadrupled since 2008 to an astonishing $42.5 million spent as of January 24, 2012.

More money is being spent than ever before.

Do not take my word for it.

Take a look at what is going on in the Republican Presidential primary. Corporations and wealthy individuals are funding these super PACs and spending vast amounts of money to attack candidates.

My concerns with these dramatic increases in spending are heightened by a

recent finding from the Center for Responsive Politics that approximately 44 percent of the outside spending in 2010 came from anonymous sources.

The Roberts Court's decision in Citizens United was, I believe, the wrong one.

It protects corporate free speech and will drown out an individuals' free speech. It has threatened to put democratic elections in the United States up for sale to the highest bidder. And it will, I believe, lead to voters having less reliable information about candidates, not more.

The Court gets the final word on the Constitution, and it has spoken.

However, Congress should pass the DISCLOSE Act or Senator TOM UDALL's campaign finance constitutional amendment.

I supported the DISCLOSE Act in the last Congress because I believe it is a critical step forward, but the bill was narrowly defeated on a cloture vote of 59–39 in September of 2010.

Given what we have seen in the Republican primaries this year, I think this body must try again to pass the DISCLOSE Act. In 2010, we came close to passing it and needed just one additional yea vote to move the bill forward.

The DISCLOSE Act ensures the American public knows who is funding an ad when they see it on television, and it will close loopholes that could have otherwise allowed unlimited spending in our elections by foreign nationals and corporations receiving government assistance.

I understand that Senator SCHUMER is working to reintroduce this legislation, and I fully support him in this effort.

Senator UDALL's resolution to amend the Constitution would authorize Congress to regulate the raising and spending of money for federal campaigns, including the independent spending of super PACs.

This resolution is a critical step to ensure that corporate dollars will not flow in the dark to one candidate and against another, but, instead, our election process will regain the transparency it has lost after Citizens United.

I believe it is essential that we pass legislation to address this growing problem, and I look forward to working with my colleagues to do so.

Mr. LEAHY. Mr. President, two years ago, with the stroke of a pen, five Supreme Court justices acted in a case known as Citizens United to overturn a century of law designed to protect our elections from corporate spending. They ran roughshod over longstanding precedent to strike down key provisions of our bipartisan campaign finance laws, and ruled that corporations are no longer prohibited from direct spending in political campaigns. I was troubled at the time and remain troubled today that in that case, the Supreme Court extended to corporations the same First Amendment rights in the political process that are guaranteed by the Constitution to individual Americans.

Now, 2 years later, the American people have seen the sudden and dramatic effects of the Citizens United decision. The flood of corporate money flowing into campaigns from undisclosed and unaccountable sources has had an enormous influence in the Republican primary elections this year, just as it did in the 2010 mid-term elections. Instead of hearing the voices of voters, we see a barrage of negative advertisements from so-called Super PACs. This comes as no surprise to the many of us in Congress and around the country who worried at the time of the Citizens United decision that it turns the idea of government of, by and for the people on its head. We worried that the decision created new rights for Wall Street at the expense of the people on Main Street. We worried that powerful corporate megaphones would drown out the voices and interests of individual Americans. Two years later, it is clear those concerns were justified.

We held a hearing in the Senate Judiciary Committee last year to explore how the Citizens United decision affects the lives of hardworking Americans. I began that hearing by talking about how our Constitution starts with the words, ''We the People of the United States.'' In designing the Constitution, ratifying it, adopting the Bill of Rights and creating our democracy, we spoke of, thought of, and guaranteed, fundamental rights to the American people, not corporations.

There are reasons for that. Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals or the same interests. Corporations cannot vote in our democracy. They are artificial legal constructs to facilitate business. The Founders understood this. Americans across the country have long understood this.

Corporations are not people. That is common sense rooted in core American values. Nowhere does our Constitution mention corporations. The great Chief Justice John Marshall understood this distinction when he wrote in 1819 that, ''A corporation is an artificial being . . . the mere creature of law, it possesses only those properties which the charter of its creation confers upon it. . . .''

The distinction between corporations and people is one that was at the heart of the campaign finance reforms proposed by Teddy Roosevelt more than a century ago limiting the role of corporations in the political process. Those reforms were preserved and extended through another century of legal developments that followed. Nine years ago, it was these same values that informed bipartisan efforts in Congress, on behalf of the American people, to enact the landmark McCain-Feingold Act. That legislation strengthened the laws protecting the interests of all Americans by ensuring a fair electoral process where individual Americans could have a role in the political process, regardless of wealth.

As I pointed out at our hearing last year, when the Supreme Court first reviewed the constitutionality of the McCain-Feingold Act in 2003, in McConnell v. Federal Election Commission, it upheld the key provisions of the Act against a First Amendment challenge. Six years later, a thin majority of the Supreme Court, made possible by President Bush's appointment of Justice Samuel Alito, reversed course on the very same question. In so doing, the conservative activist majority discarded not only the McConnell decision, but ignored longstanding precedent to effectively redraft our campaign finance laws. As Justice Stevens noted in dissent: ''The only relevant thing that has changed since . . . McConnell is the composition of the Court.'' The Constitution had not changed, but five Justices rewrote it.

The reason so many Americans continue to recoil from the Citizens United decision 2 years later is that the brand of conservative judicial activism on display in that decision is a threat to the rule of law and an effective representative democracy. At the core of the First Amendment is the right of individual Americans to participate in the political process to speak and, crucially, to be heard. That is what the campaign finance laws were designed to ensure—that Americans can be heard and fairly participate in elections. Rather than abiding by the limitations that Congress has developed to ensure a multitude of voices in the marketplace of election contests, five justices on the Supreme Court decided that the biggest corporations should be unleashed, and can be the loudest and most dominant, and drown out individual Americans. They showed no deference to Congress, and little deference to the precedents of the Supreme Court.

The risks we feared at the time of the Citizens United decision, the risks that drove Congress to pass bipartisan laws based on longstanding precedent, have been apparent in the elections since that decision. Citizens United has opened the floodgates of corporate influence in American elections. In these tough economic times, I believe individual Americans should not have their voices stifled by unfettered corporate interests. I remain concerned that this decision will invite foreign corporate influence into our elections.

Recently, Justice Scalia responded to the criticism of the Citizens United decision and the advent of Super PACs and their overwhelming influence by saying that if people do not like it, they should turn off their televisions. That response misses the point. Americans should not be told to tune out from democracy or from considering a fair exchange of ideas. American voters should be able to speak, be heard and to hear competing voices, not be overwhelmed by corporate influence and

driven out of the governing process. Even some whose response to the Citizens United decision was more muted have turned a corner, and recently, Senator MCCAIN, a lead co-author of the McCain-Feingold Act, conceded that Super PACs are ''disgraceful.'' They allow nothing more than to have corporations or wealthy individuals dominate and control local elections.

We have tried to curtail some of the worst abuses allowed by the Supreme Court's decision, but Senate Republicans have blocked those efforts. In 2010, Senate Republicans filibustered the DISCLOSE Act, preventing the Senate from even debating the measure, let alone having an up-or-down vote in the Senate. The DISCLOSE Act would have added transparency to the campaign finance laws to help prevent corporations from abusing their newfound constitutional rights. It would have preserved the voices of hardworking Americans in the political process by limiting the ability of foreign corporations to influence American elections, prohibiting corporations receiving taxpayer money from contributing to elections, and increasing disclosure requirements on corporate contributors, among other things.

By preventing us from even debating the DISCLOSE Act, Senate Republicans ensured the ability of wealthy corporations to dominate all mediums of advertising and out the voices of individuals, as we have seen and will continue to see in our elections.

We continue to try to fight the effects of corporate influence unleashed by Citizens United. We have introduced the Fair Elections Now Act, to establish a voluntary program for viable congressional candidates to accept Federal grants, matching funds, and vouchers to supplement money from small dollar donors. Rather than fundraising, this legislation will enable incumbent candidates more time to better represent their constituents, and it will level the playing field to give challengers the chance to better compete with established candidates without relying on wealthy donors to fund their entire campaign. The Fair Elections Now Act represents one important step toward minimizing corporate influence in the electoral process, and ensuring that candidates for Congress are neither beholden to corporate influence, nor so consumed with fundraising that they do not have the time necessary to legislate. I hope that Senators on both sides of the aisle will work to enact this important measure.

We continue to work to protect shareholders of publicly held corporations from having their money spent on political activity without their consent, another consequence of the Citizens United decision. I am a cosponsor of the Shareholder Protection Act, which would require shareholder authorization and full disclosure of any political spending by publicly held corporations. Last week, I joined with 14 other Democratic Senators in sending a letter to the Securities and Exchange Commission, SEC, urging it to consider using its authority to immediately implement part of this legislation requiring full disclosure of corporate political spending. Such an action is within the SEC's power to do today. This information is not only material to shareholders, but it is something shareholders continue to request from corporations. As we wrote last week, a corporation's money belongs to the shareholders, not the executives, and they deserve a voice in how it is spent.

Vermont is a small State. It is easy to imagine the wave of corporate money we are seeing spent on elections around the country lead to corporate interests flooding the airwaves with election ads, and transforming even local elections there or in other small States. It would not take more than a tiny fraction of corporate money to outspend all of our local candidates combined. If a local city council or zoning board is considering an issue of corporate interest, why would the corporate interests not try to drown out the view of Vermont's hardworking citizens? I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on Election Day. Vermonters cherish their critical role in the democratic process and are staunch believers in the First Amendment. Vermont refused to ratify the Constitution until the adoption of the Bill of Rights in 1791. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending.

When the Citizens United decision was handed down, I said that it was the most partisan decision since Bush v. Gore. As in Bush v. Gore, the conservative activists on the Supreme Court unnecessarily went beyond the proper judicial role to substitute their preferences for the law. But Citizens United is broader and more damaging, because rather than intervening to decide a single election, we have seen the Court's intervention affecting all elections. On the 2 year anniversary of Citizens United, I call on all Senators, Republican or Democratic, to come together to restore the ability of every American to be heard and participate in free and fair elections.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask to speak as in morning business.

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

STOCK ACT

Mrs. GILLIBRAND. Like millions of Americans all across our country, I was shocked to learn that insider trading by Members of Congress, in fact, and their families and their staff, using nonpublic information gained through their congressional work, is not clearly and expressly prohibited by law and the rules of Congress. The American people need to know that their elected leaders play by the exact same rules by which they have to play. They also deserve the right to know their lawmakers' only interest is what is best for the country, not what is best for their own financial interests.

Members of Congress, their families and staff, should not be able to gain personal profits from information they have access to that everyday middle-class American families do not. It is simply not right. Nobody should be above the rules.

I introduced a bipartisan bill in the Senate with 28 of our Senate colleagues from both sides of the aisle to close this loophole. The STOCK Act legislation is very similar to the legislation introduced by my friends in the House, Congresswoman LOUISE SLAUGHTER and Congressman TIM WALZ. I thank them for their longstanding dedication and leadership to this important issue. I also thank Chairman LIEBERMAN, Ranking Member COLLINS, and all of the committee members for their work in acting swiftly to move this bipartisan bill out of committee with a sense of common purpose straight to the floor for a vote. I thank Leader REID for his leadership and support in bringing up this bill before the full Senate.

Our bill, which has received the support of at least seven good government groups, covers two important principles. First, Members of Congress, their families and their staff, should be barred from buying or selling securities on the basis of knowledge gained through their congressional service or from using the knowledge to tip off someone else. The SEC and the CFTC must be empowered to investigate these cases. To provide additional teeth, such acts should also be in violation of Congress's own rules to make it clear that this activity is not only against the law but inappropriate for this body.

Second, Members should also be required to disclose major transactions within 30 days, to make information available online for their constituents to see, providing dramatically improved oversight and accountability from the current annual reporting requirements.

I am pleased the final product that passed with bipartisan support in the committee is a strong bill with teeth and includes measures such as ensuring that Members of Congress cannot tip off others with nonpublic information gained through their duties and ensured trading from this information would also be a violation of Congress's own ethics rules.

Some critics say the bill is unnecessary and is already covered under current statutes. I have spoken to experts tasked in the past with investigations of this nature and they strongly disagree. We must make it unambiguous that this kind of behavior is illegal. As

my home State newspaper, the Buffalo News, notes:

The STOCK Act would ensure that it's the people's business being attended to.

President Obama said in his State of the Union Address, send this bill and he will sign it right away. We should not delay. It is time to act and take a step right now to begin restoring the trust that is broken in Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask to speak as in morning business.

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

RECESS APPOINTMENTS

Mr. WICKER. Mr. President, I rise because I am deeply concerned about President Obama's unconstitutional overstep of executive authority in the ostensible appointment of Richard Cordray as the Director of the Consumer Financial Protection Bureau, the CFPB, and three new members of the National Labor Relations Board. These unilateral, nonrecess appointments are a blatant abuse of power, one that threatens the very legitimacy of the confirmation process and essentially undermines Congress's critical responsibility to restrain the excesses of the executive branch.

On January 4, mere weeks after this body had rejected Mr. Cordray's nomination, the President went ahead with his own agenda, disregarding our decision and the fact that the Senate was in pro forma session. Days later, unbelievably, the Obama Justice Department's Office of Legal Counsel defended the move, essentially saying that pro forma sessions do not matter anymore; that the President can determine whether the Senate is in recess.

Reversing years of precedent, the administration is asserting that the executive branch now has the authority to decide whether the legislative branch is or is not in session. This presumptuous action by the President goes far beyond the limited powers he is granted by our Constitution. It is an affront to the democratic checks and balances established by our Founders, and it constitutes a gross violation of precedents set by those who have come before us.

The courts surely will have a say in what the President has done, amounting to an expensive, unnecessary move for pure political reasoning. It was only a matter of days before business groups filed a legal challenge against the President's appointments to the NLRB.

To be sure, the President has the right to make recess appointments. This much is unquestioned and is clearly set forth in article II, section 2 of the Constitution, which states the President can ''fill up all vacancies that may happen during the recess of the Senate.''

But the power he has to execute this right nevertheless hinges on a condition that all parties have acknowledged: The Senate must be in recess. As it states in article I, section 5, clause 4 of the Constitution:

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than 3 days.

The House of Representatives had not formally given our Chamber that consent when the President made his appointments. Moreover, Senators had agreed by unanimous consent to remain in pro forma session.

What the President has done triggers a dangerous new precedent. With this overstep, those in the Obama administration have put their political agenda above the Constitution and above the founding principles that established our government's separation of powers. This is no trifling matter.

Equally troubling is this power grab could inspire further overreach, setting an unconstitutional model for future administrations. It stands to reason that if the President's judgment, not Congress's, dictates when the Senate is in recess, then what would stop him from making an appointment whenever he chooses?

Michael McConnell, a distinguished former Federal judge and director of the Constitutional Law Center at Stanford Law School, recently suggested in the Wall Street Journal that the President could, for example, make an appointment overnight or during a lunch break. The parameters of what recess means would be subject to his discretion and his discretion alone.

In 2007, majority leader HARRY REID kept the Senate in pro forma session to block nominations by President Bush. He said then that recess appointments are ''an end run around the Senate and the Constitution.'' The majority leader's position then was that pro forma sessions may be used to prevent recess appointments. The Democratic leadership was correct on the law then and they ought to be outraged now over President Obama's disregard of precedent and of the Constitution.

Instead, the Democratic leader, who should be protecting the institution that he currently has stewardship of, as well as protecting our Constitution, last week defended the President's appointments on the national news as ''a good move.''

The Constitution does not change based on which party occupies the White House. The same rules should apply no matter who holds office. America was not built upon nor did it rise to greatness because of a single branch of government. Our democracy sits on three separate pillars, and the decisions of the legislative branch are not merely a hurdle for the President to run around.

The Constitution endowed the Senate with exclusive authority to give advice and consent on the executive branch and official nominations. Senators upheld their role to advise when we rejected Mr. Cordray's nomination. Many of us made our reasons for the disapproval well known.

Last year, 44 Republican Senators sent a letter to the President stating that the Consumer Financial Protection Bureau established by the Dodd-Frank Act was in desperate need of reform before a Director could be appointed. This has nothing to do with Mr. Cordray as an individual, but it has everything to do with creating a flawed agency—an extremely powerful one at that. We pointed out our concerns about how unaccountable this Bureau will be to the American people. We raised a red flag about the extraordinary power it gives to unelected government bureaucrats, particularly the Bureau's Director. It is clear that our advice did not fit with the White House's agenda.

This happens in a functioning democracy, and this should be honored. The President has decided not to honor the will of the Senate. He has tried to make an unauthorized appointment that the Members of this body have rejected. In doing so, in circumventing the decisions of elected public servants, his Executive order ultimately diminishes the voice of the American people.

In recent months, the President has made it obvious that he wants to rail against a do-nothing Congress. Perhaps it is part of his reelection strategy. Yet, instead of working with Congress to make needed reforms, he fuels an already polarized environment with this move on recess appointments.

