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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and ever blessed God, strengthen our Senators today to walk in Your steps. Help them to walk in Your humility so that they will strive to serve. Help them to walk in Your courage so that nothing will deflect them from the path of integrity. Help them to walk in Your endurance so that discouragement will not hinder them from reaching laudable goals. Help them to walk in Your loyalty so that nothing will destroy their devotion to You.

Lord, place Your truth in their minds, Your love in their hearts, and Your kindness on their lips.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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, December 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour with the majority controlling the first half and the Republicans controlling the final half.

Following that morning business, the Senate will resume consideration of S.J. Res. 10 and S.J. Res. 24. Both of these resolutions regard the balanced budget amendment. At approximately 10:45, there will be two votes on those resolutions.

We also hope to consider the Department of Defense authorization conference report today as well as the House Republican payroll tax bill.

PROTECTING MIDDLE-CLASS WORKERS

Mr. REID. Madam President, this has become a familiar scene on Capitol Hill. As time ticks down to the wire, the House has sent the Senate yet another bill that will not pass. Meanwhile, American families stare down a $1,000 tax increase, and on January 1 they will be scrambling to afford the necessities because of Republican obstructionism that Americans don't understand.

It has become the Republican fallback play: Waste precious time catering to tea party extremists when they could be working with Democrats to compromise.

Republican leaders have already spent weeks drumming up tea party support for legislation they knew was dead on arrival in the Senate. Now it is time to get this vote over with so real negotiations can begin to prevent a tax increase on 160 million middle-class Americans.

This morning I will ask unanimous consent to vote on the House-passed bill. Democrats were ready to vote on this legislation last night, but I can't set a vote at this time under Senate procedures without Senator MCCONNELL's approval. Even though we already knew the bill was dead, Senator MCCONNELL wasn't ready to hold a vote on it last night.

That is an about-face from just a few hours before—even as recently as yesterday morning, Tuesday morning—and on Monday, for example, when Senator MCCONNELL urged us to take up the House bill as soon as possible.

This is what he said:

My suggestion is that once this legislation comes over from the House, we pass it without delay.

That is what I tried to do last night—not pass it but at least have a vote on it.

Senator MCCONNELL repeated that call yesterday morning—Tuesday morning. Here is what he said yesterday morning:

I would suggest that our friends put the political games aside and give the American people the certainty and the jobs that they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President . . . without theatrics and without delay.

Then yesterday afternoon Senator MCCONNELL said:

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

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The first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed.

So I say to my friend the Republican leader let's find out whether he has the votes in the Senate to pass what the House has passed. Let's vote on this now. We knew Monday the bill wouldn't pass the Senate, we also knew yesterday this bill wouldn't pass the Senate, and we still know it will not pass the Senate.

Here is why this legislation is a nonstarter. I will give 3 of about 33 reasons: The bill cuts unemployment benefits for 1 million Americans at a time when there are not jobs for one out of every four people seeking work. It weakens safeguards that keep our air clean and our children healthy, and the President has already threatened to veto it. In fact, he said he will veto it.

Legislation written to appeal only to the extreme rightwing of the Republican Party can't pass the Senate. Republicans will see that again, whenever they allow us to vote on this legislation that my friend, the Republican leader, said let's vote on right away. Right away was last night.

So let's get this vote over with. Then we can begin serious negotiations on how to prevent a $1,000 tax hike on American families. The sooner we put this useless, partisan charade behind us, the sooner we can negotiate a true bipartisan solution that protects middle-class workers.

Madam President, there has been a lot of talk about let's get to the omnibus, and let's pass it. However, it is not complete. There are major issues. We have made significant progress. There are still critical issues to be ironed out. There are issues that deal with foreign policy. There are issues that deal with the environment. There are issues that deal with—we have about seven or eight—what some would refer to as game stoppers. We could complete that work, but it is something that is not done now.

There is no reason, while that work is continuing, to hold up the middle-class tax cut. Congress is not going to go home for vacation—remember, the bill that some want to pass, the omnibus bill, takes care of us, it takes care of legislators. It has Legislative Branch appropriations in it. So we shouldn't go home until we finish the business of the American people.

Preventing a $1,000 tax increase on American families is the most pressing business we have, and we are not going to allow Republicans in Congress to take care of themselves without taking care of middle-class families as well.

We hope to complete this important work soon—this week. If we can't, we should pass a short continuing resolution to keep the government open while we work through each compromise. We have passed short-term CRs many times before, and we should do it again if that is what it takes to prevent a tax on the middle class.

The bottom line is this: It is time for the two sides to come together and compromise. As I told the Speaker Monday and as I spoke on the floor yesterday and I have said this to my friend the Republican leader the House can't pass legislation that will succeed over here unless they get Democrats to support their legislation. We cannot pass legislation here because of how the Republicans have set not a majority rule but we have to get 60 votes. We can't get 60 votes unless we get Republican assistance. So we need to compromise. Legislation is there to compromise, but it might take a little more time. Republicans should give Congress a few more days to finish its job rather than rushing home for vacation.

I have already talked about the importance of doing this legislation as quickly as we can. I think it is extremely important, and we understand that it could be done—the vote could take place, and it would take 20 minutes to do that.

UNANIMOUS CONSENT REQUESTS

Mr. REID. Madam President, I ask unanimous consent that following the two scheduled votes in the Senate, we proceed to the consideration of H.R. 3630, which is the House-passed legislation—the House-passed legislation that, out of 435 Members of Congress, got 10 Democratic votes—that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to a vote on passage, and that the vote on passage be subject to a 60-vote threshold—which my friend, the Republican leader, seems to believe is the standard around here anymore—further, that if the bill is not passed, it remain the pending business, and that following I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican leader.

Mr. McCONNELL. Madam President, reserving the right to object, our most immediate concern at this point is that despite Federal funding expiring 2 days from now—Friday night—my friend the majority leader is blocking action on the funding bill to keep the government open. That is our most immediate concern, and we should address it first because the deadline is literally just 2 days away. That comes first.

My good friend the majority leader has said shutting the government down would be extreme and that it is too risky to even entertain, and that issue is just 2 days away. Everyone knows the truth is that the bill would fund our troops, our border security, and the remaining funding for the rest of the fiscal year, and it is ready to go. They were prepared to sign the conference report earlier this week until leadership on this side said don't sign the report.

There is agreement on the funding bill but no agreement and no plan at all about how we are going to pass the payroll tax cut extension in the Senate. So we ought to finish our most immediate concern first.

Let me repeat that our friends across the aisle have no plan, and some might suggest no desire, to pass a payroll tax cut extension—the President's top priority—extend unemployment insurance or ensure seniors' access to medical care. They have made no attempt at all to produce a bill that can pass the Senate. It is their responsibility in the majority to do that. Instead, we have wasted week after week after week on one senseless show vote after another—votes that one member in the Democratic Senate leadership recently admitted were designed solely to score points on millionaires.

So let's deal first with the deadline that happens this Friday, 2 days from now—fund the government through the rest of the fiscal year—and then turn immediately to the payroll tax extension that expires later in January, and let's pass the job-creating and job-saving measures the House has passed.

