RESERVATION OF LEADER TIME

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

AUTHORIZING THE LIMITED USE OF THE U.S. ARMED FORCES IN SUPPORT OF THE NATO MISSION IN LIBYA—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the joint resolution (S.J. Res. 20) authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya.

Mr. REID. Mr. President, I withdraw my motion to proceed to Calendar No. 88, S.J. Res. 20.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

SHARED SACRIFICE IN RESOLVING THE BUDGET DEFICIT—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 93, S. 1323.

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

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1323) to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk in that regard.

The ACTING PRESIDENT pro tempore. 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 93, S. 1323, a bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Frank R. Lautenberg, Al Franken, John D. Rockefeller IV, Jack Reed, Sheldon Whitehouse, Sherrod Brown, Bernard Sanders, John F. Kerry, Jeff Merkley, Debbie Stabenow, Daniel K. Akaka, Daniel K. Inouye, Patrick J. Leahy, Benjamin L. Cardin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. I now withdraw my motion to proceed to Calendar No. 93, S. 1323.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

AUTHORIZING THE LIMITED USE OF THE U.S. ARMED FORCES IN SUPPORT OF THE NATO MISSION IN LIBYA—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, I move to proceed to Calendar No. 88, S.J. Res. 20.

The ACTING PRESIDENT pro tempore. The motion is before the Senate.

Mr. REID. Mr. President, I ask unanimous consent that the time until 5 p.m. be equally divided between the two leaders or their designees and that any time spent in a quorum call be equally divided. There is already an order in effect that Republicans will be limited to 10 minutes each.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

INTERNATIONAL TRADE

Mr. WYDEN. Mr. President, international trade is one of the best ways to create more good-paying jobs for our people—as long as our workers and our companies are treated fairly in the tough global markets in which they compete.

That is not the case today. Chinese trade cheats, after being found guilty of dumping their goods in America, now launder these goods by illegally shipping them through Korea and other countries. This illegality is undercutting our workers, undercutting our companies, and is driving hard-working Americans out of jobs. All this is taking place under the sleepy eyes of America's so-called trade enforcement agencies.

Because this trade rip-off is growing and the Senate will soon take up trade agreements that could fix this problem, I wish to take just a few minutes this afternoon to make clear how this scam actually works. The reason I have this information is because as chairman of the Senate Finance Subcommittee on International Trade, my staff set up a dummy company that intervened directly with suppliers in China in order to learn firsthand how the Chinese firms brazenly shirk America's trade laws.

First, after a thorough and substantial investigation, what happens is that the U.S. Department of Commerce imposes antidumping duties on certain Chinese merchandise that was shown to be dumped, which is to say the merchandise is being sold at below-market prices. The next thing that happens is the Chinese supplier of the merchandise is tagged with the antidumping duties. Rather than stop selling and dumping goods into the United States, the Chinese essentially shore up their American buyers by soothingly conveying that these duties are not going to impact their prices. The suppliers sometimes characterize complying with U.S. trade law as merely a political issue.

After that, the Chinese goods are shipped into Korea, for example, where the goods are repacked into boxes that say ''Made in Korea.'' The documentation then follows the merchandise that is also going to be altered or forged to suggest that the merchandise indeed originates in Korea rather than China. From there, the merchandise enters our country, often at the Port of Long Beach in California, and U.S. Customs officials declare the goods to not be subject to antidumping duties because, purportedly, if one looks at all the labeling, they don't originate in China.

This transshipment is laundering, plain and simple, and it is a rip-off of the American worker.

My concern is once the U.S.-Korea Free Trade Agreement goes into force, Korea would become a supermagnet for this kind of merchandise laundering. Why would any Chinese supplier launder merchandise through Singapore, for example, when doing so through Korea would bless their merchandise with the duty-free status that the U.S.-Korea Free Trade Agreement provides? The answer is obvious. They wouldn't.

That is why the Congress needs, through legislation, to send clear instruction to the Bureau of Customs and Border Protection—and these are our cops. They are the commercial cops at America's ports. They need to be instructed about how to identify and combat the invasion of America's trade laws. In my view, this is absolutely critical to ensuring the U.S.-Korea Free Trade Agreement is not a tool that further empowers unscrupulous Chinese exporters.

For almost a century, our trade laws, the antidumping and the countervailing duties, have been enforced by Democratic and Republican administrations. They represent the frontline defense that protects our American workers. They are the laws that protect our businesses and our families from unfair and unscrupulous trade practices employed by foreign competition. But what we are seeing around the country is that these antidumping and countervailing duties are being evaded, and the problem is growing. What we have seen is, it takes years for the government to look into and conclude investigations on merchandise laundering. During this period of footdragging, our companies get hammered by foreign trade cheats, and when the cheats get caught, the enforcement agencies have almost never taken the steps necessary to ensure that the duties that are owed are actually collected.

The discrepancy between how much the U.S. Government is owed by these foreign trade cheats and how much is actually collected is embarrassing. We are collecting something on the order of 20 percent of what is owed to our government, and that is only from the companies that actually got caught

and were prosecuted. The fact is, there are many more that are missed every year.

