

NOT VOTING—9

Boxer	Harkin	Manchin
Coburn	Lieberman	Stabenow
Hagan	Lugar	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

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

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

The Senator from Illinois.

IRAN SANCTIONS

Mr. KIRK. With regard to our policy toward Iran and the recent revelation of a potential attack involving not just foreign embassies and ambassadors but Americans, potentially Senators, being killed by a plot hatched by the Iranian Revolutionary Guard and Quds Force, there should be consequences, not just concerns expressed from the administration. We have witnessed a growing aggressiveness by the Iranian regime toward the United States and toward their own people.

For example, recently, an Iranian actress who appeared uncovered in an Australian film was then sentenced to 90 lashes for her so-called crime. With regard to the 330,000 Baha'is, a religious minority in Iran, first they were excluded from all public contracting, then they were told all their children had to leave Iranian universities, and then all their home addresses were registered in secret by the Iranian Interior Ministry.

I would suggest we have seen this movie before in a different decade wearing different uniforms. But this is the bureaucracy necessary to carry out a Kristallnacht in Farsi.

We have seen, for example, the Persian world's first blogger, Hossein Ronaghi, who was thrown into jail simply for expressing tolerance toward other peoples and other religions. Probably most emblematic, we saw the jailing of Nasrin Sotoudeh, a young mother and a lawyer, whose sole crime

was to represent Shirin Ebadi, a Noble Prize winner, in the courts of Iran.

We hear and have watched unclassified reports of an acceleration of uranium enrichment in Iran. We even have the irony, according to the International Monetary Fund, that despite comprehensive U.N. and U.S. sanctions—according to the IMF—Iran had greater economic growth last year than the United States and the Iranian indebtedness is only a fraction of U.S. indebtedness. According to the IMF, the United States owes about 70 percent of its GDP in debt held by the public. For Iran, it is only 5.5 percent.

Now the United States has enacted a new round of sanctions against Iran. President Obama signed it into law last year. There were 410 votes in the House, and it was unanimous in the Senate. I worked for many years on a predecessor to that legislation when I was a Member of the House. The record of the administration, and especially our very able Under Secretary of the Treasury David Cohen, has been very good at implementing that bill. He has been very successful in reducing formal banking contacts between American, European and Asian banks and Iran. It is very important, when we look at the situation of how to deal with Iran, that we not see it from Washington's view, looking toward Iran, in which we see an awful lot of banks and an awful lot of transactions shut down, but look at it from Tehran's view, looking back from the United States, and we will see a quickly growing Iranian economy, a growing record of brazen oppression, actresses sentenced to 90 lashes, Noble Prize-winning attorneys thrown in jail, an accelerating nuclear program, and then a decision by the head of the Iranian Revolutionary Guard Corps, Quds Force, to attack the United States.

Long ago, I thought it was a mistake to have the Drug Enforcement Agency left outside of the U.S. intelligence community. Luckily, we reversed that decision and we brought DEA back into the intelligence community. It was a lucky strike that the person who was contacted by the Quds Force to carry out an attack on the United States actually contacted a confidential informant working for the DEA. It was on that lucky break that we had the ability to break this plot. But if we read Attorney General Holder's complaint against the defendant involved, we will see—I believe it is on page 12—a rendition of how, if they could not kill the Ambassador outside the restaurant, it was perfectly OK with the Quds Force operator that a bomb go off involving dozens—if not over 100—of Americans killed. The bonus, he thought, maybe a large number of Senators would be involved. If that was necessary to kill this Ambassador, all the better.

The Treasury Department has designated, finally, the head of the Quds Force under our law. But it is ironic that when we look at the comprehensive record of designations, the Europeans, who actually are not known for

their strong-willed backbone on many international questions, have a more far-reaching effect on calling it the way they see it in Iran. Both Europe and America now have a regime to bring forward sanctions and designations against Iranians who are "comprehensive abusers of human rights."

Currently, our government has only designated 11 Iranians, where the European Union has designated over 60. One of the people missed by our administration is the President of Iran, Mahmud Ahmadinejad, who often talks about ending the state of Israel. Probably the only head of state of a member of the United Nations who regularly talks about erasing another member of the United Nations from the planet. We also have not designated President Ahmadinejad's chief of staff. We have not designated dozens of people that even the European Union has designated as comprehensive abusers of human rights.