Therefore, Madam President, I ask unanimous consent to modify the majority leader's request to say as follows: that the Senate would turn to the consideration of the House bill relating to the payroll tax repeal extension immediately after the Senate passes a conference report or a bill received from the House that funds the government through the end of the fiscal year.

The ACTING PRESIDENT pro tempore. Does the majority leader so modify the request?

Mr. REID. Reserving the right to object, my friend is living in a world of nonreality. Let's look for a way out.

The House of Representatives, which has a significant majority of Republicans, last week couldn't even pass a bill. That was in all the press. They couldn't get the votes. So what they did, in an effort to placate the far right so they could pass a bill with Republican votes, they stuck in a bunch of issues that are hard to comprehend—issues dealing with the environment that have nothing to do with this bill. Even a Republican Senator said that bill, standing alone, looks OK, but jammed in with everything else it doesn't look so good. They should be separate issues.

We have issues on the so-called omnibus or spending bill that have not yet been resolved, one dealing with Cuba, a very important piece of legislation in the minds of many Senators. One of the Senators who believes so strongly that this provision should be taken out is a Republican Senator from Florida. We have issues dealing with the environment which are extremely important: light bulbs, coal, and many other issues that haven't been resolved in this so-called omnibus.

So, Madam President, I think everyone can see very clearly that my friends on the other side of the aisle obviously want to have the government shut down.

As I have said before, and I will say again, they have had experience doing this. The presumptive Republican nominee Newt Gingrich tried that once and it didn't work so well. So I don't think it is going to work very well again. Everyone knows why the government is going to shut down, if, in fact, it does.

We have 160 million Americans who are out there cheering for us—cheering for us—that we can get them the tax relief they deserve. We have well more than 1 million Americans who have been out of work for a long period of time who are cheering for us. We have businesspeople out there who are cheering for us, that there are certain tax benefits that are important to creating jobs that we need to do before we leave here.

So, Madam President, I object and ask unanimous consent that if the Senate receives from the House a bill that continues funding for the Federal Government through December 21, 2011, it be in order for the majority leader, in consultation with the Republican leader, to proceed to the bill; further, that the bill be read three times and passed, all with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Objection is heard for the first request.

Is there objection to the second request?

Mr. MCCONNELL. Madam President, I am not sure what the majority leader just said.

Mr. REID. Madam President, what I said is, I ask that if we get a bill from the House to have a CR, a continuing resolution, for another few days, that we be allowed to take it up. Under the rules of the Senate and the Congress, I cannot initiate a CR here. It is a tax measure and constitutionally has to start over there. So I have said that if the Senate receives from the House a bill that continues funding for the Federal Government—I said through December 21—any reasonable time is fine with me—it be in order for me, after I talk to the Republican leader, to proceed to the bill.

Mr. MCCONNELL. Madam President, reserving the right to object, we do not need to do that.

Representative JIM MORAN, Democrat of Virginia, one of the top members on the House Appropriations Committee, said this yesterday:

> Our bill is done, and it should go to the president immediately. . . . We're not holding it up. . . . I can't speak for HARRY REID. I can't speak for him. As far as I'm concerned, it should be done.

A government shutdown is 2 days away. We have an agreement based on what all the appropriators on the conference report are saying. We can pass that and do first things first—prevent a government shutdown. I agree with the majority leader, a government shutdown is a terrible idea. He has said that repeatedly. We have all said it repeatedly. The way to avoid that is to get our work done. The work is done on the appropriations conference report. We ought to get signatures on it, and we ought to pass it, and we ought to do it in the next 2 days.

Now, Madam President, there were a series of other competing UCs here, and I am a little confused as to where we are.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MCCONNELL. I object to that one, by the way, the last one we were discussing.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I know Congressman MORAN. He is a fine man who has been in Congress many, many years. But he should step over here and talk to Senator MENENDEZ or MARCO RUBIO and see how they feel about Cuba and the language in that bill that changes things in relation to how they feel, which dramatically changes our relationship with Cuba, or how about the chairman of the Environment Committee, BARBARA BOXER. See how she feels about going back, in effect, to some saying the Dark Ages, changing lightbulbs, or how about dealing with other environmental issues, dealing with coal. How about talking to some of the other Senators on that committee.

The bill is not complete. I think we could complete it very quickly if people sat down and focused on what we need to do to get out of here. But now it has not been completed. I do not care what JIM MORAN says or what MITCH MCCONNELL says, the bill is not completed.

But, Madam President, what is obviously extremely clear, which is extremely clear here, my friend the Republican leader has talked for days—I went through what he said on Monday, what he said on two separate occasions on Tuesday: Let's vote on this bill now. That is what he said. It is obvious that something has happened in the last few hours that suddenly they do not want to vote on their own bill.

Keep this in mind: The House has passed a bill that I have said and non-Democrats have said is a dead duck, DOA, dead on arrival. It is here. It is dead. And they do not want to vote on it. Do you think maybe they do not want to vote on it because Republican Senators are kind of embarrassed or ashamed of what is in that bill? I would think so.

Mr. MCCONNELL. Madam President, I would say, speaking of embarrassment, it is that we are doing an omnibus again. The reason we are doing an omnibus again here on the eve of Christmas is because we have not passed our appropriations bills. We have had almost as many show votes in the Senate this year, roughly an equal number of show votes—in other words, designed to fail, to go nowhere, to present a talking point for the President in his campaign—as we have had votes on real bills that we are supposed to pass.

So here we are once again. Three years this Democratic Senate has not passed a budget. Three years we have ended up either in omnibus or CR situations. And here we are again.

Now the appropriators in the House and Senate have labored long and hard. A couple days ago, they said they were ready to sign the report. My good friend the majority leader and the President said: Don't let them sign the report. We might actually have to pass the bill—a mysterious strategy to me.

All I am saying here is, first things first. If the majority leader is convinced the House-passed bill is DOA, why doesn't he start talking to the Speaker about how we might actually craft a bill that can pass both the Republican House and the Democratic Senate and quit wasting our time here in the Senate scoring points? A government shutdown is 2 days away.

So first things first. Let's keep the government from shutting down. These other measures do not expire until the end of the month. If the majority leader is correct that the House bill will not pass the Senate, why doesn't he talk to the Speaker and work out something that can pass on a bipartisan basis because, regretfully, I would say to my friend the majority leader, the Republicans control the House. The Democrats control the Senate, unfortunately, from my point of view. This has to be worked out.

The last time I looked, Christmas is a week from Sunday. Time is a-wasting. We have fiddled all year long—all year long, one point-scoring bill after another, designed to fail, designed to divide us, designed to get no result, to give the President a talking point out on the campaign trail—and here we are, a few days before Christmas, and the silliness continues.

Now, if my friend the majority leader is so convinced the House-passed bill cannot pass the Senate, I would say again, talk to the Speaker and work out something that can pass both the House and the Senate. Time is a-wasting.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, talk about a diversion—that is what we just heard. My friend the Republican leader has talked from the very beginning of this Congress that his No. 1 goal is to defeat Obama for reelection. That is not looking so good. Romney is stumbling, Gingrich is plodding along, heading now everyplace.

But, Madam President, because the Republican leader has caused us—because we have the rules in the Senate, which I accept—has caused us to focus all of our attention on my friend trying to make sure the President is not reelected, we have spent months and months on things that were ordinarily done just like that.