So I hope colleagues, as we go to the trade debate, understand that the point of trade agreements is, it is possible to export more of our goods and services around the world. What we want in trade agreements is to grow things here. We want to make things here. We want to add value to them here, and we want to ship them somewhere. So we want to export our goods and services, not export our jobs. But, unfortunately, again and again, as a result of our competitors evading the trade laws, we have a broken enforcement process.

That is why three Democrats and three Republicans in the Senate have joined me in introducing a piece of legislation that puts the teeth back in our trade laws. Senators SNOWE and BLUNT and MCCASKILL and BROWN of Ohio and PORTMAN and SCHUMER and I all joined—three Democrats and three Republicans—to introduce S. 1133.

This legislation requires Customs to quickly and transparently investigate duty evasion. It requires the Customs agency to use existing law to ensure that it can collect the correct duties on merchandise. The legislation requires Customs to appropriately share this information with other Federal agencies because we have seen, again and again, that often one of the agencies doesn't talk to the other. Finally, it requires the appropriate agencies to make sure that in the future, they are going to report to the Congress promptly on what is being done to fully address the problem.

Let me wrap up—I see colleagues on the floor—by simply saying that I believe trade agreements create more jobs for our people, but the fact is trade agreements without enforcement can cost our people jobs. So this time, as the Congress goes forward with considering trade legislation, it is important to show the American people that as our trade agenda moves forward and moves forward aggressively in the days ahead, instead of major trade competitors laundering merchandise, as we have seen in our committee's investigation, to avoid the trade laws, our trade laws would finally be fully enforced.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I understand I have 10 minutes to speak on the resolution before us.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CORKER. Mr. President, if the Chair would let me know, if I speak for 8 minutes or longer, when I have 2 minutes left, I would appreciate it.

Mr. WICKER. Mr. President, I wonder if my colleague from Mississippi will yield at this time.

Mr. CORKER. Yes, sir. It is my understanding the Senator from Mississippi wishes to speak for 2 minutes.

Mr. WICKER. Yes, I appreciate that.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

THE FEDERAL DEBT

Mr. WICKER. Mr. President, this weekend, a local newspaper in Mississippi ran a lead editorial that wondered aloud whether the cancellation of the Senate's Independence Day recess signaled a ''serious effort on the part of Senate leaders'' and the White House to make headway in addressing the Federal debt. Regrettably, the answer to that question is obviously no. For that reason, I wish to announce at this point that I will be voting no this afternoon on the motion to invoke cloture on the motion to proceed to a debate on Libya.

Clearly, Libya is an important issue. I am a member of the Armed Services Committee. I have the greatest of respect for both my chairman and the ranking member. But I will remind colleagues what the Chairman of the Joint Chiefs of Staff said recently: The most important national security issue facing the United States of America is the national debt and we should not move to a vote on Libya and to a discussion on Libya—which, frankly, is almost academic at this point—until we debate the crucial issue facing the Senate; that is, the issue of the national debt.

If we had a serious effort to talk about the national debt, in this week of recess that has been canceled, we would be convening the Budget Committee today and asking them to report a budget on the floor for the first time in almost 800 days so we could have a debate on the floor about the budget.

The ACTING PRESIDENT pro tempore. The Senator has used 2 minutes.

Mr. WICKER. Mr. President, I ask unanimous consent to have another minute.

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

Mr. WICKER. If the Senate majority were serious about their efforts to reduce the Federal debt, the administration would not be continuing its efforts to spend our way to prosperity. We would be bringing to the floor a budget to cut spending, to make a serious effort against these huge Federal deficits we are seeing. We would not be engaging in the politics of fear. We would not be engaging in the politics of class warfare. We would be getting to business this week. I hope that is what we will do.

The only way I know to get that debate is to vote ''no'' on the motion for cloture this afternoon. I think a number of my colleagues will be doing so. If some 41 of us can muster a ''no'' vote on the motion to invoke cloture, then we can have the debate on Libya at another time and we can get today and this week to the one and only reason we are back in town; that is, this debt that consumes us, that threatens our national security, our national well-being and we are called upon to debate by our colleagues and our constituents.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WICKER. I thank my friend from Tennessee for yielding.

Mr. CORKER. Mr. President, I thank the Senator from Mississippi for his comments.

As I mentioned, I rise to speak about S.J. Res. 20. I think there has been some misinformation about what we are doing this afternoon. I know the Acting President pro tempore and I were in a Foreign Relations Committee meeting last week and offered several amendments that were not passed. But many people have said what we are going to be debating, possibly this evening—I hope we do not—is something the President has asked for. The Acting President pro tempore, I know, knows differently.

The President did not ask for what it is we are going to be debating this evening. The President earlier asked for a resolution of support but not an authorization for this third war we are undertaking right now in Libya. That is not what the President asked for.

As a matter of fact, the President, in a very cutely worded letter to Congress, tried to state that we were not involved in hostilities in Libya, and he did so in order to circumvent a law that has been on the books now for many years called the War Powers Act. So the President is not seeking what the Senate is getting ready to debate on the floor at all. As a matter of fact, the President is trying to circumvent the War Powers Act. So there is no question, in my opinion, the President should be made to seek authorization.