I say this with all sincerity to the President and to my colleagues on the other side of the aisle: There is a time for spin and there is a time to make political points, but politics and theater ought to stop short of trampling on our Constitution.

Like each of you, I made an oath to support and defend the Constitution when I took this office. I would not be upholding this pledge if I did not speak out now about what the President has done. Preserving the constitutional sanctity of the decisions of the Senate and the role it serves is one way we support and defend our founding document and the democratic ideals of those who created it.

The chair of the Banking Committee has scheduled a hearing on Tuesday, supposedly to hear testimony from Mr. Cordray on his plans for the Consumer Finance Protection Board. Let me be explicitly clear. Richard Cordray is not the duly constituted Director of the CFPB. His purported recess appointment does not comply with the Constitution and is, in fact, a nullity. I will not provide the administration with an appearance of legitimacy in this action, and I will therefore not be in attendance at next Tuesday's hearing. This may seem to be a small step, but I hope it is the first of what will become a debate in this Senate by both parties about the constitutional system of checks and balances. This matter will also go to the courts, and I pray that somewhere in the process the sanctity of our Constitution will be upheld.

I approach this matter regretfully and soberly but with apprehension about what the Obama administration is trying to do to our 225-year-old Constitution. I call upon Members of both parties in this Senate to rise in solemn defense of this institution and the constitutional principle of the separation of power.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alaska.

THE STOCK ACT

Mr. BEGICH. Before I speak on my formal comments, I just want to say one thing. I know the Senator from New York was here a little bit ago talking about the STOCK Act. She made an incredible presentation to us in the Homeland Security and Government Affairs Committee, and I am grateful she is moving forward on that. We actually added a piece to the STOCK Act that I think makes it a lot stronger than it was by making sure that as officials report their transactions, they are done electronically and are searchable. That means anybody in this country can go to the Senate's Web site and find the information about their Senator.

As you know, as a new person in this office, as I am, when we file our disclosure forms, they are sent to the Senate Clerk, and then if you want them, they have to copy them and send it off to someone else. You cannot search for them and you cannot get them, which is unbelievable. So we made sure in the committee that if we do this act—I think it is a strong act; it is something we should do—we make sure it is searchable and available electronically in this age we live in today.

I already put my disclosure form on my Web site. I have put it on there since the day I came into office. I think people need to know exactly what their Senator's investments are. If they have spouses—in my case, all of my spouse's information is on there even though I am not required to do it. I put it on there because I think people need to know the household income of their Senator and where it comes from and where their investments are. We overreport. After I fill out the forms, we have an attorney review it, and he always tells me we are giving too much information. I have to remind him that is what I am doing. That is the way I think it should be done.

Again, I congratulate the Senator from New York who was here for the work on the STOCK Act, and I am glad I could participate in making it even stronger.

NOME REFUELING SITUATION

Mr. BEGICH. Madam President, I seek to speak on the floor to speak of my residence of Alaska, a State that constantly overcomes adversity in its tough winters. This year has been an especially tough winter.

Alaska's history is marked by stories of people coming together to overcome extreme hardships and save their communities. None is more memorable than the 1925 Serum Run, when diphtheria ravaged the remote Arctic community of Nome. The needed vaccine was raced to the community by a team of 20 mushers and some 150 sled dogs. They faced brutal February weather and extreme cold, with winds and snowdrifts, and carried their precious cargo—the vaccine—some 700 miles in just 5½ days. It is a speed record that has never since been broken, and it saved the community. The feat is memorialized by the 1,000-mile Iditarod sled dog race known as the last great race on Earth.

This year, the city of Nome faced a 21st-century challenge: the need for energy. The fall fuel barge—the last scheduled before winter set in—was blocked first by a mammoth October storm which swept up western Alaska and then by heavy sea ice. The barge had to turn back, but without the delivery Nome would run out of fuel by March. Nome is not connected by road, and the earliest the next barge would arrive would be this June. Flying in 1.3 million gallons of fuel would have taken 300 flights and would have boosted the cost of an already expensive gasoline and home-heating fuel to over $9 a gallon. As you can see here, the price of fuel in the community right now is over $5 a gallon.

The Sitnasuak Native Corporation and Vitus Marine proposed to do what has never been done before: bring over 1 million gallons of diesel fuel and gasoline to Nome in the dead of winter. They contracted with a Russian-flagged tanker, the Renda, which was ice-capable and double-hulled.

To ensure the safety of the delivery, the Coast Guard immediately recognized it had a mission and the right equipment. The Coast Guard icebreaker Healy had just completed a lengthy scientific tour off the Arctic. Rather than return home, they stayed on the job as winter set in, breaking open lanes through the ice to allow the tanker to arrive.

The Healy and the Renda encountered conditions more severe than anticipated, with colder temperatures, stronger winds, and thicker ice. Some days their progress was frozen, literally, but the Healy pressed on through the ice. With the determination that is the hallmark of the U.S. Coast Guard, they succeeded. They did not make it to Nome Harbor, which was frozen solid, but close enough to top off the city's fuel tanks through a half-mile-long hose. Now they are on their way back home but not out of the ice yet. The Healy and the Renda still have several hundred miles before they reach open water.

I take to the floor today to offer my thanks and congratulations to Captain Beverly Havlik and the men and women aboard the Healy for a job well done and also the crew of the charter tanker, the Renda, and many others who helped ensure that the transfer of fuel was safe, workers from the Sitnasuak Corporation, Vitus Marine, the city of Nome, State of Alaska, and others who have played their part, even the University of Alaska researchers who flew aerial drones to inspect ice conditions in advance of the approaching vessels. Together they proved that winter operations are possible even in the most challenging circumstances.

I speak today not just to congratulate all those who pitched in to help refuel this community but to consider its broader implications and lessons.

First, America is an Arctic nation. The residents of cities such as Nome and Kotzebue and Barrow and numerous smaller villages thrive in the often challenging but rich Arctic environment. The Alaska Native peoples have thrived for generations and for thousands of years, living off the resources of the land and the sea.

Second, the Arctic offers much to our Nation. Its offshore oil and natural gas is our most promising energy province, which is actively being considered by industry. Trade routes over the top are increasingly being explored by shippers eager to cut up to 40 percent off trade routes between the east and the west.

Yet, while we are an artic nation, we lack the basic infrastructure to serve its people, to fulfill our responsibilities and take advantage of its opportunities. But it is not just me saying it. Just today the Northern Waters Task Force released a report calling for a better Arctic infrastructure. The Healy is our Nation's only operational polar icebreaker, and it is only rated as a medium-duty vessel. Our two heavy-duty icebreakers are both idle. The 36-year-old Polar Star is being retrofitted and should be operational again soon, but it has been proposed to send her sister ship, the Polar Sea, to the scrap heap.

Since taking office, I have repeatedly called for recapitalizing the Nation's icebreaker fleet. A comprehensive Coast Guard study recently found that 6 to 10 icebreakers are needed just to meet the Coast Guard's statutory responsibilities. Until we have a firm plan to meet these needs, I have introduced legislation with Senator CANTWELL to halt the dismantling of the Polar Sea until all options can be considered. Without icebreakers, we can neither meet our responsibilities nor take advantage of our opportunities as an Arctic nation. We are falling behind Arctic nations such as Russia, China—which is not an Arctic nation but is building icebreakers—Canada and others as well. Russia is building a year-round Arctic port. Canada is conducting military operations. And, as I mentioned, China is building new icebreakers.

America must build its Arctic infrastructure, such as a deepwater port to maintain our national presence as other nations make their claims to the

Arctic. We need to maintain spill response capabilities, enhance communications, track the increasing vessel traffic using polar routes, strengthen communications and the base scientists who are researching the changing Arctic ecosystem.

In addition, we need the legal framework to support our Arctic presence, and that means ratification of the Law of the Sea Treaty. We need a robust scientific program to track changes in the Arctic which in the past has operated like a global air-conditioner.

But scientists say, and the residents of the region confirm, that the Arctic is warming. As its ice pack diminishes, it is changing our weather. The National Oceanic and Atmospheric Administration, NOAA, says there were a record 12 weather disasters in the United States costing more than $1 billion each in 2011. The hurricane force storm that blocked the fuel delivery to Nome isn't the only unusually severe weather facing my State. South central Alaska has had—and I will repeat this when I say it—24 feet of snow—24 feet of snow so far this winter. The cities of Cordova and Valdez know a thing or two about heavy winter snowfalls, but this is an unusual one for them.

In Cordova, buildings collapsed and avalanches cut the town off from its airport. That is a true concern since, like 80 percent of the rest of Alaska, Cordova is not connected by roads to the rest of the State.

The Army and Air National Guard sent soldiers and airmen to the scene, and the State of Alaska sent over 100 State responders and heavy equipment to the town by the State ferry system. The whole town, along with the Guardsmen and the State workers, pitched in and worked around the clock to clear the snow off the streets and roofs as another snow and rain system was about to hit. The only problem: Alaskans can be rather enthusiastic and kept breaking every single one of those snow shovels. Eventually they ran out and had to have more snow shovels shipped in from out of State.

Other parts of the State are affected as well. Boats capsized in the fishing port of Kodiak due to the heavy snow. Yesterday, once again, the Coast Guard came and performed their duty—not only one but two rescues of the crews of fishing vessels that sank near Kodiak Island.

NOAA is closely watching the heaviest sea ice in decades in the Bering Sea, which threatens to close the important crab fisheries and destroy millions of dollars in fishing gear.

Some politicians downgrade public service and say government can't do anything right. I am grateful for the government's response. I am grateful to the Coast Guardsmen on the Healy who gave up their holiday with their families to ensure Nome got its fuel, and I am grateful to the Alaska National Guard and State and local governments working to help dig out Cordova and Valdez.

I know my time has expired, but I wish to say there is no question in my mind that the work the Coast Guard did, the National Guard, and many others, set us on a course to again recognize the incredible people who are doing incredible things in our State and around the country. As we continue to look at the vast resources of the Arctic, more of these resources will be necessary, and I know one thing about Americans, about Alaskans, and that is we will be ready to take on the challenges of the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

RECESS APPOINTMENTS

Mr. LEE. Madam President, in defense of the Constitution, I stand against an action taken recently by our Chief Executive. President Obama's January 4, 2012, appointments to the Consumer Financial Protection Bureau and to the National Labor Relations Board are different in kind than previous recess appointments made by Presidents of the United States made by both political parties. These four appointments are unconstitutional because they did not, as required by article II, section 2, receive the ''advice and consent'' of the Senate, even though such advice and consent was necessary under the circumstances.

President Obama has asserted that the appointments are constitutional under the recess appointments clause. That clause provides that the President may ''fill up all Vacancies that may happen during the Recess of the Senate.'' That clause does not apply here, however, because the Senate was not in recess when President Obama made the appointments in question.

In making these appointments, the President did not state that he believes an intrasession adjournment of less than 3 days constitutes a recess, and there can be little dispute that such a brief adjournment as occurred between January 3, 2012, when the second session of the 112th Congress officially began, and January 6, 2012, when the next pro forma session of the Senate occurred, does not, in fact, constitute a recess for purposes of the recess appointments clause.

The Department of Justice has consistently maintained that an intrasession adjournment must be longer than 3 days to constitute such a recess. The text of the Constitution evidences that the Framers did not consider an adjournment of less than 3 days to be constitutionally significant. Indeed, in article I, section 5, we read that ''neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days.''

Now, at the time these appointments—the appointments in question—were made, the Senate had not received consent from the House of Representatives to adjourn for a period of time of more than 3 days. If an intrasession adjournment of less than 3 days were to be considered constitutionally sufficient for the President to exercise his recess appointment power, it is unclear what, if anything, might prevent the President from routinely bypassing the Constitution's advice-and-consent requirement and appointing nominees during even weekend adjournments.

The Department of Justice's Office of Legal Counsel asserts that the President may unilaterally conclude that the Senate's brief pro forma sessions do not constitute sessions of the Senate for purposes of the recess appointments clause. But this assertion is deeply flawed. It is for the Senate and not for the President of the United States to determine when the Senate is in session. The Constitution expressly grants the Senate the power to determine the rules of its own proceedings.

Granting the President unilateral power to override the Senate's determination of when it is in session would undermine the constitutional prerogative and violate the Constitution's fundamental principles of separation of powers.

The OLC memorandum on which the President relies asserts that the ''touchstone'' for determining when the Senate is in session is ''its practical effect: viz. whether or not the Senate is capable of exercising its constitutional function of advising and consenting to executive nominations.'' This analysis contradicts the text and the original understanding of the recess appointments clause.

The purpose of that clause, we read in Federalist No. 67 which was authored by Alexander Hamilton, was to avoid obliging the Senate ''to be continually in session for the appointment of officers.'' Nothing in either the Constitution's text or in the debate surrounding the recess appointment clause suggests in any way that the President should have the unilateral power to appoint officers and judges at times when the Senate is regularly meeting, even if that body is not conducting substantial business.

In addition, the OLC memorandum's functionalist argument fails on its own terms. During the Senate's pro forma sessions, including its session on January 6, 2012, the Senate was manifestly capable of exercising its constitutional function of advice and consent. Notably, at one such pro forma session on December 23, 2011, the Senate passed a significant piece of legislation demonstrating that it is, in fact, capable of conducting business—meaningful business—at such sessions.

But regardless of how much business the Senate conducts during pro forma sessions or how much business it indicates in statements that it intends to conduct in advance of such sessions, the Senate has been and continues to be capable of conducting business at such sessions—including advising and consenting as to nominations for the President should it decide to do so.

OLC's argument boils down to an untenable assertion that because the Senate has chosen not to act on the President's nominations during its sessions, it was incapable of doing so.

Finally, OLC's assertion that pro forma sessions are not cognizable for purposes of the recess appointments clause violates established constitutional practice and tradition. The Constitution provides that ''[n]either House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days,'' and that ''unless [Congress] shall by law appoint a different day,'' Congress shall begin each annual session by meeting ''at noon on the 3d day of January.''

The Senate has commonly and without objection used pro forma sessions to fulfill both constitutional requirements, evidencing a past consensus that such sessions are of constitutional significance. President Obama's novel assertion that such sessions no longer count for purposes of the recess appointments clause thus upsets precedent and creates an internal contradiction in the treatment of Senate sessions for purposes of the Constitution.

President Obama's January 4, 2012, appointments to the CFPB and the NLRB are unconstitutional. As duly sworn Senators, we each have an institutional and a constitutional duty to preserve and defend the prerogatives of the Senate, particularly from the encroachments of the Executive. The President's unconstitutional appointments simply cannot stand.

Throughout my time as a member of the Judiciary Committee, I have made it a point to work collaboratively with Members from across the aisle, and I have also gone out of my way to cooperate with the current administration to ensure that the overwhelming majority of the President's nominees to judicial and other positions are considered and receive a vote. Both in the Judiciary Committee and on the floor I voted for dozens of nominees with whom I fundamentally disagreed on various issues simply because they were nominated by a President who was duly elected by the people. But I will do so no more.

My concerns, to be clear, are nonpartisan, and I will be equally critical of any Republican President who might attempt to make recess appointments under the same deeply flawed legal theory. Given this President's blatant and egregious disregard for proper constitutional procedures and for the Senate's unquestioned role in such appointments, I find myself duty-bound to resist the consideration and approval of additional nominations until the President takes steps to remedy the situation.

Regardless of what precise course I choose to pursue, the President certainly will not continue to enjoy my nearly complete cooperation unless and until he rescinds his unconstitutional recess appointments.

Thank you, Madam Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. I thank the Chair.

(The remarks of Senator SANDERS pertaining to the introduction of S. 2037 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Utah.

HONORING THE MEMORY OF SPECIAL AGENT JARED FRANCOM

Mr. HATCH. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 355, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 355) honoring the memory of Special Agent Jared Francom of the Ogden, Utah Police Department.

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

Mr. HATCH. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 355) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 355

Whereas, on January 4, 2012, Special Agent Jared Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded in a shooting while serving a search warrant on a residence in Ogden;

Whereas Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas Sergeant Nate Hutchinson of the Weber County Sheriff's Office was also wounded in the shooting;

Whereas Officer Jason Vanderwarf of the Roy Police Department was also wounded in the shooting;

Whereas the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the shooting suspect, preventing further injury and loss of life;

Whereas Officer Kasey Burrell remains in the hospital recovering from serious injuries sustained in the shooting;

Whereas Special Agent Francom served with the Ogden Police Department for 8 years;

Whereas Special Agent Francom served the Ogden community with honor and distinction;

Whereas the people of Utah have come together to mourn and honor Special Agent Francom, with an estimated 4,000 people attending the funeral of Special Agent Francom on January 11, 2012, in Ogden; and

Whereas the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the sacrifice of Special Agent Jared Francom;

(2) extends the deepest condolences of the Senate to the family and friends of Special Agent Francom;

(3) expresses the wishes of the Senate for a full and speedy recovery of all the officers wounded in the shooting in Ogden, Utah; and

(4) recognizes the remarkable courage and honor that the men and women in law enforcement display and the risks those men and women take to keep their communities safe.