Funding the government—we had numerous CRs for very short periods of

time. Finally, we were able to get that done. Then came the debt ceiling, and we spent 3 months on that—3 months of wasting time here in the Senate. Never have we done that. As I indicated and has been spread on the record of this body many, many times, under Ronald Reagan, the debt ceiling was raised 18 times just like that.

Also, Madam President, anyone who understands Washington—and there are a lot more people who understand Washington than the people who are in this Chamber—my friend says: have him—me—go deal with the Speaker. Well, the issue there is kind of stunning how my friend has said this: Go talk to the Speaker. Everyone knows the Speaker cannot move forward with any negotiations until this bill is defeated here, period. Obviously, that is the case. The Speaker cannot negotiate with me until this bill is killed.

So I repeat, the spending bill my friend the Republican leader complains about is not completed. The issue facing the American people is whether they are going to have tax relief the Democrats want to give them or whether they are going to face a shutdown that was first made very unpopular by Newt Gingrich. And there is going to be another one that will be just as unpopular.

The ACTING PRESIDENT pro tempore. The original unanimous consent is still pending.

Is there an objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. We will both object, just for good measure—a bipartisan objection.

Would the Chair announce the business of the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half of the time.

The Senator from New York.

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I just listened with great eagerness to the discussion between the majority leader and the Republican leader, and I would like to make two points here and then several subsidiary points.

We need to do two things before we leave: We need to fund the government in a reasonable and rational way, and we need to help the middle class get tax relief because the middle class is suffering. We need to do both. As Leader REID said, to do both, you need both Democrats and Republicans to agree. If you try to do one without the other, you will not get anything done.

So last night Speaker BOEHNER sent a bill on middle-class tax relief that was such a Christmas tree that we knew it could not pass. And he knew it could not pass. We know why he did it. He did it because he could not get enough Republican votes in his caucus without all of these killer amendments to get it through. He could not get it through without those amendments.

So the Republican leader says: Well, if we know it cannot pass, why don't we start negotiating? There is one point here. We do not have to convince Speaker BOEHNER to start negotiating. He knows that. But we have to convince the hundred votes in his caucus who do not believe we should give middle-class tax relief, who are wedded to these amendments that will kill the bill here in the Senate because they are so unpalatable. It is not 1 or 2 amendments; it is 10 or 12 or 15 amendments. We need to show those hundred that this bill cannot pass.

We have to give middle-class tax relief, and we have to fund the government. So why wouldn't we vote on it now, dispose of it, and move on with the ultimate negotiations which will talk in tandem about funding the government long term and middle-class tax relief?

Now, why don't our colleagues on the other side of the aisle want to vote on that proposal? Is it because they fear embarrassing defections from their own side—defections that would show once again how too many Republicans in the Senate do not want to extend middle-class tax relief no matter what is attached to it? That is not a good reason.

What are we waiting for? The House bill is on a road to nowhere, so let's let the air out of the tires, and then we can move on. We all know how it is going to end—not with either Chamber imposing its will on the other but with a negotiation. So let's remove this bill from the floor, give Speaker BOEHNER some of the freedom he may need to negotiate, and get this all done.

As, again, Leader REID said—and he said it so well—we cannot pass the bills without both Democratic and Republican votes in the House and the Senate. Negotiating to come to an agreement makes ultimate sense.

I heard the Republican leader say: Well, the government runs out by Friday. There is an easy way to deal with that, which Leader REID asked for in a unanimous consent request and was rejected: fund the government for a short period of time.

So the logic here is to do three things: Vote on this bill. Put it aside. Fund the government for another short period of time. And then negotiate in earnest and produce both things America needs: an omnibus funding resolution that funds the government that has been worked on very hard by the Appropriations Committee—deal with the outstanding issues in that proposal. There are still serious outstanding issues. Anyone who has been around here knows that issues such as Cuba and the environment and abortion in DC are not easy to settle and have not been settled yet.

So we kill the bill the House sent to us—we vote on it. It will die. We know it does not have the votes. It probably does not have even the unanimous support on the Republican side. I would bet that is pretty likely. We do a short-term CR. We fund the government for a period of time. And we have earnest negotiations that will produce both middle-class tax relief and a funding resolution for the government. We should negotiate the two measures together because, as the leader said, you cannot pass them without both Democratic and Republican votes in either Chamber. Obviously, in this Chamber, there are not 60 votes without Republican support. And in the other Chamber—because too many people are against even the agreement, too many on the Republican side are against the agreement we had for $1.04 trillion in spending—they will need Democratic votes.

Mrs. MCCASKILL. Madam President, could I ask a question of the Senator from New York through the Chair?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. MCCASKILL. I am confused. The House passed a bill last night and has sent it to the Senate. Correct?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. This is a Republican bill?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. And we are ready to vote on it?

Mr. SCHUMER. We are.

Mrs. MCCASKILL. And the Republicans will not let us vote on it?

Mr. SCHUMER. That is correct.

Mrs. MCCASKILL. I am confused.

Mr. SCHUMER. So are we all.

Mrs. MCCASKILL. Why would the Republicans not let us vote on their bill?

Mr. SCHUMER. One of the theories is that there is dissention even on that bill among the Republican side, as there was on the previous bill that had middle-class tax relief in it.

Mrs. MCCASKILL. That is why we vote, to determine whether there is dissention.

Mr. SCHUMER. Agreed. The Senator from Missouri is exactly correct. If we voted, it would move the process of both funding the government—very important—and getting middle-class tax relief—also very important—forward.

Mrs. MCCASKILL. Well, I would certainly urge every single Senator, be they Democrat or Republican, to come to the floor and ask the question: Why are we not voting today on the bill that was passed by the House? We are ready to vote. You know, the American people do not get this game. The bill was passed in the House. Why are we not voting? Why is the Republican Party blocking its own bill?

Mr. SCHUMER. The Senator from Missouri is, as usual, thoughtful, politically astute, and right down the middle moderate. It makes no sense to block it. It is holding up progress, particularly because the Republican House

has to be shown that this bill is not going to be the answer. The only way to both fund the government and provide middle-class relief is for Democrats and Republicans to get together, as the Democratic leader has said, almost until he is blue in the face.

Mrs. MCCASKILL. With all due respect to my friend and colleague from New York, I thank him for the answers, because I was confused that the Republicans are keeping us from voting on a Republican bill. But it is not the House we need show anything. We have a tendency around here to get focused on the back and forth among ourselves. It is the American people we need to show that we are capable of standing up, casting a vote, seeing whether it passes or fails, and then negotiating and finding a way forward.

I would say to my colleague from New York, if the Republicans in the Senate are not willing to vote on their own legislation, then you have got to scratch your head.

I thank the Senator for the opportunity.

Mr. SCHUMER. Reclaiming my time, I would accept the modification of my argument made by the Senator from Missouri. The point, of course, we both agree on is we ought to vote. We ought to do it to show the world, whether it is the House, Senate, American people, or anybody else. That makes a great deal of sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague from New York and colleague from Missouri for putting in context where we are today. But let's take one step back and look at what is the issue. The issue is basic: Will the payroll tax cut that currently helps 160 million Americans continue after January 1? That is the underlying question.