But then that brings us to the issue at hand. There is no way anything we do on the Senate floor—other than possibly pulling our troops out of Libya, which is not what the resolution is about—is going to affect anything we are doing in Libya one iota. Let me say that one more time. If the resolution we are debating, possibly this evening, were to actually be debated and passed, it would not affect one iota of what we are doing in Libya. The fact is the House has already turned down the same resolution. So, basically, we are burning a week's time on something that is totally irrelevant to what is happening in Libya and certainly irrelevant as it relates to what is before us as a country.

As the Senator from Mississippi mentioned, the biggest issue facing our country today is this issue of the debt ceiling and our debt, the fact that we have $14.2 or $14.3 trillion in indebtedness, and we are moving beyond that, the fact that we have $1.5 trillion in deficits this year, the fact that we are spending $3.7 trillion and only have $2.2 trillion, the fact that we are borrowing 40 cents of every dollar we spend every day we are here, and that 47 percent of that is coming from people overseas. That is the most important issue before us. That is the reason we are back

here this week during the July recess. I am glad we are here. But we need to focus on the issue at hand.

To speak to how dysfunctional the Senate is, we are here over the debt ceiling, we are here over the fact that we have huge deficits, and we do not have an agreement to deal with that. But instead of focusing on the issue at hand, which is what most people back in Tennessee or Virginia or some other place would do if they had a problem, we are going to focus on something possibly that is irrelevant and has nothing whatsoever to do with the issue at hand, just to make the American people think we are doing something.

I also will vote against cloture this evening, and I am here on the floor to urge my colleagues on both sides of the aisle—I have gotten calls since I landed this morning from Tennessee, from Democratic Senators who want to figure out a way to resolve this issue, from people who understand that our country is heading for a train wreck as it relates to our debt ceiling because there have not been serious negotiations that have taken place.

So the Senator from Mississippi is right. Believe it or not, in a body that spends $3.7 trillion a year, we have not had a budget in 797 days. I cannot believe that as a citizen. I certainly cannot believe that as a Senator. I do not think most citizens in our country realize we are spending, right now, $3.7 trillion of their money this year and we do not even have a budget that is passed. One has not come out of committee, a committee that, by the way—not to be pejorative here—has a majority of people on the other side of the aisle who could easily, if they wanted to, pass a budget out to the Senate floor to be debated.

I know sometimes things are difficult to get done around here. But certainly it is difficult to address the No. 1 issue we have before us in our country: these huge deficits which are creating this issue of the debt ceiling that ''has to be raised.'' The fact is, again, we are possibly, this evening, getting ready to move to an issue that is totally irrelevant—very important and certainly something that has been mishandled tremendously—but certainly something that, whatever action we take this week in the Senate, is going to be unaffected. It is not going to have any effect on it whatsoever other than Senators feeling good about the fact that they did something that actually ends up bearing no fruit.

I urge people on both sides of the aisle to vote against cloture to take up this issue—that we are in a third war, a war the President does not want to call a war by saying we are not involved in hostilities. Obviously we are. We have Predators doing what Predators do. We have aircraft bombing military installations. If North Korea were in our country bombing military installations and using Predators to do what Predators do, I think we would say that is hostilities. No doubt we are involved in hostilities, and that issue should not be left aside and undealt with. But, again, today, the big issue—the issue of the day—is our debt ceiling. The issue is our debt. The issue is we do not have a balanced budget. The issue is we do not have a fiscal straitjacket to cause us to act responsibly. I urge my colleagues on both sides of the aisle to vote ''no'' this evening for cloture. Let's not take up an issue we will have no effect on, that has nothing to do with the debt ceiling, and let's move to those kinds of issues that will.

I know there is not a budget, unfortunately, to debate at present. It is my understanding the chairman of the Budget Committee is going to unveil some plans. That would be wonderful. There are some budget process issues that are at least relevant to the topic at hand. So I urge people to vote ''no'' this evening.

Mr. President, I thank you for the courtesy of time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I understand our leader, Senator MCCONNELL, is asking we speak for no more than 10 minutes, but I ask unanimous consent that I be allowed to speak for 25 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. I thank the Acting President pro tempore.

Mr. President, our debate today takes place in the context of deep economic uncertainty at home, coupled with extraordinary dangers overseas. Our country is suffering from high unemployment, with 9.1 percent of Americans out of work—many for years. Our national debt stands well above $14 trillion, and our credit rating is in doubt. Gas prices are still near $4 a gallon in many locations. The number of Americans requiring food stamp assistance has reached 45 million. Some businesses are returning to profitability but long-term economic growth is threatened by numerous forces, including the skyrocketing national debt, declining home values, high energy costs, and increased competition for export markets.

Overseas, almost 100,000 American military personnel are fighting a difficult war in Afghanistan. More than 1,600 of our troops have been killed in Afghanistan, with roughly 12,000 wounded. Meanwhile, we still have 46,000 troops in Iraq, a deployment that has cost almost 4,500 American lives, with more than 32,000 wounded. Our troops have experienced multiple deployments over the last 8 years that have strained our Armed Forces. Tensions on the Korean Peninsula are extremely high, with no resolution to the problem of North Korea's nuclear program. We continue to pursue international support for steps that could prevent Iran's nuclear program from producing a nuclear weapon. We remain concerned about stability in Pakistan and the security of that country's nuclear arsenal. We are attempting to counter terrorist threats emanating from Pakistan, East Africa, Yemen, and many other locations.