So what should we do when we have uncovered a plot to attack the United States in which the highest levels of the Iranian Revolutionary Guard Quds Force was involved? Thank goodness for the DEA and the rest of the law enforcement and intelligence community of the United States, the plot was foiled, and so no attack was carried out. In my mind, we should take the toughest action possible, short of military action. Is there consensus in the Congress behind what that action should be? I would argue yes.

Senator SCHUMER and I, this summer, put forward what we feel is one of the real, most crippling sanctions the United States could deliver against Iran; that is, to ensure that any financial institution that has any contact with the Central Bank of Iran be excluded from the U.S. market. Because the United States is the largest economy on Earth, we believe nearly every financial institution on the planet will cut its ties to the Central Bank of Iran. That, most likely, would cripple Iran's currency and cause chaos within their economy. You know what. Iran might actually suffer a recession, which it currently is not in, and I think that would be an appropriate price to pay.

When Senator SCHUMER and I reached out to the Senate to ask for support, I was very surprised at the answer because all but eight Senators signed our letter. There were 92 Republicans and Democrats who signed the letter stating it should be the policy of the United States to collapse the Central Bank of Iran, to cripple its currency. After what we learned this week of a plot to kill Americans and to carry out terrorist attacks on the Capital City of the United States, I think that represents appropriate consequences, not just concerns.

We heard from the administration this morning—and while I was encouraged by the diligent work, especially of the Treasury Department, I was concerned about another thing. There are press reports that the administration

learned about this plot in June and only revealed it to us the day before yesterday. So the administration has had months to understand what this plot meant and plan for the consequences. Yet except for minor actions against a small airline in Iran called Mahan Air, except for actually finally designating the head of the Iranian Revolutionary Guards' Quds Force, we have no comprehensive action by the United States.

My recommendation to this House and to the administration is we should take yes for an answer. With 92 Republicans and Democrats all standing behind an effort to collapse the Central Bank of Iran, this is the appropriate sanction. On top of that, we have the Menendez bipartisan legislation to close loopholes in the sanctions already cosponsored by 76 Senators. This is a tough time of partisanship in Washington. We don't get bipartisan issues such as this that often. I am surprised, it having known about this plot since June, the administration has not already put forward action, but I would urge them to do so. This was not a multilateral attack by a collection of countries on the United States; therefore, I don't think we should wait for multilateral approval before the United States acts against the Iranian Revolutionary Guard Corps and the highest levels of the Iranian Government. We should designate the full list of comprehensive abusers of human rights the way the EU has done. We should exclude any financial institution from the United States that does business with the Central Bank of Iran. We should make sure that in the case of high-level Iranian officials who have plotted an attack, potentially involving dozens of American deaths right here in the Capital City of the United States, there should be severe consequences, they should be fairly swift, and our inaction should not be mistaken for weakness in the face of what is one of the most brazen international acts we have seen in recent times.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized for up to 20 minutes as if in morning business.

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

Mr. INHOFE. Let me make one comment to the Senator from Illinois. I am glad he said what he did. It is very significant. People don't look at Iran as seriously as they should. It is not even classified that Iran is going to have the capability of a weapon of mass destruction and a nuclear warhead and a delivery system by 2015. That was the very reason they were going to have a ground-based interceptor in Poland, so we can defend against something coming from that direction, since all our ground-based interceptors are on the west coast in Alaska and southern California.

When we see things such as this, and the fact that they are coming out and doing things they haven't done before, that just tells me our expectations of their nuclear capability are very true and it is very serious.

JOBS BILL

That is not what I want to talk about. In the wake of the defeat of President Obama's jobs bill, I wished to give a couple thoughts here and then talk about something we better look out for in the future. That jobs bill failed by a large margin, and we heard the President say: Pass the bill, pass the bill, pass the bill. We didn't pass the bill. I can see why the President wants to consider passing some kind of jobs bill right away, when we stop and remember what he did with the last one. The last stimulus bill was \$825 billion. This package was rammed through the Congress shortly after he entered office. The Recovery Act, as it was called, had only \$27 billion out of \$825 billion for roads and highways. The occupier of the chair is very well aware of my concern over infrastructure in America.

I remember when that bill was on the floor and Senator BOXER, from California, and I had an amendment to increase that amount. It was only 3 percent of the total of \$825 billion that would go to roads, highways, maintenance, bridges, and this type of thing—only 3 percent. We were trying to raise that to 30 percent. If that had happened, then look where we would be today. We would have the jobs, we would have all the shovel-ready jobs throughout America.