After all of the back and forth and politics, we believe it should. The President believes it should. Economists tell us that is the way to help us out of a recession and create more jobs. We have come up with a way to pay for it so it will not add to the deficit. Our proposal: a surtax on the wealthiest Americans, not on the first million dollars in income each year but on their second million dollars in income, a surtax.

We ask across America: Do you think that is fair to ask that sacrifice? Overwhelmingly, not just Democrats, Independents, Republicans, tea party Republicans believe that is fair. But, unfortunately, many on the Republican side are indentured political servants to a Washington lobbyist named Grover Norquist. They have signed an oath that they believe supersedes any other oath, to the Constitution or to the people they represent, that they will never, ever vote for a tax increase for the wealthy—not one penny. Not one penny.

So they wanted to stop the extension of this payroll tax cut for working families. They came up with a bill in the House of Representatives. The bill in the House of Representatives passed last night. It is so bad that the Senate Republicans will not let us bring it to the floor for a vote. They know what is going to happen. We saw it in the last 2 weeks. The Presiding Officer can remember. Senator HELLER of Nevada put up a Republican alternative on the payroll tax cut, and on the first vote, out of 43 Republicans, 20 supported his measure, and out of the Republican leadership team, only Senator MCCONNELL voted for it. Clearly this is not a popular approach, even when it is written by Senate Republicans.

Now the House Republican approach is so unpopular they will not even call it on the floor—so unpopular. If anyone is wondering whether we are going to get home for Christmas, they should have listened to this exchange this morning, when the Republicans refused to even call their own vote.

I agree with the Senator from Missouri. We owe to it the American people to get to the bottom of this, and quickly, to assure them January 1 the payroll cut will continue for working families across America, to assure them that we will maintain unemployment benefits for the 14 million unemployed Americans struggling to find jobs—4 unemployed for every available job. It is basic that we need to do this, and if we are going to get down to it, then I am afraid our Senate Republican colleagues have to accept the reality.

There comes a moment for a vote. This is the moment, the vote on whether we are going forward to make sure that we extend the payroll tax cut for working families in a fair way. That is what is at hand.

BALANCED BUDGET AMENDMENT

Mr. DURBIN. Madam President, in about 30 minutes, we will have a rare chance on the floor of the Senate—it does not happen often. We will have consideration of two efforts to amend the Constitution of the United States. We all take this seriously. Each one of us, before we could exercise our responsibility as Senators, swore to uphold and defend that Constitution. Now we are being asked to amend it.

How often have we amended the Constitution? In the past 220 years since we passed the Bill of Rights, we have amended it 17 times: to abolish slavery, to give women the right to vote, significant historic decisions. What comes before us today are two amendments which, frankly, do not stand the test of whether they meet constitutional standards.

I am going to vote against both. I thank my colleague, Senator UDALL of Colorado, for offering a version. Senator MCCONNELL, Senator HATCH have offered their own. I do not believe either one of them is right for America. Here is what it comes down to. If we pass either of these constitutional amendments, we will be forced to cut government spending at exactly the wrong moment in time when it comes to our economy. When our economy is in trouble, revenues are down, we step in with stabilizers to try to make sure that we keep families afloat during difficult times and restore our economy to growth. Those stabilizers are threatened and endangered by these balanced budget amendments.

Secondly, the enforcement of these balanced budget amendments will be by our Federal courts. Can you imagine? Can you imagine that the day after we pass a budget, lawsuits spring up across America in the Federal courts challenging whether we have exceeded the constitutional requirement that no more than, say, 18 percent of the gross domestic product be spent, arguments that there has been a miscalculation? How long will that take to resolve in court and what happens to America in the meantime?

Then what remedies do the courts have? The Republicans have made it clear, because of their view, one of the remedies cannot be extending taxes on the wealthiest in America. They never want that to happen. Now they want to enshrine that theory in the Constitution. Turning to our courts for enforcement of spending is, in my mind, a direct violation of the spirit and letter of the law in the Constitution which gives to Congress exclusively the power of the purse. It is a bad idea. It is certainly not one we should support.

I also want to say that this approach is unnecessary. There comes a time—and we have reached it—when we need to have the political will, in a bipartisan fashion, to deal with our country's problems, whether it is the tax cut, extending the government's life into the next fiscal year, or dealing with our long-term deficit. It takes political will, maybe even political courage. It does not take a constitutional amendment.

Let's defeat both of these amendments. Let's show our respect for this Constitution that we have sworn to uphold and defend and not pass something that has not been thought through that may, in fact, harm America rather than help it.

I yield the floor and 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. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Madam President, the need for a balanced budget amendment is very great. You know how the national debt now is reaching a point where, if we don't intervene with a constitutional requirement for a balanced

budget, it is going to become unsustainable. Statutes have not controlled deficit spending.

I was an author of one of those statutes—former Senator Harry F. Byrd of Virginia and I as a Member of the House—back in 1979. For 15 years that law was on the books, and never in those 15 years was there a balanced budget amendment. It makes it very clear that laws will not control deficit spending.

I concluded a long time ago, as I voted on previous constitutional amendments requiring a balanced budget that didn't pass, that a constitutional amendment is a must to provide Congress with the necessary discipline. The example right now in Europe of their fiscal and deficit situation is sobering. Nations that allow debt to grow out of control risk default. One of those countries is practically in default. If we don't take effective corrective action, the European future could be ours and sooner than we think.

Each generation of Americans has enjoyed a brighter future than the previous generation. The failure of Congress to tame the deficit and the debt threatens the American dream for our children and grandchildren. The Constitution was designed to secure the blessings of liberty not only for ourselves but also for our children. This makes balancing the budget not just an economic issue but a moral issue as well, and creates a moral obligation to take action. A constitutional amendment is not only a first step in that direction but it will make sure the discipline is binding in future years.

The balanced budget amendment will enforce a lower debt. Members taking an oath to adhere to its provisions guarantees greater fiscal discipline than what we have without that constitutional provision. They will take that oath seriously, just as is the case for the 46 State constitutions that contain requirements their State legislatures balance their budgets. We always say the State legislatures and States are the political laboratories for our system of government. We ought to take the results of those laboratories and put them to use at the Federal level. I am urging my colleagues to vote for the resolution before us, which is S.J. Res. 10.

There have been complaints this resolution would transfer to the courts the power of the purse, but that is a misreading of S.J. Res. 10. The amendment prohibits the courts from raising taxes. The doctrine of standing, the doctrine of ripeness, and the doctrine of political question will prevent courts from deciding cases under the amendment.

This is a lesson we should have learned. I think it was 1997—nearly 15 years ago—when this body failed by one vote—and I am ashamed to tell you it was one Republican not voting for it—to enact such a constitutional requirement. But it didn't pass. If it had passed, we wouldn't be in the fiscal situation we are in right now. I urge my colleagues to vote for S.J. Res. 10.

I yield the floor.

Mrs. BOXER. Madam President, I oppose the two balanced budget amendments before us. Senator HATCH's proposal would cap spending at 18 percent of gross domestic product, forcing deep cuts to Social Security and other critical programs. Senator UDALL's alternative, while less extreme, is still not a proposal I can support.