Mr. HATCH. Madam President, on January 4, 2012, Special Agent Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded while defending his fellow officers as they attempted to serve a search warrant on an Ogden resident.

I wish to express my deepest sympathies and condolences to Special Agent Francom's family—especially his wife and his two daughters—and the many friends he had throughout the whole community.

Serving as a police officer was a lifelong dream for Special Agent Francom, one that was realized in 2004 when he joined the Ogden City Police Department. He served with honor and distinction and was trusted and beloved by his fellow officers.

He was a fine man, a good father, a good husband and a model citizen and public servant.

On January 11, a crowd of 4,000 people—about half of them uniformed officers from all over Utah and elsewhere—attended his funeral.

Five of Special Agent Francom's fellow officers on the strike force—five of them—including Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department; Sergeant Nate Hutchinson of the Weber County Sheriff's Office; and Officer Jason Vanderwarf of the Roy Police Department, were also wounded in the shooting.

Officer Burrell remains hospitalized as he recovers from the serious injuries he sustained in the shooting.

Along with everyone in Utah, I am deeply saddened by this turn of events.

At the same time, we are humbled, as this tragedy reminds us all of the bravery and dedication of the women and men of law enforcement who risk their lives every day to keep our communities and their communities safe.

As I have served the people of Utah over the years, I have had a chance to meet and get to know many members of our law enforcement community. Without question, they are among the most honorable and courageous people any of us could ever hope to meet. I am honored every time I have an opportunity just to be in their presence.

Today, I was joined by Senator LEE in submitting this resolution recognizing the sacrifice of Special Agent Francom, extending the Senate's condolences to his family and friends, expressing our good wishes to his fellow officers, and hoping they will all have a full and speedy recovery, and, of

course, recognizing the remarkable courage and honor displayed by the men and women of law enforcement.

I wish to thank my colleagues for their support of this resolution, which I know will mean a lot to Officer Francom's family, his fellow officers, and their community.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WEATHER IN ALASKA

Ms. MURKOWSKI. Madam President, I rise to spend a few minutes on the Senate floor to talk about home—about Alaska. We have a tendency sometimes up north to do things in a big way, a bold way. We tend to brag a little bit about it. That is all OK. But we have been in the center of the news cycle for a few weeks this winter, at the onset of this year, because of our weather which has been big and bold.

As a consequence of some of the extremes that we are seeing up north, I think it has brought out the best of Alaskans and certainly the warmth that comes from a northern climate. I think the occupant of the chair sees that in her State where she has some conditions with snow and cold.

The neighbor-to-neighbor response that comes about when we are dealing with Mother Nature at her finest or at her most extreme, I think, is something that helps define us as a people.

Today, I wish to speak for a few moments to recognize the very extraordinary efforts we have seen recently of the U.S. Coast Guard and the Alaska National Guard in helping the residents of several of our communities since early this year.

Earlier on the Senate floor, my colleague, the junior Senator from Alaska, mentioned some of the events that have happened. He, too, acknowledged the hard work and very significant efforts of our Coast Guard and the Alaska National Guard. I think it is important to make sure we all take the time to tell the story, to share it with colleagues and with people around the country.

In many parts of the United States right now there are some areas that are just begging for snow. I have sons out in Colorado, and they are waiting. I know on the east coast many of us would prefer a little bit more snow. Sometimes it is one of those ''be careful what you ask for'' situations, or we may be like the town of Valdez and have 27 feet of snow in our community. That is a little bit more than I think most of us would ask for or hope for.

The community of Nome has been in the news for months now as they have felt the brunt of some early winter storms, storms that have forced them as a community in the northwest region of the State to feel the pinch of Mother Nature in a very extreme way. Nome is a community of about 3,500 residents. It sits up on the west coast of Alaska. Most people in this country recall Nome from the early days of the Gold Rush. But more recently, Nome comes into the national news every March when the famous Iditarod dog sled race is run which finishes in Nome. It is a 1,100-mile race where man and animal are pitched against Mother Nature in a pretty intense way.

Nome makes it in the headlines for several different reasons. This year adds yet another reason that Nome is in the history books, where people are talking about this incredible part of the State. Alaska is known for our tough winters and, again, I started my comments by saying we kind of like the fact that we are tougher than the rest of the world, and we brag about it. This winter, though, has been particularly harsh.

We have seen record cold. We have seen snowstorms hit the State earlier than usual. I was up in the State last week, places such as Bethel where it normally averages about zero this time of year, and we are looking at 20 below for extended periods of time, not just a day or two. In southeastern Alaska not only have they been hit with below zero temperatures, but massive amounts of snow are hitting them as well.

Nome is, again, a coastal community. When they receive their annual fuel supplies, they basically fuel up for the winter. The only way to get to Nome is to fly in or to go by water. So in order to get the fuel tanks filled up for the winter, the annual fuel barges come in early fall before they have ice conditions out in the Bering Sea.

This year, if you will recall, back in October, everybody was watching the news because of the massive storms that were pounding western Alaska. Back in Washington, DC, every evening on the news we could see these major storms coming through. If we were here or down in Florida, they would have called them hurricane force winds. For us, it was a winter storm—a tough one.

What happened with that storm is that it prevented the fuel barge from reaching Nome, so the shipment of fuel that they would receive for the winter is not able to come in.

One might think, well, fuel up the community another way. Again, there are no roads. What is the other way? The other way is aircraft. So one would have to fly in barrels of fuel, driving the cost of fuel up, and, quite honestly, adding to the risk of transport. So it is an issue where fuel delivery by air, while it is possible, is not the preferable way. They are in a situation where they have not only a community of 3,500 but all of the surrounding villages in the region relying on Nome for their backup. So they are at risk too. Without the fuel tanks being filled, what the community and region were looking at was a situation whereby about March—sometime in March, depending on how harsh the winter was—they were going to run out of fuel.

Well, if the January temperatures are any indication—on average, it is usually about 2 degrees, but it has been 20 below and colder recently. That means people go through fuel pretty darn quick. Then what do they do? They are stuck until spring. You say: Well, isn't April or March spring? Not in Northwest Alaska because fuel barges cannot get to port until all of the ice in the Bering Sea has melted, which doesn't happen until May or June—perhaps earlier if the ice moves.

That is the reality up north. So we have a major community and outlying villages that are looking at a very real threat to their community. Senator BEGICH showed a picture on the Senate floor of gas prices in Alaska. When I was in Nome last week, I saw firsthand the price of regular fuel at the pump was $5.43. That is what residents of Northwestern Alaska are paying today. Diesel is a hair less than $6. If they were having to fly in fuel for the balance of the winter, they were looking at about $9 a gallon. This is on top of all of the other extraordinary costs they pay as a community that is reliant on air for just about everything they need.

Most of you may have seen the story in the news. Lots of people got to work to try to address the situation. I was in contact with the Coast Guard to see what they could do to help. The Coast Guard was amazing in saying: Yes, we are committed to this mission. We are going to help the people of Nome, the people of the region. So what came together was a pretty interesting story.

There is a fuel tanker, the Renda, which is home-ported over in Russia. The Renda filled up with fuel in South Korea and was going to pick up fuel in Japan. They got shut out of Japan by weather. They had to go to Unalaska, Dutch Harbor on the Aleutian Chain, to fill up. For those of us who know of the Jones Act, there is an issue there. They had to get the Departments of Defense, Homeland Security, Transportation, and Energy to act to get a Jones Act waiver so the Russian fuel tanker could fill up in an Unalaska port and haul the fuel north to the people of Nome. It is a pretty interesting saga, just in describing the beginning.

This is more than a 1,000-mile nautical journey, and they were breaking ice for about half of the way. The Renda is a pretty capable ship, but she is not an icebreaker. How she got through that ice is an interesting part of the story. The Coast Guard Cutter Healy, which had been on a research mission since early May and was on her way back to Seattle to deliver the crew got a call that Nome needed help. The fine men and women of the Healy missed their Christmas, their New Year's, and headed back north to clear a path for the Renda to Nome.

Now, I think it is important to stop here and recognize that this is not the Coast Guard doing something for the people of Nome or the people of Alaska that is not part of the Coast Guard's mission. This month-long journey was the first fuel delivery through sea ice in Alaska's history, but not the first time the Coast Guard has worked to get fuel to a community. This is important.

Back in 2000, CWO Richard Glasgow testified about ice-breaking operations on the Hudson River. At that time, there were five Coast Guard cutters that performed ice-breaking duties from Sandy Hook, NJ, all the way up to Troy, NY. They were working to get heating fuel to about 4 million people in the communities along the river. Officer Glasgow testified that as a direct result of the Coast Guard's continuous ice-breaking efforts that winter, all 274 petroleum-bearing barges that started the trip up the Hudson made it through the ice.

He also noted if the Hudson had remained closed to barge traffic, it would have taken over 21,000 tank truck loads to move that petroleum, assuming that the trucks were available to make those deliveries.

So we basically had a situation on the East Coast where the Coast Guard came to the rescue. They cleared a path so that commerce could be facilitated, and these communities along the Hudson could have the fuel and the resources they needed. The Coast Guard made it happen in an efficient and environmentally responsible way—avoiding 21,000 tank truck loads of fuel on the roads.

This is not unlike the role the Coast Guard has played in Alaska. The difference with Nome is that there could not be 21,000 truck loads of petroleum because there are no roads for those trucks to travel to Nome. So we did not have the option for any other means of transport to the community short of air transport.

So when we look at what the Coast Guard Cutter Healy and Captain Havlik and all the crew members did, they were following in the footsteps of many members of the Coast Guard before them in carrying out the Coast Guard's stated ice operations mission, which is to assist vessels and communities in emergency situations and facilitate essential commercial maritime activities.

The Coast Guard carried out this mission by assisting with 680 ice transits, representing the transport of over $2 billion of cargo. Similarly, just last year, Coast Guard cutters coordinated with the Canadian Coast Guard ships to facilitate the movement of about $2 billion worth of critical goods on the Great Lakes.

I point this out because I think it is important for people to know that in addition to all the other critical missions the Coast Guard has, one of theirs is to assist vessels and communities in emergency situations and to facilitate essential commercial maritime activities like getting fuel—an absolute bare necessity to the people in this northwestern region at a time when temperatures are 20 below for days and days on end. It was critical to us, and the Coast Guard did a remarkable job.

Again, I wish to recognize these men and women who gave up their Christmas holiday, who gave up their New Year's holiday to assist Alaskans, and they were nothing short of remarkable. I had the opportunity to go on board the Healy when I was in Nome last week, as the Renda was beginning to lay the hose from the fuel barge to the shore. I also spoke with the men and women and they were exceptionally proud of their mission. But I said to them: You will go back home and your world will be changed because you will be able to stand and say: Yes, I was on the Healy when we broke ice to get the Renda to northwest Alaska.

Let me give an update. Renda, the tanker, was able to get close to Nome after weeks of transit made difficult by the winter conditions of the thick ice and the currents and the winds. There were days when they actually went backward. The Coast Guard Cutter Healy would break the ice, loosen it, but it was so cold and things were happening so fast, the ice would refreeze the distance between the cutter and the Renda.

In addition to some pretty tough environmental conditions, we had some language issues going on between the Coast Guard cutter and the Russian tanker. They had to translate the mission. We had some cultural differences going on. But what they were able to facilitate, again, was pretty remarkable. I am giving laudatory praise to our Coast Guard, but I think it is also important to recognize the good work the crew of the Renda did in assisting as well.

Using NOAA's satellites to determine where the best mapping could be, where to cut through that, they were able to break through and get within about a half mile of the shore of Nome. It was close enough so that when I got off the Healy, I was able to take a snow machine to shore. It was about a 3-minute snow machine ride. That is how close they were able to get in safely to the shore. The Renda laid hose across the ice to connect to the tankers onshore.

It was about a 6-day process to transfer the fuel to the community, but the parties involved did it safely, without any incident whatsoever. They were able to then close that operation and, last Friday, they took off from Nome to go back—the Renda to Russia and the Coast Guard Cutter Healy to Seattle.

I asked for a progress report just this afternoon. And as of today, the Healy and the Renda were approximately 240 nautical miles southwest of Nome, 275 nautical miles from the ice edge. So they still have a long way to go getting through the ice.

One might ask the question: Why don't they just go back the way they came in? Because, obviously, they cut the trail. But it doesn't work that way. It is cold up there. In fact, they are continuing to rely on the NOAA satellites to help them map out a perhaps more efficient way, but it has been tough. They have very challenging ice conditions and very steady strong winds. The weather is giving them winds in excess of 25 to 30 knots. Hopefully, they are going to be diminishing to 15 knots on Friday. But they are working with NOAA and other folks to find the safest, the most expedient route out of the ice. But the ice forecast continues to see ice edge expanding to the south. So all the progress they are making going south, the ice is just coming at them in the other direction.

So it is challenging, but, again, these are extraordinary professionals across agencies. I have mentioned NOAA, and I mentioned what we needed to do in order to facilitate the Jones Act waiver through the Departments of Energy, Homeland Security, Transportation, and Defense, but we also had the State Department involved, we had the EPA involved, and the native corporation Sitnasuak to put this whole thing together. We had incredible local leadership coming out of the community of Nome. We had the University of Alaska researchers who helped with the UAVs to determine, again, how we best lay everything from the tanker in the safest place across the ice. An incredible act of collaboration.

I see my friend from Illinois is on the floor, and I know I have gone over my time, but I have about 3 more minutes to wrap up if that works for my colleague. Senator DURBIN comes from a State that appreciates snow, and so I think my colleague would like to hear the rest of my story because I am not done acknowledging the fine men and women of the Alaska National Guard who played a role in helping to dig out the community of Cordova after record snowfall.

We have had some pretty tough snows. Cordova is a coastal community in south central Alaska, and they got hammered. They got about 176 inches of snow. Last week, when we checked in, they had 16 feet of snow on the ground, which is pretty unusual. Not quite Valdez's record, which is sitting at 27 feet right now, but it was enough that roofs were caving in and there were public safety concerns. What the community did was come together, as small communities do, to try to shovel out, and 50 or 60 Alaska National Guardsmen were there to help. The Coast Guard was there too helping to shovel—it was quite a lovely community story.

Again, it is one of those stories that reminds us that whether Mother Nature hits us with winds and storms and cold in the north, or hurricanes in the south, we come together as a people. We come together as communities to

help, and sometimes we have some real heroes that emerge. Some of those heroes for us in Alaska these past few weeks have been our U.S. Coast Guard and our Alaska National Guardsmen and women.

As I started my comments, I said we do things bigger in Alaska, perhaps a little bolder. There is a new movie coming out that you may have heard about. It is called ''Big Miracle.'' It is about the rescue of the whales back in the late 1980s. Some of you may remember the whales were trapped in the ice off Point Barrow. It is a wonderful story about how we, as Alaskans, came together with the Russians, state and federal agencies, environmental and other groups that would normally not be allies, and regular folks for a common purpose. That movie, ''Big Miracle,'' reminded me that in Alaska we have a few more big miracles we can brag about, and they begin with people who truly make the health, safety, and well-being of others their top priority, even when they do not know any of those people.

I know the people of Nome and Cordova and the people of Valdez all give thanks to those who stepped up during these tough winter months to help us out and were there at our side. I thank the Chair for the extra time, and I thank my colleague from Illinois for his patience and again extend my heartfelt thanks to our U.S. Coast Guard men and women, as well as the fine men and women of the Alaska National Guard.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleague from Alaska and tell her that this week on National Public Radio there was a feature about Cordova and all the snow they have had to deal with there. I am sure this is perhaps commonplace in her great State, but as we listened to it from Chicago, we felt blessed we haven't been hit too hard yet this winter. But our hearts go out to the men and women in the Coast Guard and the National Guard in Alaska and the people who are struggling in Alaska's communities to survive these natural disasters.

THE DREAM ACT

Mr. DURBIN. Mr. President, each of us takes on an agenda in Congress, things that are important to us personally, and sometimes one or two of those issues become very personal and very important to us. The one that has become very personal to me relates to the DREAM Act.

The DREAM Act is a bill I introduced 10 years ago—10 years ago. To serve in the Senate, one has to be a patient person because nothing happens quickly. But 10 years is long enough, and I am urging my colleagues on both sides of the aisle to take a close look at this legislation today.

First, let me explain what it is all about. It is a bill that would allow students to literally earn their legal status in America. These are students who came to the United States as children. They have been here for a long period of time. They have good moral character. They must graduate from high school, speak English and complete at least 2 years of service to our country in the military or at least 2 years of college, and that can include vocational training, which I think can be equally valuable to many young people. And I have talked to the Presiding Officer about this. I certainly believe that should be part of this conversation.