Into this confluence of economic and national security commitments, the President has involved our Nation in a civil war in Libya. We find ourselves in a situation where Congress is debating vast cuts in domestic programs to make essential progress on the deficit, even as President Obama has initiated an expensive, open-ended military commitment in a country that his Defense Secretary said is not a vital interest.

Any Member who has been here to witness the last 10 years should understand that war is an inherently precarious enterprise that is conducive to accidents, unintended consequences, and miscalculations. The last 10 years have also illuminated clearly that initiating wars and killing the enemy is far easier than achieving political stability and reconstructing a country when the fighting is over.

This is why going to war should be based on U.S. vital interests. It is also why Congress has an essential role to play in scrutinizing executive branch rationalizations of wars and their ongoing management. This holds true no matter who is President or which war is being fought.

The President stated he intervened in Libya in conjunction with the international community to save lives that would have been lost had Qadhafi's forces been left unchecked. But saving lives alone cannot be our standard for using military force. There is no end to the global humanitarian emergencies in which U.S. military and economic power might be devoted. Saying that American military power in Libya is morally justified is not the same as saying it is wise. There are many other questions that must be answered in a disciplined examination of whether to go to war.

The administration placed much weight on expressions of approval by the United Nations and the Arab League. It is better to have international support than not when considering war. But neither of those institutions is determinative to an assessment of U.S. vital interests.

Even after Qadhafi leaves power, we will be at risk of substantial costs. Already NATO has called for a U.N. peacekeeping force to be deployed on the ground in Libya to help secure a transitional government. As the largest contributor to the United Nations, the U.S. probably will bear a significant share of that cost, even if no American troops participate. What follows Qadhafi's regime will be a true nation-building exercise. Despite massive natural resources, Libya was a poor and largely undeveloped country before the first NATO bomb fell. We have been assured that the Libyans will have the financial resources to pay for this reconstruction effort, but we have heard

this assurance before. We have had ample experience during the last decade with the difficulties of reconstructing nations in which we have intervened.

In justifying our intervention in Libya's civil war, the President has claimed that failure to do so would have emboldened other dictators to resort to violence in the face of popular protests. At a minimum, the unfolding tragedy in Syria is evidence that our intervention in Libya has done little, if anything, to deter such repression.

In fact, I think it is more likely that dictators such as Bashar al-Assad have learned the opposite lesson from the Libyan example. That lesson is do not let an opposition force gain control of territory or the West might intervene to protect it from the sky. Is this the thinking behind the Syrian government's brutal military takeover of the cities along its border with Turkey? At the same time, our Libyan involvement has made it more difficult to obtain Security Council action of any sort, even rhetorical, against the Syrian regime.

American intervention in Libya did not come as a result of a disciplined assessment of our vital interests or an authorization debate in Congress. In the broader strategic context that I have described, a civil war in Libya is not a priority that required American military and economic investments. It is an expensive diversion that leaves the United States and our European allies with fewer assets to respond to other contingencies.

President Obama's assertion that he does not need a congressional authorization to wage war in Libya represents a serious setback to the constitutional limits on Presidential war powers. Historians will point out that this is not the first time that a President has gone to war unilaterally. But saying that Presidents have exceeded their constitutional authority before is little comfort. Moreover, the Libya case is the one most likely to be cited the next time President Obama or a future President chooses to take the country to war without congressional approval.

Declarations of war are not anachronistic exercises. They force the President to submit his case for war to Congress and the American public. They allow for a robust debate to examine that case, and they help gauge if there is sufficient political support to commit American blood and treasure. And they define the role and strategy of the United States. Neither U.N. Security Council resolutions nor administration briefings are a substitute for a declaration of war or other deliberate authorizations of military operations.

Actions leading up to the wars in Iraq and Afghanistan at least acknowledged that congressional authorization was vital to initiating and conducting war. Despite deep flaws in the process of authorizing those wars, there was recogition that both required a deliberate affirmative vote by Congress.

During this debate there will be appeals to set aside discussion of war powers issues in favor of expressing support for the military mission underway. We will be asked to send a message to Colonel Qadhafi, notwithstanding our displeasure with President Obama's unilateralism.

I understand that one can be for the Libya mission while simultaneously being critical of the President's failure to involve Congress in his decisionaking. But I also believe that it would be difficult to render a judgment on the Libya operation without reference to the process failures that have preceded this debate, for two reasons. First, in the long run, the significance of the war powers precedent created by President Obama's unilateral intervention in Libya and his subsequent rationalization for not needing congressional authority may be far more significant than the short term geopolitical consequences of what happens in Libya. Second, we are debating an authorization that the President has taken no affirmative action to seek, that he asserts is not necessary under the Constitution or the War Powers Act, and that presumably will have little impact on his actions.