I have consistently opposed balanced budget amendment proposals because Congress doesn't need a constitutional amendment to balance the budget. We have done it before.

In the 1990s, during President Clinton's term, we not only balanced the budget, but we created surpluses and 23 million new jobs. We cut wasteful spending, made smart investments, and ensured that everyone, including the wealthiest, paid their fair share.

In 1993, we passed a budget plan without a single Republican vote. By 1998, the budget had come into balance, and as President Clinton was leaving office in 2001, budget analysts were predicting surpluses as far as the eye could see.

Unfortunately, the Bush tax cuts and two wars put on a credit card created huge deficits.

To get our country back on a path to fiscal responsibility, we don't need a balanced budget amendment. That is why the Senate has voted down balanced budget amendments many times—most recently in 1995, 1996, and 1997. Instead, we need the political will to come together and make responsible choices for our country's future.

Many economists believe that balanced budget amendments are bad policy because they limit the ability of the Federal Government to respond during times of economic crisis and recession.

Limiting our ability to make smart, job-creating investments is no way to set a foundation for our country's long-term economic growth.

Finally, while these proposals include exceptions for times of war, there is no exception for natural disasters. A minority of Senators or Representatives could block Federal assistance for any disaster, no matter how severe.

I urge my colleagues to join me in rejecting this balanced budget amendment and recommitting ourselves to our duty as a Congress to promote fiscal responsibility and economic growth.

Mr. CHAMBLISS. Madam President, I rise today in full support of a balanced budget amendment. I am proud to be a cosponsor of S.J. Res. 10, along with all of my fellow Republicans.

Shortly, the Senate will vote on two proposals for balancing the Federal budget. One of those proposals, offered by my colleague from Utah, Senator HATCH, will provide a strong and meaningful change to the way this Congress performs it spending function.

I thank the Senator for his continued hard work on trying to balance the budget, something he has been working on since 1995. Unfortunately, he, like all of the Members of this body, has seen the recent and disconcerting rise in debt.

It is appalling that we continue to head down a path to destruction and fiscal lunacy. The American people are fed up with this. How do we know that? Recent polls say that only 9 percent of the population believes in the spending path Congress has chosen.

For the fiscal year ending September 30, 2011, we had in excess of $1.3 trillion in deficit spending. In November of this year we surpassed $15 trillion in total debt. This rampant overspending will not end without a drastic change—without taking away the power to overspend.

Not only have the American people told us this, our financial markets have told us this as well. Unbearable debt in the European markets is depressing our domestic financial markets. If left unchecked our own debt will continue to lower economic outlook.

It is reprehensible that an issue of this magnitude and significance is subject to the partisan bickering and gamesmanship that often rears its head in politics.

I encourage my colleagues to give solemn consideration to the proposal before us, as it will turn us immediately away from our overspending.

We have to truly examine issues that are very difficult for a lot of us to deal with, and we have to make some very tough decisions.

Too frequently, we have engaged in political theater instead of earnest efforts to resolve these long-term budget issues. The American people expect and deserve an honest budget debate and an honest budget process. When we pass this legislation and it is ratified by the States, the American people will finally get an honest budget, and they will get it every year.

As many of my colleagues have noted, the idea of preventing a burdensome and crushing debt for future generations is a thing of the past. The time is now. The crisis is now. Congress has been shirking its budget responsibilities for so long that we are now the ones feeling the effects of the debt.

I would like to take a moment to talk about some of the things the Republican proposal accomplishes. The President will continue to submit his yearly budget proposal—a budget proposal that is not only balanced but limits the size of the Federal Government to 18 percent of GDP. By comparison, last year spending was at almost 24 percent of GDP.

Further, this legislation requires a supermajority to surpass the spending caps for things like emergency spending. We will end a longstanding budget gimmick of government spending in the name of emergencies for things that are not truly emergencies.

The rules would be even stricter governing spending of money in times of

war instead of the general exemption we have now. This proposal will also force Congress to fix and save Social Security.

Finally, one of the most important parts of this proposal is that a two-thirds vote of each House is required to increase taxes, helping prevent higher tax rates to pay for balancing the budget.

We can no longer allow the American people to suffer by not providing the economic basis for recovery and growth. The equation is simple: A balanced Federal budget that is free of excessive debt leads to a healthy economy and sustainable job-creation activities.

Mr. LIEBERMAN. Madam President, I rise today to speak about the two balanced budget amendment proposals currently pending before the Senate and to explain why I will vote against both even though I support a balanced budget amendment.

I fervently believe that the most pressing issue our country faces today is the need to gain control over the staggering Federal deficits and long-term debt that threaten our security. In thinking about the budget challenges we faced over the past year, I have often been reminded of something our second President said two centuries ago that remains hauntingly true today: ''There are two ways to conquer and enslave a nation,'' as President Adams put it, ''One is by sword and the other is by debt.'' President Adams' words have been echoed in our time by former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, who argued earlier this year that the national debt is the greatest long-term threat to our national security.

We can all agree that we must take on the challenge of addressing our deficit and debt. At the same time, as we have seen again and again over the past year, making tough choices is not an easy thing to do. Any responsible deficit reduction proposal will, by definition, be painful and unpopular because raising revenues and cutting benefits and favored Federal programs is painful and unpopular.

I am prepared to vote for a plan similar to that proposed by the Bowles-Simpson Commission, the Gang of 6, or the Rivlin-Domenici group because I believe this approach is responsible and addresses the toughest challenges we face head-on. Also, I would support a clean balanced budget amendment, which would compel Congress to make tough choices to raise revenues as necessary, rein in spending, and balance our budget.

However, the two proposals we are considering today, in my opinion, are problematic and marred by extraneous and ill-advised provisions that should never be part of our Constitution. These votes say so loudly how dysfunctional Congress has become. I want to vote for a balanced budget amendment that says clearly that Federal Government spending cannot exceed revenues. Yet I can't vote for either of these amendments because each contains a partisan part that does not belong in our Constitution.

I do not take the idea of amending our Constitution lightly. As we consider these amendments, let's not forget that our Constitution is the supreme law of our land; it reflects America's first principles and highest ideals, guaranteeing the fundamental rights that have been the cornerstone of the freedom and opportunity at the heart of the American experience since our founding.

However, given the dire fiscal situation we face—coupled with the reality that time and again Congress has been unable to break away from its partisan gridlock to make the painful but necessary decisions that must be made to save our Republic—amending the Constitution may be the only way to compel a balanced budget.

I have come to this conclusion first because it is clear that our budget process is clearly broken. The truth is that we in Congress have failed to uphold our foremost constitutional duties: managing our budgeting process. With annual deficits over $1 trillion and our national debt increasing over $4 billion each day, this is no time for Congress to flout the very laws we established to keep our country's fiscal health afloat and manage the budget process responsibly.

I am speaking in particular about the framework for our budget process which was first enacted into law in 1921 when Congress established the annual budgeting requirement and later in 1974 when the formal process for establishing a coherent budget was enshrined in law.