The DREAM Act would make us a better and stronger country. These young people are waiting for the opportunity to contribute to America. I have come to the floor dozens of times now to tell their stories. There was a time when they were afraid to speak out and to identify themselves. But thank God that has changed. They now speak out because they understand when people see who they are, what they have done, and what their dreams are, they can appreciate the fact these are good young people who, when given a chance, will make us a safer and stronger nation.

That is why this proposal has been supported by the Department of Defense. They want these young people—these high school graduates of good character—to come into our military and make it better. Of course, many others see this as a valuable addition to our economy—tomorrow's engineers and scientists and teachers and doctors and lawyers and entrepreneurs. These young people can make America a better place.

I contacted the Obama administration last year, along with 21 of my colleagues, and asked that they take a look at these young people when it comes to deportation. Understand we estimate there are 11 million undocumented people in America. There are some who just say: Oh, send them all back.

That is not even in the realm of reality. So I have asked the Obama administration, along with 20 of my colleagues, to focus on those who are any danger to the United States and send them back—deport them. In fact, the Obama administration has done just that. I have asked them as well, since we have limited resources, to please try to identify those who might fall into the qualification of the DREAM Act and do not deport them.

There are some who argue: Oh, wait a minute. They should all go. But we know we have limited resources for enforcement. If a person is a State trooper, parked on the side of a highway in Illinois or West Virginia, with a speed limit of 55 miles an hour, and one car comes by at 65 miles an hour and the next one comes hurtling by at 110 miles an hour and they can go after only one car, which one will they go after? We know the answer. They go after the car that is traveling so fast it is a danger to its occupants and everyone else. The same is true when it comes to questions of deportation. Use good sound prosecutorial judgment, with limited resources, to deport only those people who could be a threat or a danger to these United States. That is the first priority.

Earlier today, Senator GRASSLEY, who is the ranking member of the Senate Judiciary Committee, came to the Senate floor and claimed that the Obama administration is using this discretionary authority to implement the DREAM Act because it failed to pass Congress. I respectfully disagree with my friend from Iowa.

The DREAM Act would give these young people the chance to earn legal status. That is not the case when it comes to deportation. Even if they are not deported, they are still not in a legal or permanent legal situation in the United States. Their future is still in doubt and in question. So there is no parallel as far as that is concerned.

I have come to the floor many times to introduce those who follow this debate to these young people to get to know who they are and why I think this cause is important and their lives are important to us. Let me introduce today two of them.

This is Alaa Mukahhal. Alaa is of Palestinian descent, was brought to the United States by her parents 19 years ago when she was 7 years old. She is 26, and she grew up in the suburbs of Chicago, my home State. She was an honor student in high school and graduated from the University of Illinois at Urbana Champaign—a great university—with a bachelor's degree in architecture. She sent me a letter, and here is what she said:

> Being undocumented and with no pathway to the citizenship means I actually can't use my architectural degree. It means I can't get a job and move forward with my life. This year, once again, we wait for Congress to do the right thing and give undocumented young people all across America a chance to better serve our communities and our country. I am an asset to this country, a resource, with a desire to make good use of my degree. I want to be able to work and design affordable housing for low-income communities.

In the finest American tradition, Alaa has become an activist. She has stepped out to introduce herself to America so we know who these DREAM Act students are and what they could mean to the future of our Nation.

Let me also introduce to you this lovely young lady, Maria Luna. Maria has a heartbreaking but inspiring story.

Her mother lives in the United States. But just before she was to be born in the United States, her mother fled the country and gave birth to her on the Mexican side of the border. Maria's mother abandoned her in Mexico at that point—left her when she was only 3 days old. Luckily, her

grandmother stepped in and started raising Maria in Los Angeles, CA. Her grandmother passed away when Maria was 10 years old.

After her grandmother's death, Maria went to live with her biological mother who, unfortunately, was abusive both physically and emotionally to this young woman. While she was in high school, Maria learned that she did not have legal status because she was actually born across the border in Mexico. She asked her mother to file the papers for her so that she could be legal in America. Her mother refused, and she threatened to turn her into the authorities if she caused any trouble at home.

Maria persevered. She became a straight-A student. She graduated from high school with a 4.2 GPA. This is what she said:

> Even through everything that I was facing at home, I was able to find relief at school. At school, I felt worthy. My dignity was returned. I was valued based on my merit and drive.

In 2010, Maria graduated from California State University of Sacramento. She also decided to start to tell her story publicly about why she believes the DREAM Act is so important.

Maria wants to go to business school and become an entrepreneur. She has begun a career in modeling—as you can tell, a lovely young lady—although she doesn't have legal status and can't be paid for her work. She sent me a letter, and here is what she said:

> Through my involvement through the DREAM Act I have learned of many students who like me have excelled despite tough odds. One thing that we all share in common is our hunger to succeed and give back to this country. My dreams and ambitions are all for America. This is where I belong. I know no other home. It is here that I was given an opportunity, it is here that I have become educated. America adopted me and raised me as her own. And because of that, I am forever indebted to her. All I want is to have the ability to give back to my country.

Mr. President, you and I know this is a nation of immigrants. We are fortunate that at some point in the past our parents and grandparents had the courage and determination to come to these shores and fight the odds. They came here speaking broken, if any, English. They persevered through the rejection of people who wanted nothing to do with immigrants. They took the dirtiest, hardest jobs available because that was it, and they prayed that their kids would have a better life. That was the immigrant's dream, and it always has been. That is the dream of these children: that they can have a better life, that they can make this a better country. All they are asking for is a chance to earn the right to be legal, to earn it—not to be given it but to earn it.

I am going to continue to work for passage of the DREAM Act. I hope my colleagues on both sides of the aisle will look at this in an honest and fair way. I know immigration has been a hot button issue since right after the Pilgrims got off the Mayflower. The next boat that arrived, I am sure some of the Pilgrims said: Oh, not more of those people.

Well, that is the story of America. Thank goodness a lot of those immigrants from Italy, from Lithuania, from Poland, from China, from Mexico, decided to stick it out and fight for their future. These young people deserve that same opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have week after week ever since the President's health care law was passed, to bring a doctor's second opinion about the health care law.

I traveled the State all the last week in Wyoming talking to people about the things they look for in a health care law, which is what they want as patients, as citizens. What they are looking for is the care they need from a doctor they want at the price they can afford. Across the board, they do not believe they are getting that with the health care law that was passed in this body and then in the House and signed by President Obama during the last couple of years of the administration.

It is interesting, as we went to the floor of the House in the House Chamber this past week for the President's State of the Union speech, it was almost 7,000 words, and he focused very little on the health care law.

One might say: Well, why is that? Well, it seems pretty obvious it is because that law was unpopular when it was passed, and it is actually more unpopular with the American people today than it was the day it was passed. The more people find out about it, the less popular it becomes.

Even the White House understands this law is deeply flawed, it is extremely unpopular, and it actually makes it harder for small businesses to create jobs. So when the President wants to talk about job creation in America, he realizes his health care law isn't helping, and it is actually making it worse.

I had townhall meetings in different communities around Wyoming last week, where you gather a group of people together. My colleagues ought to do the same in their own communities and their home States and ask the group of people: Do you believe, under this health care law—you remember, the one the President promised that if passed that the cost of your insurance would go down? Do you remember that law? Do you believe that after that was passed, that your health care costs will actually go up? How many believe the cost of your care will go up and your insurance will go up? Every hand went up.

Then ask those same people, who now say they are going to end up paying more: Do you think the quality—because there is a lot of discussion about quality and access and concerns about care. Do you believe the quality of your care will go down? Again, the hands went up.

So we have people who are saying: We are going to be paying more and getting less, and that is not what I want.

So today I am here to discuss something about the health care law that the President did leave out of his big speech on Tuesday night, and that is the issue of waivers.

On January 6, while we were all back in our home communities, many people talking to folks around their home States—on January 6, while Congress was not in session, the House was not in session, the Senate was not in session—the administration ended their program that has been a major embarrassment to the Obama administration. Month by month, the President has had to announce that he had to issue more and more waivers from his health care law, waivers that the President granted to unions, to businesses, and to insurers. Each and every waiver served as a clear admission that the health care law, as written, didn't get the job done and doesn't work.

Well, as of January 6, 2012, the administration has issued a total number of waivers that covers more than 4.1 million Americans. Over 1,700 waivers were given covering more than 4.1 million Americans.

Now, interestingly, of all of those people, a very small percentage of workers in this country are union workers. Yet over half of all the waivers given, 2.2 million of those people were those who are covered with union insurance. So we have 4.1 million Americans given waivers. So 2.2 million people with union insurance got a waiver; that is, 54 percent of all of the waivers went to union employees who supported the health care law. These are the people who were out in the streets rallying, saying: We want the health care law. They have it on their Web sites. They had celebrations when it was passed.

Then, do you remember what NANCY PELOSI said? First, you have to pass it before you get to find out what is in it. As all these people getting their insurance through unions found out, if they complied with the law as written it would break their policies, break their programs, and they said: We cannot afford to have this law apply to us. Please give us a waiver. And 2.2 million people with union insurance got a waiver. As they say, they let the word out January 6, 2012, while Congress was not in session and while people were focused on other things.

The rest of America's small business owners were not so lucky. A new poll from the Chamber of Commerce found that 78 percent of small businesses surveyed reported that taxation, regulation, and legislation from Washington made it harder for their businesses to

hire more workers. These are the small businesses of the country, the people who are the job creators. In that same poll, 74 percent of small business owners said the recent health care law makes it harder for their business to hire more employees.

Now, aren't these the very people we are asking to go out and hire more workers to get America back to work? Yet the President's and Democrats' health care law is making it harder for 74 percent of small businesses in this country to hire more employees.

So how did we get here?

Well, in May of 2011 I came to the Senate floor, right here, and explained that the waiver recipients, under the way it worked, had to reapply because they were getting annual benefit waiver limits year after year after year. Realizing what an embarrassment this drip, drip, drip of new waivers was going to be by the administration, in August of 2011 the administration switched course. The Department of Health and Human Services announced at that point that if people wanted a waiver, they were going to have to apply for a final waiver that would carry on all the way through 2014—a 3-year waiver. They wanted to get all of this out by the beginning of 2012 so it wouldn't be a continued election year embarrassment for this President, this administration, and those who voted for it. This scheme allowed the administration to dodge issuing more waivers leading up to the 2012 Presidential election.

It is clear these waivers were going to be an election year embarrassment for the President. They are an embarrassment because each and every waiver was yet another reminder to the American people that President Obama's health care law wasn't working.

The President promised, and we remember hearing him loudly and clearly: If you like the health insurance plan you have, then you can keep it. Well, what he meant was, to keep the coverage you have, if you like it, you may need a waiver from Washington.

I also want to talk for a moment about what happens now that this September deadline has passed and these 4 million waivers have been granted.

It is now no longer possible to apply for an annual benefit limit waiver. It is no longer an option for business owners in this country. So that means it leaves hard-working Americans who want to start a new business forced to choose between two options. I think they are bad options.

One, they can offer high-cost, government-approved health insurance. Well, that is going to make it very expensive for them to try to open a new business and hire workers. The expense of opening that business may likely be too great. So those jobs are not created, and unemployment rates stay high. No. 2, they could not offer coverage at all because they cannot afford the health care law's onerous mandates. If they chose that second option, what happens ultimately? The American taxpayers will end up footing the bill.

With a $15 trillion debt and unemployment hovering around 8.5 percent, the last thing we should do is adopt policies like this health care law and then this waiver that discourage America's best and brightest from starting new companies and hiring new workers. But that is exactly what President Obama's health care law does. It stifles innovation, strangles the market, and it saddles the American people with more debt.

This is just another example showing how the President's health care policies are making the situation worse. His policies are hurting America's economy. His policies are making the standard of living in America worse. His policies are making health care in America worse. His policies are making America's debt worse.

Almost immediately after President Obama signed this health care bill into law, the employers around the country began to sound the alarm. They said the health care law's annual benefit limit policy would force them to stop offering health insurance to hundreds of thousands of Americans and their families. That is why the administration came up with this waiver idea. Nowhere in the health care law is the Secretary of Health and Human Services granted explicit authority to start an annual benefit limit waiver program—nowhere in the law. What the administration should have done is come to Congress and ask for help to fix the problem they had created. That would mean, however, the President and Washington Democrats would have to admit their health care law was flawed.

Washington Democrats crafted policy mandating that everyone must buy government-approved health insurance. In many cases, it is insurance these individuals do not need, do not want, and cannot afford. The President pushed his mandates on the American people without understanding how limited health insurance products work in the marketplace. The administration simply ignored the fact that many employers cannot afford to offer the Cadillac health insurance coverage to their workers that the government is mandating.

Now, if those businesses do not have a waiver already, they will not be able to offer their employees any insurance coverage at all, and new business startups will not have the opportunity to ask for a waiver. Those employers might have wanted to offer some basic level of health insurance coverage to their new employees, but thanks to the Obama administration they will not be able to offer anything at all because of the expense.

This is just another example of Washington Democrats pushing a one-size-fits-all, ''we know best'' policy where they think they know what is best for all of the people of this country. How many more disruptive, ticking timebombs are there lurking in this health care law? We do not know because many of the provisions do not even go into effect until 2014 or later. That is why I come to the floor week after week giving a doctor's second opinion, to mention and to tell that I intend to fight each and every day to make sure the American people will never have to find out, come 2014.

I am committed more than ever to repealing the health care law, repealing it and replacing it with health care reforms that help American families get the care they need from a doctor they want at a price they can afford.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is not the time for a debate with my friend, the distinguished Senator from Wyoming. I would just say there are two sides to the story. Try to have my friend, the Senator from Wyoming, explain to Jeff Hill, a young man who, within 2 weeks after turning age 24—he had to go off his parents' insurance when he turned 23—got testicular cancer. His parents had to spend money they didn't have, borrow money they didn't have to take care of the problems this young man developed with testicular cancer, all the surgery, radiation, all the other chemo he had. Try to have him explain to the more than 2 million seniors who have been able to have wellness checks as a result of this law we passed. How about the people in Nevada who have come to me with tears in their eyes, explaining to me that their daughter or son now has the ability to have insurance because they cannot be denied insurance because of a preexisting disability.

That is why we have seen this litigation which has been generated, and the appellate courts by a 3-to-2 margin have favored the law, including a brilliant decision written by an extremely conservative judge, Judge Silberman in the DC Court of Appeals, who upheld this law. That is why many consumer groups have joined in the appeal to the U.S. Supreme Court, along with the pharmaceutical industry, along with the insurance companies—because this is something that is good for the American consumer.

That is why it was so unfortunate that the Republicans blocked something that would help consumers after the financial wizardry that took place on Wall Street that basically tore down the economies of so many different States. When we passed the Dodd bill, we wanted to make sure consumers were protected. That is why we tried for months and months to have someone selected to fill that spot.

Republicans said: We do not like the law. We like him, but we don't like the law, so we do not want the law effectuated, so we are not going to approve him. And they did not. That is why President Obama, under the terms of the Constitution that is written to protect this country, has in that Constitution the power of recess appointments.

That is what he did to protect the consumer.

The health care law we passed protects the consumer.

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 for up to 10 minutes each.

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

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 301, S. 2038.

The legislative clerk read as follows:

The Senator from Nevada, Mr. REID, moves to consider Calendar No. 301, S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge Act:

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Joe Manchin III, Tom Udall, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Patty Murray, Charles E. Schumer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived on the cloture motion on the motion to proceed to S. 2038; further, that the cloture vote on the motion to proceed to S. 2038 occur at 5:30 p.m. on Monday, January 30.

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

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate a budget scorekeeping report. The report, which covers fiscal year 2012, was prepared by the Congressional Budget Office pursuant to Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of Congressional action through January 20, 2012, and includes the effects of legislation enacted since passage of the Budget Control Act of 2011, which established allocations, aggregates and other levels for 2011, 2012, 2012–16, and 2012–21. The legislation includes: P.L. 112–29, the America Invents Act; P.L. 112–33, the Continuing Appropriations Act, 2012; P.L. 112–40, an act to extend the Generalized System of Preferences, and for other purposes; P.L. 112–41, the United States-Korea Free Trade Agreement Implementation Act; P.L. 112–42, the United States-Colombia Trade Promotion Agreement Implementation Act; P.L. 112–43, the United States-Panama Trade Promotion Agreement Implementation Act; P.L. 112–55, the Consolidated and Further Continuing Appropriations Act, 2012; P.L. 112–56, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding, and for other purposes; P.L. 112–74, the Consolidated Appropriations Act, 2012; P.L. 112–77, the Disaster Relief Appropriations Act, 2012; P.L. 112–78, the Temporary Payroll Tax Cut Continuation Act, 2012; and P.L. 112–80, an act to amend title 39, U.S.C., to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of Section 106 of the Budget Control Act of 2011 and CBO's March 2011 baseline.