Even if one believes that the President somehow had the legal authority to initiate and continue U.S. military operations in Libya, it does not mean that going to war without Congress was either wise or helpful to the operation. There was no good reason why President Obama should have failed to seek congressional authorization to go to war in Libya. A few excuses have been offered ranging from an impending congressional recess to the authority provided by U.N. Security Council Resolution 1973. But these excuses do not justify the President's lack of constitutional discipline. Twelve days before the United States launched hostilities I called for the President to seek a declaration of war before taking military action. The Arab League resolution, which is cited as a key event in calculations on the war, was passed a full week before we started launching cruise missiles. There was time to seek congressional approval, and Congress would have debated a war resolution if the President had presented one.

That debate would not have been easy. But Presidents should not be able to avoid constitutional responsibilities merely because engaging the people's representatives is inconvenient or uncertain. If the outcome of a congressional vote on war is in doubt, it is all the more reason why a President should seek a debate. If he does not, he is taking the extraordinary position that his plans for war are too important to be upset by a disapproving vote in Congress.

The Founders believed that Presidents alone should not be trusted with war making authority, and they constructed checks against executive unilateralism. James Madison, in a 1797 letter to Thomas Jefferson, stated, ''The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the legislature.''

Clearly, there are circumstances under which a President might be justified in employing military force without congressional authorization. But as Senator JIM WEBB has pointed out systematically, none of the reasons apply to the Libyan case.

Our country was not attacked or threatened with an attack. We weren't obligated under a treaty to defend the Libyan people. We were not rescuing Americans or launching a one-time punitive retaliation. Nor did the operation require surprise that would have made a public debate impractical.

In this case, President Obama made a deliberate decision not to seek a congressional authorization of his action, either before it commenced or during the last 3 months. This was a fundamental failure of leadership that placed expedience above constitutional responsibility.

Moreover, the highly dubious arguments offered by the Obama administration for not needing congressional approval break new ground in justifying a unilateral Presidential decision to use force. The accrual of even more war making authority in the hands of the Executive is not in our country's best interest, especially at a time when our Nation is deeply in debt and our military is heavily committed overseas.

At the outset of the conflict, the President asserted that U.S. military operations in Libya would be ''limited in their nature, duration, and scope.'' Three months later, these assurances ring hollow. American and coalition military activities have expanded to an all but declared campaign to drive Qadhafi from power. The administration is unable to specify any applicable limits to the duration of the operations. And the scope has grown from efforts to protect Libyan civilians under imminent threat to obliterating Libya's military arsenal, command and control structure, and leadership apparatus.

Most recently, the administration has sought to avoid its obligations under the War Powers resolution by making the incredible assertion that U.S. military operations in Libya do not constitute hostilities, a view that has been rejected by many supporters of the war.

Let us be clear that we are deliberately trying to overthrow the government of Libya with military force. We were instrumental in putting the alliance together, we were the major force behind the U.N. resolution authorizing the war, we set the table for the NATO operation through an intensive bombing campaign to open the war, our planes and drones continue to bomb Libya, and most missions flown by allied pilots are dependent on the

intelligence and refueling capabilities that we are providing. The means that we are using to overthrow the Libyan government are limited in the sense that we could be applying more military force to the task, but the goal of the operation is not limited. We are using military force to achieve regime change. Defining these actions as something less than hostilities requires extraordinary legal contortions.

Administration analysis focuses on the question of whether U.S. casualties are likely to occur, thereby minimizing other considerations relevant to the use of force. Such an interpretation would deny Congress a say in other questions that are obviously implicated in decisions to go to war, including the war's impact on U.S. strategic interests, on our relations with other countries, and on our ability to meet competing national security priorities.

The administration also implies that because allied nations are flying most of the missions over Libya, the U.S. operations are not significant enough to require congressional authorization. This characterization underplays the centrality of the U.S. contribution to the NATO operations in Libya. We are contributing 70 percent of the coalition's intelligence capabilities and the majority of its refueling assets. The fact that we are leaving most of the shooting to other countries does not mean that the United States is not involved in acts of war. If the United States encountered persons performing similar activities in support of al Qaida or Taliban operations, we certainly would deem them to be participating in hostilities against us.

This state of affairs is at odds with the President's own pronouncements on war powers during his Presidential candidacy. For example, in December 2007, he responded to a Boston Globe question by saying: ''The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.''

American combat forces are so efficient at certain types of operations and our over-the-horizon technology is so potent that the use of the military instrument to right wrongs exists as a tremendous temptation for Presidents. If we fail to come to grips with this now, I fear that we are setting the stage for Presidents to undertake other humanitarian interventions without congressional approval.

The President does not have the authority to substitute his judgment for constitutional process when there is no emergency that threatens the United States and our vital interests. The world is full of examples of local and regional violence, to which the U.S. military could be applied for some altruistic purpose. Under the Constitution, the Congress is vested with the authority to determine which, if any, of these circumstances justify the consequences of American military intervention.

The Foreign Relations Committee markup of S.J. Res. 20 significantly improved the resolution in several key respects. First, the committee adopted amendments that Senator WEBB and I introduced, establishing legally binding prohibitions on the introduction of American ground troops and contractors into Libya. The original resolution addressed this issue only through nonbinding language that the President could have ignored.