The failure to pass a budget resolution for the past 3 years is symptomatic of the deep problems we face with regard to our budget, deficits, and debt. Likewise, statutory attempts such as pay-go have not produced the kinds of results we need. At the same time, as we have seem over the past several months, Republicans and Democrats cannot seem to agree on how to reform entitlements—the biggest driver of our debt and deficits—or reform the Tax Code to ensure that our tax system is fair for most Americans, less deferential to special interests, and able to sustain the financing of our country's priorities over the long term.

It is regrettable that it has come to this, but it seems that perhaps the only way to get Congress to balance the budget is to make it a constitutional requirement.

Unfortunately, both proposals before us today are marred by extraneous and, in my view, ill-advised and unnecessary provisions. The Republican version, for example, would require that total outlays for any fiscal year not exceed 18 percent of GDP and a two-thirds majority vote in both Chambers would be required to override this requirement. I believe it is unwise to impose, as part of our Constitution, an arbitrary spending cap that would handicap future Congresses without regard to the unknown economic realities that future generations of Americans may face. Unless we can see into the future, we should not be in the business of predicting what level of spending will be appropriate 25 or 50 years from now.

Furthermore, the Republican proposal prohibits any bill that increases Federal taxes from becoming law unless it is approved by a two-thirds majority of both Chambers. This provision essentially gives extraordinary constitutional protection to potentially egregious tax loopholes and revenue-draining tax expenditures—the same parts of the Tax Code we have been trying to reform.

Likewise, the Democratic balanced budget amendment is not without its own faults. A provision prohibiting Congress from passing any bill that provides a tax cut to millionaires during a year that we run a deficit is not a statement that needs to be part of our Constitution. Moreover, the Democratic alternative exempts Social Security, which would essentially prevent Congress from reforming the program, which I believe it essential to ensure its solvency for generations to come.

On the whole, both the Republican and Democratic balanced budget amendments are short-sided for different reasons. Instead of focusing on the single task of providing a balanced budget requirement, ideological arguments abound in both proposals, making it virtually impossible to support either one.

As a result, I will not support either proposal. Instead, I encourage my colleagues from both parties to support a clean version of a balanced budget amendment that is worthy of inclusion in our Constitution.

If we work together to see beyond the fog of partisanship, it will become clear that there is not much disagreement about the basic and deeply troubling facts of our current fiscal crisis. For this reason, first and foremost, I hope Congress will step up and act on a specific and comprehensive proposal to reduce the deficit. In the end, process reforms will not allow us to escape the hard decisions we must face.

Mr. RUBIO. Madam President, Washington politicians do not live by the same rules that virtually all families and small businesses play by. It is your responsibility to balance your budget, spend no more than what is in your bank account, and have a plan to manage common expenses such as student, home, and car loans.

But in Washington, money is routinely borrowed from Peter to pay Paul, or in America's case, money is borrowed from China and others to pay for more government than we could ever afford. As a result, politicians have dug us into a hole of $15 trillion in debt, with no end in sight. Now more than ever, we need a balanced budget amendment to the U.S. Constitution.

In Florida's State government, we worked under a balanced budget amendment, and every year we worked tirelessly, had contentious debates, and made very tough choices to pass a balanced budget year after year. That responsibility and accountability is not unique to Florida, as practically every other State also works under a balanced budget amendment. We need to bring this same kind of fiscal restraint to Washington. And unless we enshrine strong balanced budget principles in our Constitution, Washington politicians will never stop. That is why it is critically important that the Senate approve a strong balanced budget amendment.

The national debt is now over $15 trillion. When I was sworn into office about a year ago, the debt was just over $14 trillion. That means that in just 1 year, Congress has allowed our debt to increase by more than $1 trillion. Virtually nothing could stop it from happening, despite the fact that 2011 has given us a startling glimpse into our future as European nations face their day of reckoning for decades of reckless spending.

This year's debt ceiling debate gave us an opportunity to get serious about controlling our debt and reform the way Washington spends money. But not enough people have been willing to come to grips with the reality that decades of reckless spending by both parties is leading us to a diminished future.

As the Senate debates a balanced budget amendment this week, it is important to note that not all balanced budget amendment proposals are created equal. The version that I have joined all 47 of my Senate Republican colleagues in supporting, S.J. Res. 10, includes three elements I believe are key to truly handcuffing out-of-control politicians: a two-thirds supermajority to raise taxes, a three-fifths supermajority to increase the debt limit, and a cap on all Federal spending at 18 percent of gross domestic product. The proposal put forth by Senator MARK UDALL, S.J. Res. 24, contains no cap on spending, no taxpayer protections, and no strict mechanisms to ensure that the amendment is actually followed. Unfortunately, if ratified, this proposal would simply be another ineffective, disingenuous Washington move that would make it easier to raise taxes and still allow for more spending.

The idea of not spending more money than we have is common sense for working families and small businesses. We need to bring that common sense to Washington, and we need a strong balanced budget amendment that is truly worthy of being added to our Constitution. The Senate must seize the moment by passing a real balanced budget amendment.

Ms. MIKULSKI. Mr. President, I rise to oppose the balanced budget amendment proposals before us today. I support a balanced budget. But I cannot support these proposals.

All year, we have been discussing and debating how to have a more frugal government. But while we are trying to be frugal, how can we also meet our responsibilities to national defense and maintain our social contract? To achieve that we have to put politics and partisanship aside, and work together to find the sensible center. And the balanced budget amendment does not allow for that.

I am for cuts. But our approach must be balanced like a three legged stool with responsible discretionary and military spending cuts; revenue; and reform that strengthens Medicare and Medicaid. The balanced budget amendment does not allow for that.

Before we adopt a balanced budget amendment, we should know exactly what it is that we are doing. We need to know just how these programs are going to be affected. What cuts are going to be taken. How deep. What programs. And most importantly what the consequences will be to the health, safety, and security of the American people.

How would a balanced budget amendment affect seniors? It attacks economic security for senior citizens through cuts to Social Security and Medicare. It breaks the social contract.

Under the Republican plan, it cuts spending to 1965 levels before Medicare existed and when the average Social Security benefit was about $1,200 a year. That was 46 years ago, when making $8,000 a year was considered a fantastic salary. Would you want to go back and make $8,000 a year? I do not think so. I do not think we want to go back to that. Do we really want to go back to not having Medicare? Sure we need to reform and refresh Medicare, but do we want to end Medicare? I don't think so.

How would a balanced budget amendment affect our ability to respond to natural disasters, when the 24-hour news coverage is over and people return to their regularly scheduled programs? States that are hit by disasters are just beginning the recovery process and depend on their Federal partners. Times of disaster are not for making choices between one State or another. Government must be there. We are all in this together. Just one snowstorm, wildfire, or devastating flood away from our own crisis. But the balanced budget amendment would force these terrible choices.

What about funding for America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war? What about funding for disability pensions for veterans? The balanced budget amendment makes funding for American's veterans with service-connected disabilities vulnerable to mandatory budget cuts.

How will a balanced budget amendment affect the next generation? It denies educational opportunity to young people and an opportunity structure to working families. The balanced budget amendment puts funding for Head Start, Pell Grants, and funding that helps schools comply with Title IX funding for job training on the chopping block. I believe we must keep the doors of opportunity open, not slam them shut.