The estimates show that for fiscal year 2012, spending is $27.5 billion in budget authority and $20 billion in outlays above the levels provided pursuant to the Budget Control Act, while revenues are $0.9 billion below the levels provided pursuant to the Budget Control Act. The overage in spending is the result of P.L. 112–78, the Temporary Payroll Tax Cut Continuation Act of 2012, which was passed at the end of last session. While that legislation was fully paid for over 10 years, it increased spending in 2012. Finally, the estimates show that, in total, there has been no net change for Social Security.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 25, 2012.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2012 budget and is current through January 20, 2012. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of section 106 of the Budget Control Act of 2011 (Public Law 112–25).

This is CBO's first current level report for fiscal year 2012.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

TABLE 1. SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2012, AS OF JANUARY 20, 2012

[In billions of dollars]

	Budget aggregates	Current level	Current level over/under (−) aggregates
ON-BUDGET			
Budget Authority	2,985.7	3,013.2	27.5
Outlays	3,046.9	3,066.9	20.0
Revenues	1,890.9	1,890.0	−0.9
OFF-BUDGET			
Social Security Outlays [1]	574.0	555.1	−18.9
Social Security Revenues	666.8	647.8	−18.9

[1] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2. SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2012, AS OF JANUARY 20, 2012

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,890,921
Permanents and other spending legislation	1,847,363	1,773,303	n.a.
Appropriation legislation	0	581,418	n.a.
Offsetting receipts	−708,099	−708,099	n.a.
Total, Previously enacted	1,139,264	1,646,622	1,890,921
Enacted 1st Session, 112th Congress: [1]			
Authorizing Legislation:			
America Invents Act (P.L. 112–29)	−3	−3	−4
An act to extend the Generalized System of Preferences, and for other purposes (P.L. 112–40)	−28	−240	−996
United States-Korea Free Trade Agreement Implementation Act (P.L. 112–41)	53	53	−31
United States-Columbia Trade Promotion Agreement Implementation Act (P.L. 112–42)	−68	−68	−137
United States-Panama Trade Promotion Agreement Implementation Act (P.L. 112–43)	1	1	118
An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding . . . and for other purposes (P.L. 112–56)	−39	−39	−25
Temporary Payroll Tax Cut Continuation Act, 2012 (P.L. 112–78)	29,363	29,363	136
An act to amend title 39, U.S.C., to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (P.L. 112–80)	0	−1	0
Total, Authorizing Legislation	29,279	29,066	−939

TABLE 2. SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2012, AS OF JANUARY 20, 2012—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriations Acts:			
Continuing Appropriations Act, 2012 (P.L. 112–33)	−1,000	−1,000	0
Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112–55, Divisions A, B, and C)	242,076	195,617	0
Consolidated Appropriations Act, 2012 (P.L. 112–74)	1,621,868	1,193,967	0
Disaster Relief Appropriations Act, 2012 (P.L. 112–77)	8,607	1,608	0
Total, Appropriations Acts	1,871,551	1,390,192	0
Total, Enacted 1st Session, 112th Congress	1,900,830	1,419,258	−939
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−26,928	1,027	0
Total Current Level [2]	3,013,166	3,066,907	1,889,982
Total Budget Aggregates [2, 3]	2,985,700	3,046,903	1,890,921
Current Level Over Budget Aggregates	27,466	20,004	n.a.
Current Level Under Budget Aggregates	n.a.	n.a.	939

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

[1] Pursuant to section 106 of the Budget Control Act of 2011, budgetary effects of legislation enacted in the 1st session of the 112th Congress up to and including the Budget Control Act of 2011 (P.L. 112–25) are shown in the ''Previously Enacted'' section of this table. Because P.L. 112–26 (the Restoring GI Bill Fairness Act of 2011) was cleared by Congress for the President's signature before P.L. 112–25, it is also included in that section.

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the aggregate levels are provided for in section 106 of P.L. 112–25. These levels, as originally published in the Congressional Record of September 7, 2011, do not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the Senate Committee on the Budget revises the aggregate totals:

	Budget authority	Outlays	Revenues
Original Budget Aggregates	2,854,385	2,987,419	1,890,921
Revisions:			
Adjustments for disaster, emergency, and overseas contingency operations, and for other purposes (September 16, 2011)	−396	−4,998	0
Adjustments for disaster and overseas contingency operations funding (September 21, 2011)	117,885	59,677	0
Adjustments for disaster, overseas contingency operations, and program integrity intiatives (October 5, 2011)	11,896	5,108	0
Adjustments for disaster spending (October 20, 2011)	475	62	0
Conference report for H.R. 2112 (November 16, 2011)	−847	−79	0
Conference report for H.R. 2055 (December 16, 2011)	2,302	−286	0
Revised Budget Aggregates	2,985,700	3,046,903	1,890,921

REMEMBERING VÁCLAV HAVEL

Mr. CARDIN. Mr. President, today I rise to honor former Czech President and renowned human rights activist Václav Havel. Václav Havel died last month, and I was sad to note that the news of his death was overshadowed by not only the holidays but also by media coverage of Kim Jong Il's death. The irony—that one of the great leaders of the third wave of democracy, passed at virtually the same time as one of the century's most dangerous, repressive tyrants—is striking.

Eulogies to Havel from everyday Czechs, European and world leaders, and admirers across the globe have poured forth in the past month, and for me, some of the most touching have come from the Czech Romani community. The Roma community, which is often ostracized from and disenchanted with mainstream politics, embraced Havel as a leader and a friend. And indeed Emil Scuka, the Czech president of the International Romani Union, said ''Václav Havel was not afraid to publicly stand up for Romani people even though he knew he could lose a great deal politically by doing so because the public wouldn't like it. He never made such political calculations in advance . . . With the death of Václav Havel, all of us Romani people are losing a great defender, a fighter for freedom and human rights. We are losing the certainty that when things are at their worst, Václav Havel will help us. However, I believe his ideals, his ideas, and his philosophy will live on.''

I was also inspired by the eloquent tribute of Gabriela Hrabanova, a former advisor to the Czech government on Romani issues, who said ''Everyone has been writing about how this is the end of an era. I firmly hope that is not the case. The legacy of Václav Havel must remain with us, and the space for truth and love in society must continue to increase.''

Just a few days before his death, Havel was actively following protests in Moscow, and published an opinion in the independent Russian newspaper Novaya gazeta, and called the current Russian government a ''specific combination of old stereotypes and a new business-mafia environment.'' He encouraged Russian citizens to see that the current regime, which presents itself as democratic, is in fact not democratic at all. Exposing the truth of the repressive Communist regime lead to the victory of his peaceful Velvet Revolution, and Havel was convinced this experience could be replicated in Russia, if the citizens were committed.

I am not at all surprised by a report from Aung San Suu Kyi, who said she received a letter in the days following Havel's death from Havel himself. Suu Kyi said that Havel wrote from his deathbed that he was thinking of her and how the transitional experience from Czech Republic might prove useful to her in Burma's transition and her own quest for freedom and truth. Even in the last moments of his life, Havel was thinking about the imperiled human rights defenders around the world, from Russia to Burma, whom he could help.

And so it strikes me that in addition to the resolution honoring Havel, introduced by Senators RUBIO and LIEBERMAN, on which I am a proud cosponsor, we should also take this moment to rededicate ourselves to the principles so clearly visible in the life of this virtuous man. We must aid the Havels of this generation in their efforts to live in truth and freedom. We must do an even better job of prioritizing respect for human rights whenever we engage other governments, whether we are dealing with the transitional regime in Egypt, long-established rulers in Bahrain, newly elected leaders in Honduras, or strategic allies in Europe.

Václav Havel was a hero of the twentieth century, and I was very fortunate to have met him. I am also very proud of all that the Helsinki Commission and the United States did in Eastern Europe to support Havel and his friends in their quest to live in truth. We must strive to honor that commitment in the rest of the world, so that Havel's legacy, and our own, lives on in the twenty-first century.

TRIBUTE TO MAJOR GENERAL MICHAEL DUBIE

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to Major General Michael Dubie, the Adjutant General of the Vermont National Guard. Throughout his career, General Dubie has demonstrated selfless dedication and service to our State and our country. I was very pleased to learn that Vermont's largest newspaper, the Burlington Free Press, recently named General Dubie the Vermonter of the Year. He certainly deserves the honor.

Earlier this year, when Tropical Storm Irene devastated much of Vermont, General Dubie led the Vermont National Guard in confronting one of the most serious crises our State has ever faced. The Guard acted immediately to deliver emergency supplies to victims cut off by the storm's destruction. Helicopters airdropped food and water. When it became apparent that Vermont needed more airlift because some of the

Vermont Guard's helicopters were in Iraq, General Dubie coordinated with other State Guards to get the help Vermont needed.

The Guard's intensive rescue and aid mission eventually evolved into a longer-term recovery and rebuilding mission. Skillfully and tirelessly, Vermont citizen-soldiers set to work removing debris and rebuilding roads and infrastructure.

General Dubie commanded some 500 activated Guard members in the wake of Irene. But that does not account for other ongoing missions in 2011, or the substantial contribution the Vermont Guard has made to the wars in Afghanistan and Iraq—including a major activation to Afghanistan in 2010. In honoring General Dubie as Vermonter of the Year, we pay tribute to the tremendous sacrifice made both in State and overseas by Vermont National Guard members and their families.

True to form, General Dubie, despite his extensive experience with dangerous overseas missions, has called the Irene deployment the proudest mission of his career because he was able to directly help so many of his fellow Vermonters.

MG Michael Dubie is a proven leader and he embodies the best of Vermont. I am proud to recognize his hard work and I wish him continued success in his career.

I ask unanimous consent that the Burlington Free Press article entitled ''Maj. Gen. Dubie is Vermonter of the Year'' be printed in the RECORD.

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

[From the Burlington Free Press, Jan. 1, 2012]

MAJ. GEN. DUBIE IS VERMONTER OF THE YEAR

As the Vermonter of the Year, we select Maj. Gen. Michael Dubie, adjutant general of the Vermont National Guard, as the representative of the team of men and women of the Guard and the many civilians who worked together to help Vermont recover from Tropical Storm Irene.

In our lifetime, Tropical Storm Irene is arguably the biggest and most dominant local news story. Three people lost their lives during the storm. Vermont National Guard 1st Sgt. Shawn Stocker lost his life working to respond. Thousands lost their homes, their businesses and many of their possessions. Thousands more suffered property damage. Irene washed away some roads, damaged many others and rendered useless the state office complex in Waterbury.

Who would have thought that our state could recover so well in less than 90 days!

Vermonters owe this recovery to so many. State and local government leaders have done their jobs well. In every community impacted by the storm, there were at least a few civilians who devoted most of their time and energy for many weeks helping their community respond and recover. Hundreds of volunteers from all over our state and beyond stepped up to do extraordinary things. They collectively demonstrated both the indomitable spirit of Vermonters and our love for community.

Approximately 500 Vermont National Guard members were activated as well. We are especially mindful that this activation is in addition to Air Guard deployments to Norway and Korea, ongoing Vermont National Guard missions in Djibouti, Kosovo, Macedonia and Senegal, helicopter rescues in Iraq—all in 2011—and following the major activation to Afghanistan in 2010. Let us also remember, as the Iraq War officially comes to its end, the tremendous sacrifice made by Vermont National Guard members and their families while serving our country during these past nine years.

As Dubie said in nominating the men and women of the Vermont National Guard, ''As you know, we are a team. It is what makes us so strong.'' In responding to Tropical Storm Irene, the Vermont ''team'' also included many civilians. Together, the Vermont National Guard and the community members searched and rescued and then delivered supplies to people in otherwise unreachable locations. Then they began reconstruction. In addition to the National Guard, all of these volunteers should be commended and thanked for their efforts.

We can choose only one person, however, as Vermonter of the Year. Because so many people did so much, the selection committee found it hard to identify a single individual to recognize. So we choose Maj. Gen. Michael Dubie to honor them all.

ADDITIONAL STATEMENTS

RECOGNIZING THE ''MAJOR CHARLES ROBERT SOLTES JR., O.D. BLIND REHABILITATION CENTER''

• Mr. BOOZMAN. Mr. President, today I wish to commemorate the dedication of the ''Major Charles Robert Soltes Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center.''

As a member of the U.S. House of Representatives during the 111th Congress, I strongly supported the bill that ultimately became P.L. 111–164. That law designated the Department of Veterans Affairs Blind Rehabilitation Center in Long Beach, CA, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center.''

Naming this facility after MAJ Charles Robert Soltes, Jr. is an appropriate expression of our support for our blinded veterans. In 2004, while deployed in Iraq, MAJ Soltes was serving in the 426th Civil Affairs Battalion in the U.S. Army when the vehicle he was traveling in was struck by an improvised explosive device, costing him his life.

MAJ Soltes was the first Army optometrist to be killed in action while on active duty. He left behind a long-lasting legacy in the veteran community. His sacrifices remain an inspiration, particularly amongst the approximately 157,000 veterans in the United States who are legally blind and the more than one million veterans suffering from debilitating low vision.

Mr. President, I was the son of a World War II veteran and before entering public service, I practiced optometry in Rogers, AR. With that background, I hold an immense respect for, and a particularly strong interest in, the care that VA blind rehabilitation centers provide our wounded warriors. Approximately 60 percent of veterans with known combat-related Traumatic Brain Injury (TBI) and 30 percent with noncombat-related TBI report vision symptoms. As eye injuries continue to plague our servicemembers overseas, our VA eye care providers play a vital role in the medical service our veterans receive.

This week, the VA health care system adds one more location where those who have given so much for our freedoms can seek help with their vision problems. The dedication of this facility as the ''Major Charles Robert Soltes Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center'' is a fitting tribute to a fallen hero who committed his life to our country and the health and wellbeing of his fellow Americans. The service and sacrifice of MAJ Soltes will not be forgotten and his dedication to country and mankind will live on through the increased care for our Nation's blind veterans.•

REMEMBERING ETTA JAMES

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the life and artistry of Etta James, the legendary singer and entertainer who moved and delighted music lovers for more than half a century. She died in her hometown of Riverside, CA last week at the age of 73 after a long and valiant battle with leukemia.

Born Jamesetta Hawkins in Los Angeles in 1938, she began singing in the St. Paul Baptist Church choir at age 5 and recorded her first hit record, ''The Wallflower (Roll With Me Henry),'' when she was just 15. Etta James was equally at home singing rhythm & blues classics like ''Something's Got a Hold on Me,'' soulful ballads such as ''All I Could Do Was Cry,'' and passionate love songs including the incomparable ''At Last.''

I was fortunate enough to grow up with her music, dancing to ''The Wallflower'' in high school, ''At Last'' as a newlywed, and ''Tell Mama'' as a young mother. As she continued to tour and record, later generations marveled at her talents, reveled in her exuberant performances, and admired her indomitable spirit.

Through her music, Etta James brought the joys and sorrows of life home to millions of fans all over the world. She will be deeply missed, but her music will live on in our hearts and souls.

On behalf of the people of California, I send my deepest condolences to her husband, Artis Mills; her two sons, Donto and Sametto James; and her four grandchildren.•

TRIBUTE TO MASTER SERGEANT TRAVIS RIDDICK

• Mr. GRASSLEY. Mr. President, I rise to pay tribute to a fallen son of Iowa,

MSgt. Travis Riddick. Master Sergeant Riddick joined the Marine Corps after graduating from high school in Centerville, IA. In doing so, he was following in a laudable family tradition of patriotic service. His father and grandfather were marines, as well as his uncle and cousins. His twin brother recently retired after 21 years in the Navy. Travis Riddick certainly did his family, his State, and his country proud. He was awarded six Air Medals, the Navy and Marine Corps Commendation Medal, four Navy and Marine Corps Achievement Medals, seven Marine Corps Good Conduct Medals, two National Defense Service Medals, the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Armed Forces Service Medal, the Humanitarian Service Medal, the NATO Medal, the NATO ISAF Medal, and the Kuwait Liberation Medal.

My prayers are with his mother, Barbara, his father, John, and his wife, Jennifer, as well as his children and all his family and friends. His father reports that Travis loved his job and his mother said that he was the best marine ever. Our Nation is tremendously fortunate to have individuals like Travis Riddick who have the drive to step forward and serve their country with enthusiasm and honor. To selfless heroes like Travis Riddick, we owe nothing short of our liberty. Unlike at the birth of our country, when every person who aligned with the cause of freedom was putting themselves at great risk, those who enjoy our way of life today rely on a select group of patriotic Americans to preserve everything we hold so dear. We can never repay the debt we owe, but we are obliged to honor and remember them for their sacrifice in the name of liberty.●

RECOGNIZING THE NATIONAL HANDICAPPING CHAMPIONSHIP

● Mr. HELLER. Mr. President, today I wish to bring awareness to an event being hosted in my State this weekend. The National Handicapping Championship, NHC, will take place on January 27 and 28 at Treasure Island Las Vegas. Tourism and gaming are the backbone of Nevada's economy. It's a legacy that we must continue to nurture and I welcome events like the NHC to my state.