Second, the committee adopted an amendment I offered requiring specific reports on the Libya operation from the administration on strict deadlines. These deadlines were strengthened further by an amendment from Senator BOB CORKER. The original resolution lacked sufficient provisions for congressional oversight of the operations, their costs, and their potential impact on other U.S. national security objectives.

Third, I offered an amendment specifying that the War Powers resolution applies to current U.S. military operations in Libya, and that continuation of those operations requires congressional authorization. This was adopted by acclamation after Members on both sides delivered statements supporting the amendment. In doing so, the committee repudiated the administration's contention that U.S. operations in Libya do not constitute ''hostilities'' and therefore are not subject to the War Powers resolution.

Fourth, the committee adopted a sense of the Congress amendment stating that postwar reconstruction costs should be borne primarily by the Libyan people and Arab League nations.

Even with the success of these amendments, S.J. Res. 20 remains overly broad, despite its stated purpose of authorizing a limited use of force. Specifically, it contains no meaningful limits on the use of American air assets over Libya.

This resolution clearly would give the President the authority to escalate the American role in the bombing campaign. I understand that some Members of the Senate may favor that course. But Members who have concerns about a re-escalation of the U.S. combat role should understand that passage of the resolution not only gives the President that authority, it makes such a re-escalation more likely.

The defining limitation in S.J. Res. 20 is U.N. Security Council resolution 1973, which calls on nations to protect Libyan civilians. Effectively, any use of airpower consistent with this U.N. resolution is permitted under S.J. Res. 20. Using resolution 1973 as justification, the President already engaged in an intensive bombing campaign against Libyan targets at the beginning of our intervention. By definition, the administration and our allies would regard S.J. Res. 20 as permitting at least the intensity of American bombing that was undertaken in the first week of the war.

Moreover, President Obama publicly has defined the removal of Colonel Qadhafi as in the interest of protecting Libyan civilians. From the administration's point of view, almost any airstrike that degrades Libyan military capabilities or contributes in some way to the potential for the ouster of Qadhafi can be justified as contributing to the protection of civilians. This could include the use of slower fixed wing aircraft flying close air support missions and perhaps helicopters.

Passage of this resolution does not guarantee that there will be a full-scale re-escalation, but if President Obama is armed with this resolution and if the Libyan operation drags on, it is almost inevitable that the American role in Libya will expand. We know that some of our allies are running short of munitions. We also know that public opinion in some allied nations may trend against continuing this mission. Our military is the best and most capable in the world. If the President has this broad authorization from Congress in hand, allies will be far more confident that the United States will pick up the slack if they withdraw or limit their participation. In a recent press conference, the President said, ''There's no risks of additional escalation.'' But the only barrier to escalation would be the decision-making of the President himself.

I do not believe that our intervention in the Libyan civil war was prudent in the context of U.S. vital interests. I continue to be concerned that the U.S. role in Libya will escalate, that Libya reconstruction burdens could fall on our country, and that the Libyan operation siphons attention and resources away from more important national security priorities. I cannot support the broad mandate that this resolution would give to the President to expand U.S. military activities over Libya. I urge my colleagues to join me in opposing adoption of S.J. Res. 20.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to just briefly say that the matter of the merits of the Libya resolution the majority leader wants to move to is not something I am addressing at this point. It is a significant issue, and good Senators can disagree about that, but the reason we are here this week is because 46 Senators from the Republican side objected to the Memorial Day recess, because we have done nothing on the budget, and were clearly going to object again when it came to the Fourth of July because we have the debt ceiling issue that we are told creates an emergency by August 2.

We haven't passed a budget in 797 days. The Democratic majority has not

even brought one to the floor in that time. The country is spending itself into decline and damaging our future. We know that. It has been talked about for months. We have had no discussion in the Budget Committee, of which I am ranking member, about marking up any kind of budget this year. The Budget Act in the United States Code says we should pass the budget by April 15. So the objection I and others had to going home and recessing this week was not in order to discuss the Libya resolution; it was to get to work now to confront the financial situation we are in.

We are not going to be serving our constituents well if some sort of secret agreement comes to fruition and a bill is plopped down on the Senate floor on August 1 that has to be passed by August 2. That is not responsible. It is not acceptable. Even the President understands that. Last week, he said this:

> And so there's no point in procrastinating. There's no point in putting it off. We've got to get this done. And if by the end of this week, we have not seen substantial progress, then I think members of Congress need to understand we are going to start having to cancel things and stay here until we get it done.

He is talking about spending—debt, the debt ceiling, the limit on the amount of money the U.S. Government can borrow. That is what he said last week. And that is what we have been saying for over a month.

Regardless of how one feels about the Libya resolution, that is not what we need to be doing this week. The letter we wrote to Senator REID concerning the Memorial Day recess said this. This was a month ago.

> Until a budget plan is made public, and until that plan is scheduled for committee action, on what basis can the Senate justify returning home for a 1-week vacation and recess when our spending and debt continue to spiral dangerously out of control?

That is what we said then and it remains true now. This Congress is acting in an irresponsible manner and it is not healthy for us. I am beginning to wonder if the Senate is, in fact, beginning to lose its reason for being. Are we supposed to just sit here and wait for two, three, four, or five people to meet in secret and then tell us at the eleventh hour that we have to pass a bill? Is that legislating? Is that what Congress should do?