How will a balanced budget amendment affect our Federal workers and everyone who depends on their work? The State of Maryland is home to some of the flagship agencies of the Federal Government and 130,000 hardworking Federal employees live in Maryland. Agents at the Federal Bureau of Investigation work to protect our safety. Employees at the Social Security Administration provide actuarial information on how to keep it solvent and make sure the checks are out there on time. At NASA's Goddard Space Flight Center, they are scanning the universe for the secrets to life here on Earth. The mandatory budget cuts of the balanced budget amendment will require arbitrary cuts to the Federal workforce without certainty that the agencies will be capable of doing their job. These kinds of cuts are dangerous and harmful to the public.

The Founders did not include a provision requiring a balanced budget at all times. They did not include a provision limiting the size of government to an arbitrary percent of the size of our economy. Instead, in our Constitution, the Founders said that Congress would have the power to borrow on the credit of the United States and the responsibility to provide for the general welfare of the country.

Providing for the general welfare of the country means keeping the promise of our social contract to our seniors and our veterans. It means keeping the ladder of opportunity available to the next generation. And it means responding to natural disasters and maintaining a safe and secure homeland.

Make no mistake. We must balance the budget. But we must do it based on principles that preserve economic security for senior citizens, that provide opportunity for young people, and that ensure opportunity for working families.

I cannot and will not support any legislation that abandons these principles. Therefore, I will vote against this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, in a short while, we will vote on two balanced budget amendments to the Constitution, at least one of which will be a true balanced budget amendment. One of those amendments, S.J. Res. 10, the amendment supported by every Senate Republican, addresses the fundamental crisis of our time; that is, the crisis of exploding debt caused by excessive spending. The other amendment does not address that crisis and, therefore, cannot put this country back on a sound fiscal footing.

The votes we cast today will tell the American people whether we honestly acknowledge the fiscal crisis posed by our $15 trillion national debt and whether we are serious about prescribing an effective cure.

Exploding budget deficits and skyrocketing national debt are symptoms of an addiction to overspending. A real solution must address the real cause of this crisis, not just its symptoms. Congress will not kick its overspending addiction alone but only if required to do so by the Constitution itself.

One of the amendments before us today, S.J. Res. 24, simply cannot be a solution because it does not address the overspending that causes this crisis. This amendment, offered by my colleague from Colorado, Senator UDALL, on behalf of the Democrats, purports to require balanced budgets but, for purely political reasons, explicitly exempts significant portions of the very government spending that will most aggressively drive our future debt.

The Democratic alternative sets no overall limit on government spending, allowing Congress to continue spending with impunity. The Democratic alternative does nothing to restrict the propensity of Congress and the President to raise taxes on families and businesses as a way of compensating for their failure to reduce spending and in order to fuel more spending in the future.

In fact, as my friend Senator KYL pointed out yesterday, the Democratic alternative actually makes it harder to cut taxes. To top it off, the Democrats' amendment not only sets no limits on Congress raising taxes, but it appears to allow judges to raise taxes to balance the budget.

In other words, the Democratic alternative allows Congress to continue doing exactly what has caused this crisis in the first place. It allows Members of Congress committed to a tax-and-spend philosophy to continue sending taxpayer dollars to special interests at the expense of the general fiscal health of this country. The so-called solution that continues to enable out-of-control spending is no solution at all.

Maintenance of this tax-and-spend status quo is the priority of those who support the Democratic alternative. Just listen to their criticism of my amendment, S.J. Res. 10, the one supported by all Republican Senators—every one of us. The Democrats criticize my amendment's requirement that Congress balance its books as too stringent. They criticize it for not allowing more stimulus spending, my gosh, and they criticize it for not allowing easy tax increases.

The people of Utah, and most Americans for that matter, would respond that these are the very restrictions Congress needs. They would say these restrictions are long overdue and would be positive additions to our Constitution. It is no wonder the advocates of the wornout philosophy of tax and spend view the provisions of S.J. Res. 10, our constitutional amendment, as a threat.

They are a threat. Our amendment's provisions are a threat to those whose only plan is to sit on their hands while our debt continues to skyrocket. The strong balanced budget amendment offered by the Republicans directly addresses the real cause of our budget crisis and offers equally direct solutions. It requires supermajorities. That doesn't mean we can't do things. It just says we have to have supermajorities to raise taxes. It means it requires wide bipartisan agreement for deficit or excess spending, as well as for raising either taxes or the debt limit.

I would note a supermajority to raise the debt limit was in the balanced budget amendment that passed the Senate back in 1982. I know because I was the one pushing it. It passed the Senate.

Our amendment limits both spending and the tax increases that fuel more spending. This is more than a balanced budget amendment. It is a fiscal discipline amendment or a constitutional amendment for limited government.

Much of the Western world now faces a debt crisis. The eurozone is nearly reaching the point of no return. The United States is closing in on that same point of no return with our total debt already equal to 100 percent of our entire economy—of our GDP. The national debt now amounts to about $48,000 for every man, woman, and child in America. Interest payments alone on this debt are now greater than spending on most other Federal programs and would be even higher if interest rates were not at historic lows. Annual budget deficits are larger than the entire national debt when I introduced my first balanced budget amendment.

Let me say that again. Annual budget deficits—just the deficit this year and last year, just standing alone; this year's budget deficit and the annual budget deficits of this President—are larger than the entire national debt when I introduced the first balanced budget amendment in 1979 and 10 times higher than when the Senate last voted on a balanced budget amendment in 1997.

More than two centuries ago, America's Founders warned of the dangers of debt. Thomas Jefferson, the forbearer of the Democratic Party, said public debt is the greatest of dangers to be feared. He would be aghast at what Democrats are trying to sell. Alexander Hamilton said there ought to be perpetual, anxious, and unceasing efforts to reduce debt as fast as possible. John Adams said the experience of other countries that accumulate debt should prevent us from doing so ourselves. He might as well have been speaking about Europe today. He would be appalled at what we are doing around here.

Watching the failure of Congress and the President to get spending and debt under control, these Founding Fathers must be turning over in their graves, and I believe we continue to reject their wisdom at our peril.

Despite all the evidence, opponents continue to claim Congress will make the tough fiscal choices by itself; that Congress does not need any help. After so many years of failure, that amounts to fiddling while our fiscal house is burning to the ground. That is the argument they make. Closing their eyes, shutting their ears, and repeating the mantra that Congress does not need a constitutional amendment is exactly what got us to the edge of the cliff we are standing on today and which we are about to go over, if we don't put some restraints on around here.

If spending were a drug, Congress would be a very pathetic addict. An addict ignores evidence and denies he has a problem. An addict claims over and over that he can stop his addictive behavior any time. But similar to a real addict, Congress cannot kick the habit on its own. Congress needs some help. The Constitution is the way to get that help, and the Founding Fathers would have loved this amendment.

Think of S.J. Res. 10 as a constitutional intervention. It will require not only that the Federal budget be balanced but that it be balanced in the right way. When we vote on these amendments, Senators will demonstrate where they stand on the great crisis of our time. Voting against any balanced budget amendment simply endorses the status quo. It ignores the evidence and pretends everything is fine, even as we head for the cliff. This is the only amendment that deserves the title of a balanced budget constitutional amendment.