Las Vegas is a world-class destination unmatched by any other, and I have and will continue working to support policies that will keep Nevada's gaming industry growing and prosperous. Travel and tourism are a major part of my State's economy, attracting millions of visitors every year because of the variety of attractions and entertainment options available.

Considered the most anticipated tournament in the world for horseplayers, the NHC marks the conclusion of a year-long series of tournaments endorsed by the Daily Racing Form and the National Thoroughbred Racing Association, NTRA, where Thoroughbred racing handicappers wager more than $12 billion each year. In turn, these dollars are put back into the horse industry contributing significantly to this agribusiness' future growth.

I commend the Daily Racing Form and the NTRA for choosing Las Vegas, NV to host this prestigious tournament and wish them a successful event this weekend. I look forward to building upon this success and encourage more events to visit my State. As a United States Senator from Nevada, I will continue do all that I can to make sure that organizations such as these have the opportunity to enjoy all that my great State has to offer.●

ST. CROIX RIVER BRIDGE PROJECT

● Ms. KLOBUCHAR. Mr. President, I rise today to recognize the remarkable commitment of a key group of Senate staffers, who worked tirelessly over the last several months to ensure the passage of a critical bill for advancing the bipartisan St. Croix River Bridge Project. By replacing the outdated, 80-year-old Stillwater Lift Bridge with a bridge that adequately meets the needs of local businesses and families, this bill will promote public safety and economic development in communities throughout the St. Croix River Valley.

Passing the bill was truly a team effort, requiring all hands on deck from lawmakers at the State, local and Federal level. We could not have done it without the leadership of my co-sponsors in the Senate—AL FRANKEN, RON JOHNSON and HERB KOHL—or our colleagues in the House from both Minnesota and Wisconsin. But most importantly, we could not have reached this important milestone without the talent and tenacity of the hard working people ''behind the scenes.''

This includes the staff of the Environment and Public Works and Senate Energy and Natural Resources Committees as well as the U.S. Departments of Transportation and Interior, who worked closely with my office. And it includes all of the hard-working members of my staff who logged countless long hours to ensure we had a bill that was strong, effective and bipartisan. Their hard work made all the difference.

I am especially grateful to my Deputy-Legislative Director Travis Talvitie, who played an indispensible role every step of the way. Travis came into this process with a deep understanding of infrastructure policy, which he immediately put to work on this bill. When he wasn't meeting with community leaders from Stillwater and the St. Croix River Valley, he was coordinating with Federal agencies, and has become an expert on the important Wild and Scenic Rivers Act.

Thanks to the efforts of all involved, I am hopeful that Minnesota and Wisconsin will soon have a bridge that not only improves public safety and promotes economic growth, but preserves the incredible beauty of the St. Croix River.●

VERMONT STUDENTS' ESSAYS

● Mr. SANDERS. Mr. President, I ask to have printed in the RECORD these essays written by Vermont High School students as part of the second annual ''What is the State of the Union?'' essay contest conducted by my office. The following essays were selected as ''Runners Up.''

The Statements follow.

MONICA ALLARD, MILTON HIGH SCHOOL (RUNNER UP)

[January 23, 2012]

The American Dream is adaptable. The ideals that we have long valued are admirable, but often contradicting or impossible to achieve with a large population. In today's economy, that translates to the right to a free market economy, conflicting with the practical need for government interference; the right to succeed for oneself, battling with the need to work together for today's and future generations. As long as our country is able to prosper without certain regulations, I encourage it to run free, but when the winter comes and there is no more grazing, the horse must accept the fence that accompanies the grain. It is imperative that Americans collectively work to solve problems with social security, our economy, and our political system in these troubled times.

''Maybe if we ignore it, it will go away'' has been the standard approach to growing concerns about social security in the last few years. Because of increasing life expectancy, more people are retiring than the system can support. When the newest generation retires, there won't be enough funds for everyone, unless something changes soon. A fixed rate retirement check is the logical solution, if we deduct money from the fixed rate check based on income. Working citizens would pay fewer taxes because only the people who need social security will be receiving it, and everyone else would have more money to put aside for their own retirement plans.

The predominant issue of the 21st century has been the international recession. Unemployment rates are high, but what many young Americans don't realize is the shortage in technical workers. There is a national trend towards traditional four-year universities, but technical careers are the road to take if you are searching for job stability, demand, potential for advancement, and self-employment or a local employer in today's economy. Through ad campaigns and offering incentives to students enrolling in technical universities. This is a simple way to lower the unemployment rate, while promoting local businesses.

Another important step in rejuvenating our economy is passing legislation that gives the national government more control over the stock market. Occupy movements have swept the country and it is time for Congress to respond, instead of hiring and appointing the same executives who were largely responsible for our economy's collapse.

In order to move forward, we need to present a united front. Republicans and Democrats are rending our country in two because of partisan pressure. We need radical change in the political system: remove all party authority. Primaries and power distribution in Congress put too much emphasis

on parties, cause corruption, and detract from the primary duty of Senators and Representatives to their states and country.

As our soldiers rejoin their families at home we are forced to turn our focus inward. Reform is necessary. It is not a question of when nor is it a question of how. Rather, the question is whether or not we are willing to do what is necessary to save our great county. God bless America.

KAYLEIGH EHLER-VOCK, SOUTH BURLINGTON HIGH SCHOOL (RUNNER UP)

[January 23, 2012]

During a time of severe recession, a government facing incredible debt, and a collapsing financial system, our future looks dark. As a student that has been in the system for 13 years, and will continue to higher education, I have seen the benefits and complications of the current situation with education. Next year, I will be attending college and the cost of tuition is daunting. The high cost deters kids from attending college. However, in our world today, a high school diploma no longer ensures a hopeful career. Republicans and democrats alike acknowledge the need to invest in the skill and future of the youth.

Those who choose to continue their education to better themselves and America should not be punished by entering the real world chained down by debt; no one should be at the bottom because they choose to go to college. According to Helen Krispien of The Hopkinton Crier, the cost of private college is approximately 57% of yearly income, and therefore having two children in college is 114% of yearly income. The cost of tuition is expected to increase by 5% per year, leaving those in 15 years with tuition of $103,946. Reform is needed. Colleges and universities must be required to cut their own costs. They know their budget better than anyone, and like our nation, they need to find a way to balance competition with lowering skyrocketing costs. This will allow for less borrowed education, and less government intervention. Furthermore, revamp colleges in hometowns allowing affordable options for the working class. As a nation, we need to eliminate the interest that banks charge on student loans. Instead, temporary tax breaks should be given to those who have children that have attended college for four years. This will allow for quicker repayment of loans, and will insure a successful future for both the youth and our nation. The government shouldn't be funding the system the way they do now; funding should be used on reform.

Aspiring students see college as an investment into the future; friendships, suitable partners, and a confidence in them. In four years, I don't want to enter into a world of hurt. I want to be a proud American, able to look back and see what this great nation can do to recover from the struggle we are facing. I want my parents to be able to retire; they have worked hard to raise me and my siblings, they deserve what they were promised. I am proud our government is willing to listen, and if we work together as one nation, America can be triumphant and re-establish the high caliber and positive regard we have for much of history.

KATE RASZKA, CHAMPLAIN VALLEY UNION HIGH SCHOOL (RUNNER UP)

[January 23, 2012]

MY FELLOW AMERICANS: The current state of our nation is one of anticipation; anticipation for the future and what changes will occur in the government regarding both foreign and domestic affairs.

Our country faces many difficulties: a struggling economy, the draining of resources from involvement in foreign conflicts, too few new jobs, environmental degradation, uncertainty about how to pay for health care, and a damaged international reputation because of our handling of suspected terrorists. While we face many difficulties, we can find strength as one union and pursue solutions as a nation.

The United States must continue to lead by example. We should teach the world how to prevent the degradation of our environment. We as a country can promote renewable energy resources. This would create a larger, newer market which in turn would provide many new jobs. We have the power to directly change the future. We must lead the fight to preserve our planet.

It is unfortunate that while our country faces many domestic issues we have been deeply involved in conflicts overseas. However, our involvement in Iraq has led to a more stabilized and democratic country. As we pull out, we leave with a success.

Currently our judicial branch is deciding whether or not the recently passed health care bill violates individual and states' rights. All Americans deserve affordable health care. To be successful our citizens must be able to live without the fear of being unable to provide themselves or their children healthcare. It may be wrong to require all people to buy insurance, but a solution must be found by our esteemed members of Congress in which all seeking citizens will find affordable health care.

The indefinite incarceration of our citizens suspected of terrorist involvement is a wrong that must be corrected. The National Defense Authorization Act is a direct violation of habeas corpus and must be dealt with. I urge the Supreme Court to do so immediately.

The greatest solution to our problems is to make our education system the greatest in the world and prepare our youth for the competitive future. Educating our children will prepare our younger generations to solve new problems that will undoubtedly arise in the future. Currently, our children's test scores fall below other rising nations' scores. With our resources these results are unacceptable. It is time to ensure that all our citizens, particularly those below the poverty line, can attend college. Many of the students with low test scores live in poor environments with few opportunities. The success of our country must be made by building upon our society from the bottom up. It is time to raise our education standards and inspire change among those of us most down trodden.

Thank you and God bless the United States of America.

KAROLINA SOWULEWSKA, BURR AND BURTON ACADEMY (RUNNER UP)

[January 23, 2012]

MY FELLOW AMERICANS: Our world is rapidly evolving, and we must adapt to it, or be left behind. As a sovereign power, we must lead through example. While progress has been made in three domestic key fronts, America must advance environmentally, economically and educationally.

We must take the first step in saving the environment, or it will not sustain us and our ever expanding nation. America must take initiative; by reducing our dependency on foreign oil, to improve relations abroad, and purses for Americans at home. This is also an opportunity to create jobs for Americans, through national programs that would emphasize a greener economy, such as lowering the cost of public transportation, cutting gasoline and foreign fuel spending, and creating energy efficient plans for buildings and residential areas. By funding regional and national projects, we create jobs and take large steps forward towards a low carbon future.

The necessary changes in the environment intertwines with our second key front: education. We need to fund and broaden opportunities ranging from the elementary to university level. More programs with emphasis on environmental service, protection and restoration would prepare the men and women of America to attack real world problems. If the budget for education were to increase, there would be more monetary provisions for grants, payment for teachers and new programs. Projects and research, such as investigating alternative fuel resources, and technological innovations, would not only benefit our environmental front, but would prepare our nation's future for the larger arena they must compete in. Let us not wait for another Sputnik crisis to advance in education and the sciences. We need simply to offer accessible opportunities for higher learning for the variety of people that seek it.

The environmental and educational fronts cannot begin to expand or flourish, without a sturdy and secure economic front. We must also adapt our freestanding market: the debt continues to rise, and the need to invest the American people in their nation increases as well. We must restore the people's faith in the government. Our middle class will strengthen. Unfortunately, this has to be achieved through austerity: budgets must be redistributed to focus on our priorities, such as our three fronts. While the free market begs for stimulus, we must not wane and give in, but offer a firm guiding hand to decrease the national debt. This must begin by focusing our resources on environmental changes, which would be brought forth through advances in educational programs. By becoming less dependent on foreign resources, we not only further invest in our nation and economy, but provide jobs for hardworking Americans.

If the United States is to remain a strong domestic and international power, we must adapt to our current situation and prepare for the upcoming year. We must make significant changes in order to progress. These changes on our three fronts—environment, economy and education—will be difficult, but they are changes that will only benefit us; these are changes we can believe in.●

TRIBUTE TO HAVEN J. BARLOW

● Mr. LEE. Mr. President, today I wish to recognize and congratulate former Utah State Senate President Haven J. Barlow on his recent 90th birthday. He is a true patriot who spent much of his life serving his State and his country, and I thank him for that service.

Haven was born January 4, 1922 in Clearfield, UT to Jesse B. and Issadora Beck Barlow. His mother Issadora was killed in a tragic car/train accident when he was just 9 months old, causing him to learn his share of responsibility at an early age.

After graduating from Davis High School, Haven earned a degree in business administration at Utah State Agricultural College, now Utah State University. He joined the U.S. Navy and attended officer candidate school at Harvard University. He served as a naval supply and disbursement officer in the Pacific and the Atlantic in World War II, receiving the Philippine Liberation Medal.

Haven and his wife Bonnie Rae Ellison Barlow were married for 58 years before Bonnie Rae passed away at age 79. Haven and Bonnie Rae returned to Davis County after World War II, where they reared their six children in Layton.

In 1949, Haven started the Barlow Realty and Insurance Company, and he still checks in daily at the very successful real estate development office.

In 1952, Haven was elected to the Utah State Legislature, where he served consecutively for 42 years from 1953 to 1994, longer than any other legislator in Utah history. He served as President of the Utah State Senate for 6 years.

While serving as a senator and representative for 42 years in the Utah State Legislature, Haven introduced and sponsored a number of pieces of legislation that formulated the landscape in northern Utah. In the field of education, one of Haven's passions, he supported the establishment of then-Weber State College as a 4-year school, Weber State's transition from college to university, and the securing of funding for the Weber State Davis Campus. Today, Weber State boasts over 24,000 students. Haven also supported the bill that turned Utah State Agricultural College into Utah State University.

Haven backed legislation that created the Davis Applied Technology Center, which is now the Davis Applied Technology College. The vocational school trains students in a variety of technologies and skills that can be directly applied to the workplace. Additionally, Haven supported the Ogden-Weber Applied Technology Center, also now a college, which offers similar services to its students.

In 1981, Haven was a proponent of the Hill Aerospace Museum, which was founded that year and is now home to over 90 aircraft. The museum hosted its millionth visitor in 1996, and now has nearly 200,000 visitors annually.

Even given his many accomplishments, there is perhaps nothing more admirable about Haven than his support for charity. He sponsored legislation that created the Utah Botanical Center, home of a ''giving garden'' which donates all produce to local food banks. He has also donated money and countless hours to the United Way of Salt Lake, and has been known to tell skeptical donors that if they wound up unhappy about their donations, he would pay them back personally. United Way of Salt Lake Regional Director Jim Young has said of Haven, ''[His] irrepressibly positive attitude makes him a joy to be around. He has what a colleague of mine calls 'yes, in his heart.' Haven's heart for those around him challenges us to become more involved in our community and make a difference.''

The world is a better place because of Haven Barlow. He is an example for all Americans to follow, and I wish him a very happy 90th birthday.●

RECOGNIZING CYR BUS LINES

● Ms. SNOWE. Mr. President, during the past 100 years our country has seen remarkable changes. From horse drawn-carriages to cars and airplanes, and handwritten letters to text messaging, our world has undergone a vast transformation. Few small businesses have had the tenacity to adapt to these changes and continue to prosper, but those who have, deserve our sincerest praise. With this in mind, today I rise to recognize Cyr Bus Lines, located in Old Town, ME, which this year celebrates its 100th anniversary.

When John T. Cyr founded this small transportation firm in 1912, it utilized horses and carriages for transporting everything from timber to passengers. And now, the Cyr name is highly regarded throughout Maine for its elite bus transportation. As the needs of Maine changed, so did the company, shifting from local trucking to expand into school buses and motor coaches to best suit the wishes of its customers. The result of Cyr's successful adaptation has been a flourishing enterprise.

Today, Cyr buses are a familiar sight to numerous school children and parents, serving 17 different school districts across Maine. Additionally, the company offers over 120 guided coach tours, allowing customers a relaxing and informative trip to several destinations. In 2012, these guided tours include routes to popular destinations throughout New England as well as more distant favorites such as Quebec and New Orleans. This year, one could even book a tour aboard a luxurious Cyr bus to visit Washington D.C. during the magnificent cherry blossom season.

Cyr Bus Lines represents a true family-owned small business, which has been handed down throughout generations and is now owned and operated by the founder's grandson, Joe Cyr. Joe took over operations in 1967 from his father, Harvey, and has continually strived to improve the company. As the years have progressed, the fourth generation of the Cyr family has become involved with Joe's son Mike running the coach department and Joe's daughter Becky acting as bookkeeper.

In light of this firm's long-term success, it should come as no surprise that this small business has received several honors recognizing their commitment to safety and quality. Most recently in 2011, Cyr Bus Lines was awarded the International Motor Coach Group, IMG, award for Motor Coach Safety. Further, at the 2011 annual meeting of the Maine Chamber Group Trust, the local provider for workers' compensation insurance, Cyr Bus Lines received honors for both ''Most Improved Safety Program'' and for ''No Indemnity Claims in 2010.'' Additionally on April 21, 2011, two of Cyr's employees received first place trophies, in the categories of transit school bus and conventional school bus, for their exceptional driving skills at the Maine Association for Pupil Transportation Central Maine Conference and School Bus Rodeo.