We certainly are in violation of the Budget Act, which says a budget should be marked up in the Budget Committee by April 1 and passed by April 15. We haven't even called one up, and we haven't passed one in 797 days.

I recall, as we make the decision on our vote today, what Chairman of the Joint Chiefs of Staff Admiral Mullen said recently, which is that the greatest threat to our national security is the debt. That is what he said. The President has not asked for a Libyan resolution. It is not something he cares about, apparently. He hasn't asked for it. He doesn't consider it important.

I will tell you one thing we have to do: We have to fulfill our responsibility as a Congress, as the people who control the purse. That is our ultimate constitutional responsibility. We are not fulfilling it and, therefore, I urge my colleagues not to move to the Libyan resolution but to send a message to our Democratic leadership that we insist on moving toward solving the financial crisis this Nation faces.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, as of now, we are scheduled to vote on a motion to proceed to S.J.R. 20 regarding Libya. We have been called into session—having made plans to spend this week in our States meeting with constituents, as we try to do at least once a month—because there is a budget crisis in this country, because we have a debt ceiling of over $14 trillion that is getting ready to be hit and we need to focus on that and that alone during this week. We have been talking about it, we have been talking around it, but, honestly, we don't seem to be making much progress. If we are going to do anything this week, we should be talking about how we are going to address this issue.

This is what is on the minds of the people of our country today. I was home over the weekend, having just gotten back, and everyone I talked to is scared to death about this debt, about what is going to happen. People think there does need to be significant change, reform, a different way of doing business than borrowing and borrowing and borrowing. They are also concerned about hitting the debt ceiling and not lifting it. They are wondering what in the heck we are going to do.

So now we are back here in session because of that crisis, and somehow we are talking about Libya. Libya is important. It is important because there are American troops, part of a coalition that was put there by the President without consulting Congress, and now there is a resolution, which, frankly, I cannot support. I will not give the President authority to continue. I think we need a full and fair debate. But now is not the time to be doing this, when we are 4 weeks away from a potential debt crisis that could affect the people in our country right now—people who depend on our government to function—as well as our global standing.

So let's talk about what we could do. What we could do is produce a budget. It has been 797 days or so since the Senate has passed a budget resolution. So we haven't set the level of spending and the priorities for spending that are our constitutional responsibility. It is Congress's responsibility to pass a budget. We haven't passed a budget in almost 2 years—almost 2 years.

We have to do that because we are coming up on—in about 3 months—the end of a fiscal year. We should be passing appropriations bills that are based on a budget. But we don't have a budget. So I would say, let's get back to basics. When you have a big problem, you go back to the basics, where you have to start to solve a problem. And the basics are a budget. I think we all agree if we get a budget on the floor there is going to be a lot of amendments. There is going to be a lot of amendments to a budget resolution. Let's get started. Let's use this week to produce a budget resolution and let's start having the amendments about spending levels, about spending priorities. That will be a way we can start the process of determining if we can, in fact, lift the debt ceiling.

There are significant cuts in spending we can make as a country that would show the rest of the world—those holding our debt, as well as the American people who are living with this government and holding part of the debt—that we are serious; that we are going to get our financial house in order, and we are going to do it with a budget resolution that cuts spending and sets priorities as every family and every business in this country is required to do. Most States, by the way, are required to do it as well. A few don't, and we see them sort of ambling over toward the ''B'' word—bankruptcy—which is just not a possibility. That is not a possibility for this country. We need to take the reins right now to assure the world knows we are not going to handle our fiscal responsibilities by continuing to borrow when we know we don't have the revenue coming in to pay for all these programs.

So I am going to vote against cloture today. I am going to vote against cloture, along with, I know, many people for different reasons. Some people are voting against cloture because they do not think we ought to be giving the President the authority to continue going into another country's civil war when we have such commitments in Afghanistan and Iraq, when we are overdeploying our troops, when we are spending money that we are having to borrow, when we are taking the lion's share of this responsibility for our allies. Many of us think we shouldn't be adding another country, where it is supposed to be a support function, when we all know that is what leads to something more, and then something more. I thought Senator LUGAR said it very well when he said that then you have the aftermath of the end of a civil war and the responsibilities for that. This is not the time, in my opinion, to be giving that kind of authority to the President.

But above that—above that—we are here because there is a crisis upon which I think we have a united view of

the goal, and that is to put our fiscal house in order. But we are not united in the Senate about how to do it. So let's have that debate this week. Let's have that debate that says we should be spending more or we should be spending less; that we should be taxing more or taxing less, because we have real disagreements on that.

I am in the spend less, tax less group, but there are views that are differing. Let's put it out there and start the debate. Because if we have a budget resolution, then everything can be solved from there. If we have a budget resolution that we can agree is the right amount of spending for the debt crisis we are in, then we will know the way forward to dealing with the debt crisis. That is a real possibility, and that is what we ought to be talking about.

I will not support cloture on a motion to proceed to a Libya agreement that says the President can continue the involvement. I think we need to deal with the crisis that Congress has a say in doing. Certainly Congress had a say in producing it, and we are the ones responsible to the American people for solving the problem that has been created.