In my State of Oklahoma, our portion of that would have been well spent just distributed in the way that we had the formula after the 2005 highway reauthorization bill. Anyway, that actually was only 3 percent. It was only \$27 billion out of \$825 billion. The one we just defeated was a \$447 billion stimulus bill. It only had \$27 billion in roads, highways, construction, maintenance—the things that provide jobs and the things this country needs.

I have been ranked as the most conservative Member of the Senate seven different times in the past. Yet I readily say I am a big spender in two areas: One is national defense and the other is infrastructure. I think that is what we are supposed to be doing here. We are in a desperate situation with our infrastructure around the country.

So one might say, well, the President had the \$825 billion stimulus package and only \$27.5 billion went to roads and highways. What happened to the rest of it? Well, the rest of it, in spite of what he said—I am going to read what he said—right after the passage of the bill, when he was signing the bill, the \$825 billion stimulus bill, he said:

What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that has been put together without earmarks or the usual pork barrel spending. It's a plan that will be implemented with an unprecedented level of transparency and accountability.

Well, stop and remember as I tell my colleagues what this actually went for. It is clear the most recent example was this loan guarantee with Solyndra. Everyone here is aware of what happened with Solyndra. We know it was a firm that was producing supposedly green energy. We know the people who were behind this loan guarantee of \$535 million were big contributors to the administration, and they went ahead and were able to get bailed out—not bailed out, but get their loan guarantee—costing the taxpayers \$½ billion, and that is part of what was in this bill. That is where the money was. The genesis of that was the \$825 billion stimulus bill.

I am reminiscing a little bit about what happened back in the middle 1990s, back when Bill Clinton was President of the United States, when we had a very similar thing happen at that time. There is a company called the Loral Corporation. The Loral Corporation is headed up by Bernard Schwartz. Bernard Schwartz was one of the biggest contributors to the Democratic national party and to Bill Clinton. Bernard Schwartz, the company, the Loral Corporation, built a guidance system for a missile so that missile could be more accurate. Even though China wanted to have that system so they would be able to guide their missiles more accurately, for obvious reasons we didn't want them to have it. So it took a waiver signed by the President of the United States. President Bill Clinton did it. He signed the waiver and they got the money. I see similarities in here. I think, again, everyone is familiar with that.

How did they get the money? Where did it come from? The \$825 billion in the stimulus bill.

Let's look. Since the President gave that statement, which I will read again—he said:

What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that has been put together without earmarks or the usual pork barrel spending.

What do we call the Solyndra thing? It is porkbarrel spending.

What about the earmarks? This is a confusing thing for most people because my well-meaning conservative friends in the House of Representatives a couple of years ago put a 1-year moratorium on earmarks, and earmarks would be defined, of course, as appropriations or authorizations. By doing that, it totally contradicts what the Constitution, article I, section 9, says we are supposed to be doing here. It says we are supposed to be doing the appropriations and the authorizations. That is specifically precluded from the President in the article of the Constitution. So it is one that was very obvious. We find out later that the person who was behind that was none other than President Obama.

There is a reason for this. Because most people don't understand there are two different kinds of earmarks. One is congressional earmarks. That is when

a Congressman, a lot of times in the dark of night, will try to put something down that maybe is not in the best interests of the United States but helps his district. That occasionally happens. It shouldn't happen. Under our system, it won't happen if we require all appropriations to be authorized. But the other kind, in addition to the congressional earmarks, are bureaucratic earmarks. That is what the President can do.

I will give an example. I am on the Armed Services Committee. The President's budget comes out. He says what we should spend money on to defend America. A couple of years ago, before this moratorium the Republicans put on in the House, one of the lines he had in his budget was \$330 million for a launch system called a bucket of rockets. It was a good system, and I would like to have that system for defending America. But we thought in our committee that the same \$330 million would be better spent on buying six new FA-18E/F model strike fighters for our Air Force. Well, we could do that, except that would be called an earmark. When we destroy an earmark, we don't save any money, we just say, Mr. President, we are not going to do it, so you go ahead and you do it. Consequently, we were able to take the \$330 million and put it in the FA-18s, but after that would pass, that would be called an earmark, and so the President would have all the power.

If we look back at the \$825 billion stimulus bill, we can look at some of the things that were in there. He said he wasn't going to have any earmarks. These are Presidential earmarks: \$219,000 to study the hookup behavior of female college co-eds in New York; \$1.1 million to pay for the beautification of Los Angeles' Sunset Boulevard; \$10,000 to study whether mice become disoriented when they consume alcohol in Florida; \$712,000 to develop machine-generated humor in Illinois; \$259,000 for foreign bus wheel polishers in California. It goes on and on.