A century later, Cyr Bus Lines continues to maintain a position of excellence in the community. This small business' tireless and successful efforts to persevere and prosper in a changing environment represent a truly monumental achievement. I am proud to extend my congratulations to the Cyr family and everyone at Cyr Bus Lines on their 100th anniversary. I offer my best wishes for their continued success.●

CENTENNIAL ANNIVERSARY OF THE MAINE ASSOCIATION OF AGRICULTURAL FAIRS

● Ms. SNOWE. Mr. President, I rise today to honor the Maine Association of Agricultural Fairs and to congratulate this venerable organization on 100 years of championing the agricultural fair industry and the agricultural community of Maine.

As the Maine Association of Agricultural Fairs celebrates its centennial anniversary, I would like to take this opportunity to recognize the remarkable progress and strides made by this historic organization in this century and the last. Founded in 1912, the Association served as a vital catalyst in uniting the agricultural fairs across Maine and promoting a shared spirit of fellowship and cooperation.

What was once a welcomed vehicle for local farmers to exchange and showcase their cattle and goods has over many decades evolved into 26 officially licensed agricultural fairs. During Maine's fair season, which starts in July and ends in early October, families can look forward to any number of events that have achieved iconic status, including harness racing, educational museums, the world's largest steer and oxen show, as well as a world-class Woodsmen's Day competition—all of which speak to Maine's legendary work ethic and can-do spirit.

Every one of Maine's storied agricultural fairs has its own persona, tradition, and imprint on the landscape of our State and the unerring character of our people. In fact, just last year I had the privilege of attending two agricultural fairs—the Skowhegan Fair which began in 1818 and, according to the Association, lays claim to being the oldest continuous-running fair in the United States, and the Fryeburg Fair which is considered Maine's largest agricultural fair, attracting more than 300,000 people annually.

In this second decade of the 21st century, the integral role that the Maine Association of Agricultural Fairs and that agriculture itself continue to play in the lives of Mainers could not be more paramount or indispensable. As many of my colleagues in the Senate can attest, and as thousands of Mainers undeniably understand firsthand, the agricultural industry is one of the bedrock foundations of our State and Nation—central both to consumption and commerce.

In fact, it was the Father of our country, President George Washington, also an avid agriculturist, who considered the improvement of agriculture as one of the greatest pursuits ''in which more real and important services can be rendered to any country.'' I could not agree more!!

What was true at the founding of our great Nation remains ever-true today because of the example set by all in my State who are tied irrevocably to working the land, and by the exceptional leadership of the Maine Association of Agricultural Fairs, Board Members, and volunteers. We could not be more appreciative to them for the well-earned spotlight they shine on the infinite contributions made by Maine farmers and organized fairs, which have become a staple on the yearly calendar for our State and indeed across New England. To experience one of these wonderful fairs is to witness the very best of who we are as Mainers and to experience the limitless pride our farmers take in cultivating the bounty our great State has to offer.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the following enrolled bill, previously signed by the Speaker of the House, was signed on January 25, 2012, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act.

MESSAGE FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 290. An act to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes.

H.R. 1022. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

H.R. 2070. An act to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the Nation on June 6, 1944, the morning of D-Day.

H.R. 3800. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3801. An act to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission for a term to expire December 31, 2013: Mr. Daniel M. Slane of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 290. An act to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1022. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2070. An act to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the nation on June 6, 1944, the morning of D-Day; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4538. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Missouri; Reasonably Available Control Technology (RACT) for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)'' (FRL No. 9621–1) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC–4539. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area'' (FRL No. 9620–3) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC–4540. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Vehicle Program'' (FRL No. 9620–2) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC–4541. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Great Lakes Steamship Repower Incentive Program'' (FRL No. 9618–9) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC–4542. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Participation in the Development and Use of Consensus Standards'' (NRC Management Directive 6.5) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Environment and Public Works.

EC–4543. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs: Negotiated Pricing and Remaining Revisions; Prescription Drug Benefit Program: Payments to Sponsors of Retiree Prescription Drug Plans'' (RIN0938-AP64) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Finance.

EC–4544. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy'' (RIN0960-AH24) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Finance.

EC–4545. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Mailing of Tickets Under the Ticket to Work Program'' (RIN0960-AH34) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Finance.

EC–4546. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Permitted Disparity in Employer-provided Contributions or Benefits'' (Rev. Rul. 2012–5) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4547. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Repub. of Rev. Proc. 2011–6'' (Rev. Proc. 2012–6) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4548. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Repub. of Rev. Proc. 2011–4'' (Rev. Proc. 2012–4) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4549. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation and Apportionment of Interest Expense'' ((RIN1545-BJ84) (TD 9571)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4550. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Repub. Rev. Proc. 2011–5'' (Rev. Proc. 2012–5) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4551. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2012–10) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4552. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Repub. Rev. Proc. 2011–8'' (Rev. Proc. 2012–8) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4553. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interim Guidance on Informational Reporting to Employees of the Cost of Their Group Health Insurance Coverage'' (Notice 2012–9) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4554. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dividend Equivalents from Sources within the United States'' ((RIN1545–BK53) (TD 9572)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC–4555. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''HARP Safe Harbor Guidance for REITs'' (Rev. Proc. 2012–14) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC–4556. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Proportional Method for OID on Pools of Credit Card Receivables'' (Notice 2012–5) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC–4557. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deadline to Submit Opinion and Advisory Letter Applications for Pre-approved Defined Contribution Plans is Extended to April 2, 2012'' (Announcement 2012–3) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC–4558. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Current Refunding of Tax-exempt Bonds in Certain Disaster Relief Bond Programs'' (Notice 2012–3) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC–4559. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Deduction and Capitalization of Expenditures Related to Tangible Property'' (TD 9564) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC–4560. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC–4561. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Post Acute Care Payment Reform Demonstration (PAC–PRD)''; to the Committee on Finance.

EC–4562. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''The Children's Health Insurance Program: An Evaluation (1997–2010)''; to the Committee on Finance.

EC–4563. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Conduit Financing Arrangements'' ((RIN1545–BH77) (TD 9562)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Finance.

EC–4564. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Child Welfare Outcomes 2006–2009 Report to Congress''; to the Committee on Finance.

EC–4565. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Lists of Regions Classified with Respect to Certain Animal Diseases and States Approved to Receive Certain Imported Horses'' ((RIN0579–AD05) (Docket No. APHIS–2009–0035)) received during adjournment of the Senate in the Office of the President of the Senate on January 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4566. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Real-Time Public Reporting of Swap Transaction Data'' (RIN3038–AD08) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4567. A communication from the Acting Chief of Planning and Regulatory Affairs, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments'' (RIN0584–AD54) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4568. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''European Larch Canker; Expansion of Regulated Areas'' (Docket No. APHIS–2011–0029) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4569. A communication from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Business and Industry Guaranteed Loan Program'' (RIN0575–AA87) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4570. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus amyloliquefaciens Strain D747; Exemption from the Requirement of a Tolerance; Technical Correction'' (FRL No. 9334–3) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4571. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus amyloliquefaciens Strain D747; Exemption from the Requirement of a Tolerance'' (FRL No. 9330–4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4572. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Subtilis strain CX-9060; Exemption from the Requirement of a Tolerance'' (FRL No. 9330–9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4573. A communication from the Secretary of the Commission, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Registration of Swap Dealers and Major Swap Participants'' (RIN3038–AC95) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4574. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Swap Data Recordkeeping and Reporting'' (RIN3038–AD19) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4575. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Pilot Program for Acquisition of Military-Purpose Nondevelopment Items'' ((RIN0750–AH27) (DFARS Case 2011–D034)) received during adjournment of the

Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Armed Services.

EC–4576. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: New Designated Country-Armenia'' ((RIN0750–AH48) (DFARS Case 2011–D057)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Armed Services.

EC–4577. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds'' ((RIN0750–AH50) (DFARS Case 2012–D005)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Armed Services.

EC–4578. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Independent Research and Development Technical Descriptions'' ((RIN0750–AG96) (DFARS Case 2011–D011) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Armed Services.

EC–4579. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4580. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4581. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–4582. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department of Defense (DOD) for sporting events during calendar year 2011; to the Committee on Armed Services.

EC–4583. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–4584. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, an annual report relative to the Department's Chemical Demilitarization Program; to the Committee on Armed Services.

EC–4585. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (RIN1557–AD60) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4586. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Home Loan Bank Housing Goals: Mortgage Reporting Amendments'' (RIN2590–AA48) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4587. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Remittance Transfers'' (RIN3133–AD94) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4588. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting (Regulation V)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0029)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4589. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Privacy of Consumer Financial Information (Regulation P)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0028)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4590. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Acts and Practices—Advertising (Regulation N); Mortgage Assistance Relief Services (Regulation O)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0027)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4591. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Consumer Leasing (Regulation M)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0026)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4592. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Interstate Land Sales Registration Program (Regulations J, K, and L)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0025)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4593. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (Regulation I)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0024)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4594. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''S.A.F.E. Mortgage Licensing Act (Regulations G and H)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0023)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4595. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Fair Debt Collection Practices Act (Regulation F)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0022)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4596. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Electronic Fund Transfers (Regulation E)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0021)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4597. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Settlement Procedures Act (Regulation X)'' ((RIN3170–AA06) (Docket No. CFPB–2011–0030)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4598. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–4599. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–4600. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC–4601. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4602. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4603. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4604. A communication from the Chief of the Division of Management Authority and International Affairs Programs, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of the Regulation that Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle from Certain Prohibitions'' (RIN1018–AX29) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Energy and Natural Resources.

EC–4605. A communication from the Director, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, a report entitled ''Estimates of Natural Gas and Oil Reserves, Reserves Growth, and Undiscovered Resources in Federal and State Waters off the Coasts of Texas, Louisiana, Mississippi, and Alabama''; to the Committee on Energy and Natural Resources.

EC–4606. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of CC: INTL No-Rule Revenue Procedure, Rev. Proc. 2011–7'' (Rev. Proc. 2012–7) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Finance.

EC–4607. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Administrative Simplification: Adoption of Standards for Health Care Electronic Funds Transfers (EFTs) and Remittance Advice'' (RIN0938–AQ11) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Finance.

EC–4608. A communication from the Commissioner of the Social Security Administration, transmitting, a legislative proposal relative to improving work incentive provisions and extending the funding authority for the Work Incentive Planning and Assistance (WIPA) program and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program; to the Committee on Finance.

EC–4609. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Foreign Relations.

EC–4610. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Foreign Relations.

EC–4611. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of F–15 Head-Up Displays (HUD) in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4612. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services for upgrade of current Swiss simulator training devices to reflect the same configuration as Swiss F/A–18 aircraft to support the F/A–18 Tactical Operational Flight Trainer Program for Switzerland in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4613. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of major defense equipment in the amount of $14,000 or more and the export of defense articles to include the export of defense articles, including, technical data, and defense services to Indonesia necessary to support the upgrade and retrofit of C–130B aircraft in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4614. A communication from the Assistant Secretary of State, Bureau of Legislative Affairs, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–4615. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC–4616. A joint communication from the Acting Assistant Secretary, Legislative Affairs, Department of State and the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, a report entitled ''United States Activities in Libya''; to the Committee on Foreign Relations.

EC–4617. A communication of from the Director of the Credit, Travel and Grants Policy Division, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Office Management and Budget Guidance on Drug-Free Workplace Requirements'' (RIN0505–AA14) received during adjournment of the Senate in the Office of the President of the Senate on January 10, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4618. A communication from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Race to the Top Fund Phase 3'' (RIN1894–AA01) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4619. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Family Educational Rights and Privacy'' (RIN1880–AA86) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4620. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4621. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Application of Food and Drug Administration Approval to Market a New Drug; Revision of Postmarketing Reporting Requirements—Discontinuance'' (Docket No. FDA–2011–N–0898) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4622. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition'' (Docket No. FDA–2008–N–0326) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4623. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Labeling Requirements for Blood and Blood Components, Including Source Plasma'' (Docket No. FDA–2003–N–0097) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4624. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Temperature-Indicating Devices; Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Correction'' (Docket No. FDA–2007–N–0265) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4625. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Ovarian Adnexal Mass Assessment Score Test System; Labeling; Black Box Restrictions'' (Docket No. FDA–2011–D–0028) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4626. A communication from the Program Manager, Administration for Children, Youth and Families, Department of Health

and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Tribal Child Welfare Interim Final Rule'' (RIN0970–AC41) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4627. A communication from the Executive Analyst, Department of Health and Human Services, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department; to the Committee on Health, Education, Labor, and Pensions.

EC–4628. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Administration on Aging's Report to Congress for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4629. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the combined fourth and fifth quarterly reports relative to the steps the Food and Drug Administration has taken to implement the Menu and Vending Machine Labeling provisions from the Patient Protection and Affordable Care Act of 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4630. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC–4631. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Declassification of National Security Information'' (RIN3095–AB64) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4632. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation; Implementation of Information Technology Security Provision'' ((RIN3090–AJ15) (GSAR Case 2011–G503)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–269 ''Health Benefit Exchange Authority Establishment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–242 ''Electrician Equality Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4635. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–243 ''Executive Service Compensation Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4636. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–244 ''Workforce Intermediary Establishment and Reform of First Source Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–245 ''William O. Lockridge Way Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–246 ''Uniform Foreign-Country Money Judgments Recognition Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–247 ''Closing of a Portion of the Public Alley in Square 5052, S.O. 10–00603, Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4640. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–248 ''Comprehensive Military and Overseas Voters Accommodation Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4641. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–249 ''Economic Development Special Account Revival Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4642. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–250 ''Income Tax Withholding Statements Electronic Submission Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–251 ''Clarification of Personal Property Tax Revenue Reporting Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4644. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–252 ''Ward Redistricting Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4645. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–262 ''Receiving Stolen Property and Public Safety Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4646. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–263 ''Oak Hill Conservation Easement Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4647. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–270 ''President Primary Ballot Access Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4648. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–271 ''Unemployment Compensation Federally Funded Extended Benefits Maximization Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4649. A communication from the Executive Director, Office of the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, the fiscal year 2011 Competitive Sourcing annual report; to the Committee on Homeland Security and Governmental Affairs.

EC–4650. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC–4651. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 2011 Financial Report of the U.S. Government; to the Committee on Homeland Security and Governmental Affairs.

EC–4652. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4653. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4654. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Agency's fiscal year 2011 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4655. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4656. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement the Prioritized Examination for Requests for Continued Examination'' (RIN0651–AC65) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on the Judiciary.

EC–4657. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Literacy Program Final Rule'' (RIN1120–AA33) received during adjournment of the Senate in the Office of the President of the Senate on December 12, 2011; to the Committee on the Judiciary.

EC–4658. A communication from the Director of the Office of Tribal Justice, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Assumption of Concurrent Federal Criminal Jurisdiction in Certain Areas of Indian Country'' (RIN1105–AB38) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on the Judiciary.

EC–4659. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Coombsville Viticultural Area'' (RIN1513–AB81) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2011; to the Committee on the Judiciary.

EC–4660. A communication from the Federal Register Liaison Officer, Alcohol and

Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Naches Heights Viticultural Area'' (RIN1513–AB80) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2011; to the Committee on the Judiciary.

EC–4661. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Fort Ross-Seaview Viticultural Area'' (RIN1513–AA64) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2011; to the Committee on the Judiciary.

EC–4662. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2010 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–4663. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

EC–4664. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 27, 2010; to the Committee on the Judiciary.

EC–4665. A communication from the Associate Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2011; to the Committee on the Judiciary.

EC–4666. A communication from the Acting Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report relative to sound recordings fixed before February 15, 1972; to the Committee on the Judiciary.

EC–4667. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2011; to the Committee on Rules and Administration.

EC–4668. A communication from the General Counsel and Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report entitled ''2010 Election Administration and Voting Survey''; to the Committee on Rules and Administration.

EC–4669. A communication from the Deputy General Counsel, Office of General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Jobs Act: Implementation of Conforming and Technical Amendments'' (RIN3245–AG15) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Small Business and Entrepreneurship.

EC–4670. A communication from the Deputy General Counsel, Office of the General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Jobs Act: 504 Loan Program Debt Refinancing'' (RIN3245–AG17) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Small Business and Entrepreneurship.

EC–4671. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Medical Benefits for Newborn Children of Certain Woman Veterans'' (RIN2900–AO05) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Veterans' Affairs.

EC–4672. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Copayments for Medications in 2012'' (RIN2900–AO28) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Veterans' Affairs.

EC–4673. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Payment or Reimbursement for Emergency Treatment Furnished by Non-VA Providers in Non-VA Facilities to Certain Veterans with Service-connected or Non-service-connected Disabilities'' (RIN2900–AN49) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Veterans' Affairs.

EC–4674. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vocational Rehabilitation and Employment Program—Changes to Subsistence January 11, 2012; to the Committee on Veterans' Affairs.

EC–4675. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Extension of Statutory Period for Compensation for Certain Disabilities Due to Undiagnosed Illness and Medically Unexplained Chronic Multi-Symptom Illness'' (RIN2900–AO09) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Veterans' Affairs.