I urge my colleagues not to vote for cloture on the motion to proceed to the Libya resolution and, instead, turn to the budget, put a budget resolution out, and, for the first time in almost 2 years, we can begin to talk together to solve this problem by passing a budget resolution that will lower spending and hopefully keep taxes low so our fragile economy can continue on the path toward improvement, that would have businesses feel confident to hire people, rather than putting obstacles in place, and get this unemployment rate of over 9 percent off the books. That would be the answer for this week, in my opinion.

I hope the majority leader will turn to the budget and let's solve the crisis at hand. I think that is why we are in session this week.

Mr. President, I yield the floor.

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.

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

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

Mr. REID. Mr. President, the Senate was scheduled today at 5 p.m. to vote on the motion to invoke cloture on the motion to proceed to the bipartisan Libya resolution, which is sponsored by Senators KERRY, MCCAIN, LEVIN, KYL, DURBIN, FEINSTEIN, GRAHAM, and others. I spoke with the Republican leader just a short time ago, and we have agreed that, notwithstanding the broad support for the Libya resolution, the most important issue for us to focus on this week is the budget. So we will work to set up the vote on the sense-of-Senate resolution that I have offered on shared sacrifice and perhaps a Republican alternative as well. Meetings are in process now and will continue on the debt limit and on larger budget matters throughout the Capitol and I am confident everyone knows the White House is involved.

I ask unanimous consent that the cloture motion, with respect to the motion to proceed to Calendar No. 88, S.J. Res. 20, be vitiated.

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

Mr. REID. I withdraw my motion to proceed to Calendar No. 88, S.J. Res. 20.

The PRESIDING OFFICER. The motion is withdrawn.

SHARED SACRIFICE IN RESOLVING THE BUDGET DEFICIT—MOTION TO PROCEED—Continued

Mr. REID. I now move to proceed to Calendar No. 93, S. 1323.

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

The assistant legislative clerk read as follows:

A motion to proceed to Calendar No. 93, S. 1323, a bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

Mr. REID. Mr. President, there will be a vote at 5 p.m. today on a motion to instruct the Sergeant at Arms to notify Senators of their need of attendance in the Senate at this important time in our country's history.

I would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUDIT OF DEPARTMENT OF DEFENSE

Mr. GRASSLEY. Mr. President, I want to extend some remarks I made on the Senate floor on June 6. The report I was reporting on on June 6 evaluated audits produced by the Department of Defense Office of Inspector General in fiscal year 2010. I called that report a report card because that is exactly what it was. Each of the 113 unclassified reports published in fiscal year 2010 was reviewed and evaluated and graded in five categories. My report was produced by the Department of Defense Office of Inspector General in fiscal year 2010. After each report was graded individually, all the scores for each report in each category were added up and averaged to create a composite score for all 113 reports.

Although 15 top-quality audits were highlighted in the report, the overall score awarded to the 113 was basically D-minus. That is low, I know. Maybe the score should have been a little higher. Clearly, none reflected any of the reforms Inspector General Heddell, DOD, put in place in December of 2010, as all were published well in advance of that date.

My oversight staff read these reports as educated consumers. We expected these reports to provide leverage in the monumental day-to-day Department of Defense oversight task. We want them to provide assurance that the Defense Department is spending taxpayers' money wisely. Some reports did that but most did not.

This report, prepared by this Senator from Iowa, is sure of one thing: The audits which are the subject of my report card are not somehow exempt from oversight and public scrutiny. In other words, these audits should just not sit on the shelf and collect dust; they need, as well, to be put under the public microscope, especially when they cost almost $1 million apiece to produce. Mr. President, $1 million for an audit report is a heck of a lot of money. So that is exactly what we did in the report card—put these reports in the public spotlight, and I will keep them there until I see sustained improvement at the inspector general of the Department of Defense.

As the report states and as I explained in my speech on June 6, this grading system was subjective and imperfect. However, as subjective and inexact as it may be, I believe it provided a reasonable and rough measure of audit quality.

Following my speech, Defense Department Inspector General Heddell pounced on my report. He expressed strong opposition to the low score. He complained that it did not adequately reflect $4.2 billion in what he called ''achieved monetary benefits,'' identified in fiscal year 2010 reports.

To address IG Heddell's concerns, my staff asked the audit department to prepare an information paper that linked the $4.2 billion in savings to the audit where those savings were reported. That information was provided to me on June 20. I call it a crosswalk. It takes me to the exact page in each report where the savings were discussed. This document listed $4.4 billion in identified potential monetary benefits and collections of $4.2 billion.

After reviewing the crosswalk, I have concluded that Inspector General Heddell had a legitimate gripe about my report card. He is right. It should have included a section that addressed potential savings. So I will address those issues right now, focusing on four reports that contain almost all of the $4.2 billion in savings listed in the collections column.

In grading these reports, we did not give sufficient credit for potential savings and inefficiencies. They were a casualty of the grading system for one simple reason: If the exact dollar amounts of the alleged fraud and waste were not verified using primary source accounting records—and using primary source accounting records is very important—then they did not pop up on my oversight radar screen.

My staff is attempting to work with the audit office to develop a mutually