There is \$150,000 for a Massachusetts middle school to build a solar array system on its roof; \$1 million to do research on fossils in Argentina. Here is a good one. I will not attribute this to my two good friends who are Senators from Wyoming, but \$1.2 million to build an underpass for deer in Wyoming.

That is what the President put in. Those are all earmarks. Consequently, I think what we are trying to get to here is if he had been successful in the \$447 billion stimulus bill earlier this week, then we could anticipate the same type of thing happening.

I want the conservatives of America to wake up to the fact that the problems we have, when they talk about earmarks, are not congressional earmarks, they are bureaucratic earmarks.

It wasn't long ago that Sean Hannity on his show had a feature, I think it took him several nights to do it. It was

the 102 most egregious earmarks. He named all of these earmarks, one after another, and went on and on and on. I came down to the Senate floor the morning after that and I read that same list. There were 102 earmarks, very similar to what I read. The interesting thing about it—and I said this on the Senate floor at that time—what did these 102 earmarks have in common? Not one was a congressional earmark. They were all bureaucratic earmarks.

We are going to be attempting to do something about this, because it is something that almost everyone would agree needs to be done. What we are going to introduce and the bill I am working on now, and I am gathering some cosponsors, is legislation that will bring real transparency and accountability to this process. It would do this by involving Congress in the grant-making process.

Right now, agencies are required to disclose a lot of information about grant awards, but not until after they are already awarded. We don't know about them. Even we here in this Chamber don't know about them until some unelected bureaucrat actually makes these what I would refer to as bureaucratic earmarks. So it is setting up a system very similar to the Congressional Review Act.

The Congressional Review Act lets us look at the regulations and have a process by which we can stop the bureaucrats from passing regulations that we may think as elected Members, elected by the people, are not good. This will do essentially the same thing the CRA does for regulations, it would do for these earmarks. So it is something we will be active in. I think back now, if we had not defeated that \$447 billion stimulus bill the first part of this week, we would be looking at right now, and I am sure they would be putting together, their list of earmarks.

I think we have an opportunity now to do two things. No. 1, when the President—and I say when, and not if—when the President comes up with another jobs bill, let's look at it very carefully to make sure we have everything specifically in there if it is going to be deserving of our votes. I say that to each individual, Democrat and Republican, in this Chamber.

The second thing is make sure we don't open the door for him to be able to come up with another several hundred billion dollars of earmarks as we did in the \$825 billion stimulus bill 2 years ago.

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

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

The assistant legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Oklahoma.

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

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

Mr. INHOFE. Madam President, since there is no one seeking time right now, even though I have used my time, I ask unanimous consent to be recognized again for up to 10 minutes.

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

ENERGY

Mr. INHOFE. Madam President, I heard a report today from Senator MURKOWSKI. Apparently, the Energy Committee had a hearing on the 90-day shale gas report. I think this is very significant. I am sure she will come down and talk about it in detail. I didn't even know about it until noon today when she gave her report and I happened to be there, but it is something that is very significant.

In this country we talk about energy and the fact that we have enough energy we can produce domestically in the United States of America to run this country for 100 years in terms of gas, with present consumption, and 50 years as far as oil is concerned, and we are dependent upon oil, gas, and coal to run this country, and those are something—a lot of people are saying we have to do away with fossil fuels. Every time I hear people say that, it is kind of laughable, when they say we have to do something about our dependence on foreign oil by doing away with our own production in this country.

Our problem is not that we do not have the amount of coal, oil, and gas that we need to be totally independent from anybody. We do. But, politically, we have obstacles. There is not one other country in the world where the politicians will not let that country develop its own resources except for the United States of America.

It is kind of interesting. It was not too long ago when President Obama, who is very much in line with some of the far-left environmentalists who want to do away with fossil fuels, was realizing people were catching on, and people knew that with all the shale deposits that are out there—and every week that goes by, we find another great big opportunity for shale; this is both oil and gas—and the President said gas is plentiful, and we need to use more gas, and all that. But at the end of his speech, he said: We have to do something about that procedure called hydraulic fracturing.

Anyone who understands energy knows that to get at all of these deposits—these shale deposits of gas or oil—you have to use a procedure called hydraulic fracturing. It happens we know something about it in my State of Oklahoma because in 1948 the first well was cracked, and we have not had one documented case in 60 years of ground water contamination as a result of hydraulic fracturing. So it is something that does work.

But those individuals who want to make people think they are wanting us