EC–4676. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities; Evaluation of Amyotrophic Lateral Sclerosis'' (RIN2900–AN60) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Veterans' Affairs.

EC–4677. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Loan Guaranty Revised Loan Modification Procedures'' (RIN2900–AN78) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 50. A bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities (Rept. No. 112–131).

S. 52. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes (Rept. No. 112–132).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 363, a bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes (Rept. No. 112–133).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 485. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes (Rept. No. 112–134).

S. 1665. A bill to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes (Rept. No. 112–135).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 97. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay (Rept. No. 112–136).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 893. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine (Rept. No. 112–137).

S. 1296. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island (Rept. No. 112–138).

S. 1740. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. No. 112–139).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1789. A bill to improve, sustain, and transform the United States Postal Service.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2038. An original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 2035. A bill to provide support for workforce residential housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND (for herself, Mr. DURBIN, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. SCHUMER):

S. 2036. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 2037. A bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 2038. An original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Mr. HOEVEN (for himself and Mr. CONRAD):

S. 2039. A bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands; considered and passed.

By Mr. LEE (for himself, Mr. RUBIO, Mr. VITTER, Mr. TOOMEY, Mr. THUNE, Mr. COBURN, Mr. PAUL, Mr. DEMINT, Mr. JOHNSON of Wisconsin, Mr. RISCH, and Mr. CRAPO):

S. 2040. A bill to amend the Congressional Budget Act of 1974 to establish a point of order to prohibit an increase or other modification of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. RUBIO, and Mr. NELSON of Florida):

S. Res. 354. A resolution honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza; to the Committee on Foreign Relations.

By Mr. HATCH (for himself and Mr. LEE):

S. Res. 355. A resolution honoring the memory of Special Agent Jared Francom of the Ogden, Utah Police Department; considered and agreed to.

ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 376

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 376, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 416

At the request of Mr. BURR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 416, a bill to develop a strategy for assisting stateless children from North Korea, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 821

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 968

At the request of Mr. CHAMBLISS, his name was withdrawn as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 968, supra.

S. 987

At the request of Mr. FRANKEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1161

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1161, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 1223

At the request of Mr. FRANKEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1223, a bill to address voluntary location tracking of electronic communications devices, and for other purposes.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1333

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1333, a bill to provide for the treatment and temporary financing of short-time compensation programs.

S. 1360

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1375

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1375, a bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation.

S. 1451

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1645

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1645, a bill to establish an Oleoresin Capsicum Spray Pilot Program in the Bureau of Prisons, and for other purposes.

S. 1895

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1895, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 176

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANDERS:

S. 2037. A bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANDERS. Mr. President, it is no great secret that our country today faces many enormously difficult problems. We remain in the midst of a very serious recession. Real unemployment is at about 15 percent. Our middle class continues to decline. The gap between the very rich and everybody else is growing wider. Fifty million Americans have no health insurance. Millions of young people are struggling, trying to figure out how they are going to make it into college and pay for their college education. But in the midst of all of those problems, I hope very much that we do not forget about the problems facing one of the most vulnerable sectors of our society; that is, senior citizens.

We are an aging population. That is no secret. Today, and every day, some 10,000 Americans reach the age of 65. If we as a nation do not begin to address the very serious reality of an aging population, we are going to be in a lot of trouble that we are not anticipating.

One of the issues we have to understand is that not only are we an aging population, but many of those people who are becoming 65 and older are dealing with issues of poverty. Incredibly enough, 20 percent of the seniors in this country are living on average incomes of $7,500 per year—$7,500 per year average income for the bottom 20 percent of seniors in this country. Frighteningly, and embarrassingly, more and more seniors in this country are literally going hungry. Today, there are almost 1 million seniors who go hungry and many more who face the threat of hunger. That should not be happening in the United States of America.

What America is supposed to be about is that when we age, we can live out our remaining years with security and dignity, not trying to find food in order to stay alive.

Now, that is the bad news. The good news is that we have Federal legislation called the Older American Act which, to some degree, begins to address these very serious problems.

I am happy to announce, as the chairman of the Subcommittee on Primary Health and Aging, we are introducing legislation to reauthorize and improve the Older Americans Act.

The legislation we are offering is going to do its very best to say senior citizens in this country will not go hungry. This legislation is going to significantly increase funding for senior centers all over this country, to provide congregate meal programs in senior centers. In my view, these congregate meal programs are enormously important, not only because they provide good nutrition to seniors all over our Nation but also they allow seniors to come together to socialize, to talk to each other, to get some of the professional help they need in their waning years. So we have to strengthen the congregate meal program, and that is what this bill does.

In addition to that, there is another program which is almost life and death to some of the most fragile and vulnerable people in this country; that is, the Meals on Wheels Program. What Meals on Wheels is about—it takes place all

over this country—is, you have people in senior centers and in other institutions who take meals—a good, quality, nutritious hot meal—to seniors, sometimes living at the end of a dirt road in Vermont or in Utah or in New Hampshire. These are people who cannot leave their homes, especially in the wintertime. These are people who, in some cases, would not survive if they did not have that Meals on Wheels Program.

I wish to take this opportunity to thank the many volunteers from senior centers and other institutions who get in their cars and trucks to take these hot meals to seniors all over this country through the Meals on Wheels Program.

What we are finding in my State of Vermont—and what we are finding around the country—is, many senior centers simply do not have the resources now to accommodate the growing number of seniors who need the Meals on Wheels Program.

Let me further say to any of my friends who say: Senator SANDERS, this is a good idea. It is going to cost money. Yes, it will. Increased funding for Meals on Wheels and congregate meals will cost additional revenue. But at the end of the day, the Federal Government will save money. We have had hearings on this issue. We have had physicians come forward, and they say one of the reasons seniors end up in the hospital, seniors end up in the emergency room, is because they are malnourished. Sometimes, literally, because of poor nourishment, they fall, break their hips, at great expense to Medicaid or Medicare. So not only is it the right and moral thing to do to keep seniors in this country from going hungry; in the long run, we save money by keeping them healthy.

Furthermore, in this bill, we are going to do something I think is long overdue. There has been a lot of discussion in the Senate and in the House about Social Security. Some of my friends—often Republicans, sometimes Democrats—think we should cut Social Security, we should try to move toward a balanced budget by cutting funding for some of the most vulnerable people in this country. I strongly oppose that.

One of the arguments brought forth to cut Social Security is: The COLA—the Consumer Price Index for the Elderly; how we determine what the COLA is—it is too generous. It is inadequate. When I tell that to senior citizens in Vermont, do you know what they do? They laugh. They literally laugh when I tell them there are people in Washington, DC, who believe the formulation as to how we determine COLAs is too generous, and they say: Bernie, we have not gotten a COLA for the last 2 years, so how is this too generous? They are, of course, right.

The way we, in my view, formulate the COLA right now is inadequate, not because it is too generous but quite the contrary. The truth is, seniors' purchasing needs are different than the general population. Everybody knows that. Seniors spend a higher percentage of their income on prescription drugs. They spend it on health care. In cold-weather States such as mine and New Hampshire, they spend it on keeping warm. Senior citizens are not out there, by and large, buying flat-screen TVs or laptop computers or iPhones or iPads. Their money is going into health care.

What has been happening in recent years is, while the cost of some products—electronics in general—has been going down, the cost of prescription drugs and health care has been going up. So when you tell seniors their COLA is too generous, they tell you that makes no sense at all because they are spending more and more on health care, prescription drugs, staying warm in the wintertime.

So what we have done in this bill is requested that the Bureau of Labor Statistics improve the Consumer Price Index for the Elderly, or CPI–E, by including more of the items seniors spend money on, such as prescription drugs and other health care costs. We must have a more accurate measure for COLAs for seniors, and I believe this is the path to a fair COLA.

I look forward to working with all the Members of the Senate to make sure we do right by our parents and our grandparents, that we make sure seniors in this country can live out their remaining years in security and dignity by reauthorizing a strong and fair Older Americans Act in the coming months.

I especially want to applaud Senators KOHL, MIKULSKI, CASEY, and FRANKEN for introducing other thoughtful, innovative, and important Older Americans Act amendments.

We are at a critical moment in American history. In the midst of all the other challenges we face, let us not turn our backs on those who sacrificed, who fought the wars, who built the economies that made this country great. Let us support a strengthened and improved Older Americans Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 354—HONORING THE LIFE OF DISSIDENT AND DEMOCRACY ACTIVIST WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME FOR THE DEATH OF WILMAN VILLAR MENDOZA

Mr. MENENDEZ (for himself, Mr. RUBIO and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 354

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, ''Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.'';

Whereas Amnesty International stated, ''The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.'';

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the ''Black Spring'' crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales

and members of the Ladies in White (Damas de Blanco).

SENATE RESOLUTION 355—HONORING THE MEMORY OF SPECIAL AGENT JARED FRANCOM OF THE OGDEN, UTAH POLICE DEPARTMENT

Mr. HATCH (for himself and Mr. LEE) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas, on January 4, 2012, Special Agent Jared Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded in a shooting while serving a search warrant on a residence in Ogden;

Whereas Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas Sergeant Nate Hutchinson of the Weber County Sheriff's Office was also wounded in the shooting;

Whereas Officer Jason Vanderwarf of the Roy Police Department was also wounded in the shooting;

Whereas the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the shooting suspect, preventing further injury and loss of life;

Whereas Officer Kasey Burrell remains in the hospital recovering from serious injuries sustained in the shooting;

Whereas Special Agent Francom served with the Ogden Police Department for 8 years;

Whereas Special Agent Francom served the Ogden community with honor and distinction;

Whereas the people of Utah have come together to mourn and honor Special Agent Francom, with an estimated 4,000 people attending the funeral of Special Agent Francom on January 11, 2012, in Ogden; and

Whereas the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the sacrifice of Special Agent Jared Francom;

(2) extends the deepest condolences of the Senate to the family and friends of Special Agent Francom;

(3) expresses the wishes of the Senate for a full and speedy recovery of all the officers wounded in the shooting in Ogden, Utah; and

(4) recognizes the remarkable courage and honor that the men and women in law enforcement display and the risks those men and women take to keep their communities safe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1469. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

TEXT OF AMENDMENTS

SA 1469. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LEVEES.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''covered hazard mitigation land'' means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 2, 2012 at 10 a.m. in SD–430 to conduct a hearing entitled ''Innovations in College Affordability.''

For further information regarding this meeting, please contact the committee on (202) 224–5501.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 16, 2012, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Jennifer Nekuda Malik at 202–224–5479 or Abigail Campbell at 202–224–1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 28, 2012, at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's fiscal year 2013 proposed budget for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224–9863 or Jake McCook (202) 224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2012, at 10:00 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2012, at 2:15 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 26, 2012, at 10:30 a.m. to conduct a hearing entitled ''Compliance with Tax Limits on Mutual Fund Commodity Speculation.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted floor privileges for the duration of the debate on the debt limit: Claire Green, Omar DeLeon, Elizabeth Samson, Amanda Summers, Johannes Echeverri, Whitney Lott, Samson Chen, Harun Dogo, David Sklar, and Amanda Bartmann.

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

Mr. BEGICH. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, William Mowitt, a fellow in my office, during the pendency of the 112th Congress.

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2012

Mr. REID. I now ask unanimous consent that the Senate proceed to H.R. 3800, which has been received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 3800) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

Mr. REID. I ask unanimous consent that the bill be read three times and passed, that the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements be printed in the RECORD.

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

The bill (H.R. 3800) was ordered to a third reading, was read the third time, and passed.

ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2012

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 3801.

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

The legislative clerk read as follows:

A bill (H.R. 3801) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

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

Mr. LEAHY. Mr. President, I have worked to expedite the Senate's passage of Congresswoman Giffords' legislation. This action today shows what we can do when we work together. The Ultralight Aircraft Smuggling Prevention Act, H.R. 3801, is intended to help ensure that smugglers who use ultralight aircraft along the United States border are held accountable for their actions. Its passage today is an appropriate tribute to the courage and outstanding work of Congresswoman Giffords.

Congresswoman Giffords has long been committed to securing the border against drug smugglers. This legislation is intended to keep Americans who live and work along the border safe.

I was part of the tribute to Congresswoman Giffords at the joint session of Congress to hear the President's State of the Union address earlier this week. I was saddened to learn of Gabrielle Giffords' decision to resign from Congress. I know that her commitment to the citizens of Arizona is unwavering. I look forward to working with her in the future, and wish her a continued speedy recovery. She is an inspiration to all.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 3801) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, it is my understanding this is legislation that has been pushed by Gabrielle Giffords who resigned from the House yesterday.

What wonderful statements made by Members of the House yesterday signifying the way the whole country feels about the courage of this gallant woman. We all wish her the very best in her future with her heroic husband standing by her side, an astronaut. I am sure they will fare better than we can imagine.

ALLOWING A STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2039, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space and lands.

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

Mr. REID. Mr. President, I ask unanimous consent that the Boxer substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 1469) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. LEVEES.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''covered hazard mitigation land'' means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will

continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

The bill (S. 2039), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, JANUARY 30, 2012, AT 2 P.M.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate adjourn until 2 p.m. on Monday, January 30, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m. with Senators permitted to speak up to 10 minutes each; that at 4:30 p.m., the Senate resume consideration of the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge Act (STOCK), with the time until 5:30 p.m. equally divided between the two leaders or their designees.

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

PROGRAM

Mr. REID. Mr. President, the next vote will take place next Monday at 5:30 p.m. on the motion to invoke cloture on the motion to proceed to S. 2038, the STOCK Act.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn following the statement of Senator BOOZMAN and that the statement be limited to 15 minutes.

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

FAREWELL TO THE PAGES

Mr. REID. Mr. President, if I could just take a moment. I know my friend from Arkansas is here to speak.

This is the last day this group of pages, who have been here since September, will spend in the Senate. I believe I am going to speak at their graduation—I am quite sure that is true—tomorrow.

I think the pages render such terrific service to this body. They do a lot of things. They get very little credit for what they do, but we depend on them for some of the most menial tasks a lot of times. But they are always polite. I have never had one treat me impolitely in all of the years I have been in the Senate. I can only speak from personal experience, and I have said this before on the Senate floor, and I will say it again: My two oldest grandchildren—granddaughters—both served in the Senate as pages, and it really changed their lives. I say that without any reservation. They became more in tune with what is going on in our country, and it hasn't left them. They look back with great—I don't know if ''reverence'' is the right word, maybe that is the wrong choice, but they look back certainly fondly on their experience here in the Senate.

I hope these young men and women understand how much we appreciate what they do. I do hope from a personal perspective that they have benefited as much as my two granddaughters did during their time here.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arkansas.

HONORING OUR ARMED FORCES SERGEANT FIRST CLASS BENJAMIN WISE

Mr. BOOZMAN. Mr. President, we are constantly reminded of the sacrifices of American troops and their families. These brave Americans fight for our freedoms and our values while putting their own lives at risk. We must always remember their service and thank them for their patriotism, dedication, and commitment, and honor those who have paid the ultimate price.

Today I am here to pay my respects to Arkansas soldier SFC Benjamin Wise, who sacrificed his life for the love of his country while in support of Operation Enduring Freedom.

Sergeant 1st Class Wise graduated from West Side Christian School in El Dorado, AR, in 1995, and enlisted in the military in 2000, joining the Army as an infantryman assigned to the 520th Infantry Regiment, 2nd Infantry Division at Joint Base Lewis-McChord.

He discussed his military service with the Hope Star in 2004, saying that he was proud to be a soldier and that he wanted to serve his country.

In 2005, he volunteered for the special forces—something his sister Heather told the Arkansas Democrat Gazette was something he talked about growing up. His new position in the 3rd Battalion, 1st Special Forces Group suited him well. Sergeant 1st Class Wise's comrades said he was a friend to all of the members of his unit, cracking jokes and offering an ear to listen to all of their concerns.

He was well aware of the dangers he faced, having served four deployments—twice to Iraq and twice to Afghanistan. His family says that Ben was proud of the career he built in the Army. He was all too familiar with the sacrifices associated with work in war-torn Afghanistan after his brother, Jeremy Wise, a former Navy SEAL working as a security contractor, was killed in the country in December of 2009.

On Monday, January 9, 2012, Sergeant 1st Class Wise was injured during an attack by insurgents during a small-arms fight. He passed away on January 15, 2012.

SFC Benjamin Wise is a true American hero. I ask my colleagues to keep his family—his wife Traci, sons Luke and Ryan, and daughter Kailen—and his friends in their thoughts and prayers during these very difficult times. I humbly offer my appreciation and gratitude—and I know I speak for the Senate and Congress as a whole—to this patriot and his family for his selfless sacrifice.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, JANUARY 30, 2012, AT 2 P.M.

THE PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Monday, January 30, at 2 p.m.

(Thereupon, the Senate, at 5:03 p.m., adjourned until Monday, January 30, 2012, at 2 p.m.)