Voting for the Democrats' alternative—S.J. Res. 24—also endorses the status quo because it barely touches the symptom—budget deficits and debt—while ignoring the cause—government spending. Without covering all government spending and without setting real limits on spending and taxes, the Democrats' alternative does little more than put a bandaid on the problem. It isn't even a good bandaid that holds.

The only proposal before us that effectively responds to our budget crisis is S.J. Res. 10. It is the only proposal that addresses the real cause of the unbalanced budgets that are dragging us into fiscal quicksand.

This crisis threatens national security, economic prosperity, and maybe, most important of all, individual liberty. Congress will not solve this crisis by itself. S.J. Res. 10 is the only solution that addresses not only the symptoms of our fiscal crisis but the cause as well. These are the facts. These are simply the facts, and I encourage my colleagues to support S.J. Res. 10.

I heard the distinguished majority whip talking earlier, and just for a minute I think he was asking: Why do this. You know you can't win. We don't know we can't win. But even if we

can't, some fights are worth fighting, especially when our national security, economic prosperity, and individual liberty are at stake. That is what we are living with right now.

The American people need to know where we stand, whether we will ever do anything real or do something real about our addiction to overspending. That is the bankruptcy of our country right now—the addiction to overspending. Our amendment ends that addiction. It provides 5 years to get there, so it is a reasonable provision. But it does force us to get there.

The Democratic amendment doesn't even attack the real problem. It is there for political purposes. It is there so Democrats can say: We voted for a balanced budget amendment, even though it, basically, has little to do with balancing the budget.

I was enamored with the talk of the Democrat budget chairman yesterday, Senator CONRAD from North Dakota. He went through all the problems we have and how deep they are and how problematic they are and what an addiction it is and all of that. Then he said we can do it by just doing what is right under the Constitution and forcing ourselves to do what is right and just balance the budget without a balanced budget amendment.

He couldn't have made a better case for the balanced budget amendment because I have been here for 35 years, and I can say there hasn't been a real effort except during the mid-1990s to do that. That was when the first Republican House of Representatives and Senate in over 40 years took place. It was when they did have a President, Bill Clinton, who recognized that the time had come to do something about spending.

I have to give him credit for that in contrast to our current President who just demands more taxes and more spending all the time. There isn't anything or any person he wouldn't tax if he could get away with it except those unable to pay any taxes at all, and nobody wants to tax them.

The fact is, I think the distinguished Budget Committee chairman made a tremendous case for our amendment. I can say we have been going on way too long.

Back in 1997, we came within one vote of passing this amendment. That was twice now. Remember, in 1992 we actually passed an amendment, but Tip O'Neill and the Democrats killed it in the House at that time. But in 1997 we came within one vote. I actually had the votes as I walked to the floor, and then one of our weak-kneed Republicans who was threatened by the unions, who had been high up on the endorsement list, who wanted to be seen every time we had a press conference on this issue, buckled and voted the other way and we lost. Had we won that amendment in 1997, we wouldn't be in this colossal mess we are in today. Frankly, I, for one, hope we can get out of that mess, and the only way we are going to is through a constitutional amendment that does what this amendment we are presenting actually calls for.

I just do not believe our friends on the other side are ever going to quit taxing and spending, and I have 35 years to prove it—except when the first Republican Congress in over 40 years came into being, and they had a President who worked with them, a Democratic President, by the way. I wish we had a Democratic President here who would work with us. He would go down in history as one of the most popular Presidents in history if he would do so. But, no, he wants to tax and he wants to spend. Frankly, I am fed up with it, and I think a lot of people are fed up with it. The people out in the hinterlands are all fed up with it, and they realize we need to put some restraints on Congress it has to live up to.

That doesn't mean we can't get a supermajority to raise taxes or we can't get a supermajority to raise the debt limit or we can't get a supermajority to an undeclared war—to give a good reason why our friends on the other side might want to support this. But it does mean there will be restraints that will work and will keep this country secure and free.

I reserve the remainder of our time. I ask that any time be divided equally, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Madam President, I ask unanimous consent to reserve the remainder of our time but to permit the distinguished Senator from Colorado to utilize his 5 minutes at this time.

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

The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I rise this morning to speak in favor of the legislation that I have authored to amend the Constitution to require that Congress, on behalf of the American people, balance the Federal budget.

Yesterday I spoke about the merits of a balanced budget amendment, and I appreciate the debate that has occurred on the Senate floor which was in the best traditions of the Senate. I particularly have enjoyed hearing Senator HATCH's point of view. I think we have some disagreements about how we implement a balanced budget amendment, but we both agree that we need to put the Federal Government's finances in balance. Perhaps if we both fall short today on these important votes, we can go back and work together in the best tradition of Senator HATCH and Senator Simon. Senator Simon, on our side, was a strong proponent in the 1990s of a balanced budget amendment. Senator HATCH referenced those efforts then.

Let me quickly summarize my arguments for why we need a balanced budget amendment. I start out thinking about Coloradans and the common sense they apply to their everyday finances, and there is a big dose of Colorado common sense in my proposal. It is aimed at finding common ground that both parties and a big majority of Americans can support, and it starts with a constitutional requirement to balance the budget. That is the heart of the issue. It is something on which many of us agree. But my proposal also asks us to avoid the mistakes of the last decade that have resulted in debt that is not only significant but it is exploding.

For example, it would prevent deficit-busting tax breaks for Americans who earn $1 million or more a year. Why should we continue to give additional tax breaks to the wealthiest among us during times when we are in these tough deficit situations?

I would also create a Social Security lock box to keep Congress from raiding the trust fund to hide the true size of our annual deficits. We have been using the Social Security fund as a slush fund to remedy our budgeting problems. That would end.

In sum, the proposal I brought forward is straightforward, it is simple, and upholds the principle: We should pay for our government in a responsible manner.

I think, looking at the Presiding Officer, in your home State most Americans agree to that, most New Yorkers do. Most Coloradans certainly do.

I also want to be clear, there are some important differences between my approach and my dear friend Senator HATCH's approach. We will vote on his proposal today as well.

Senator HATCH's proposal—this is in my estimation—goes far beyond balancing our books, and it is a balanced budget amendment only in part. That is because it includes some unrealistic limitations on our government that could prevent us from securing the retirement of hard-working Americans, undermine our national defense, and send the United States back to a time before Social Security, Medicare, and a host of other important programs were put in place to protect our middle class, the true heart of our country.

Even worse, it locks in some special interest tax breaks that do nothing to grow our economy or create jobs. It, in effect, would turn the Constitution into a document that protects every special tax break that has been successfully lobbied over the years. That is not what our constituents, hard-working Americans, expect from a balanced budget amendment.

On the other hand, my approach is straightforward. It requires us to pay for what we spend. It creates flexibility depending on the economic conditions that we face and the year in which we

find ourselves. But it wouldn't lead to the erosion of seniors' retirement security or it wouldn't lock in special interest tax breaks.

So I say to all of my colleagues, it is time to put aside our political differences, check our ultimatums at the door, and let's work across the aisle and challenge ourselves to put our country first through balancing the budget.

Our debt is $15 trillion and it is growing. The bipartisan cochairmen of President Obama's commission on the debt have called our debt a cancer, and the former Chairman of the Joint Chiefs of Staff, Admiral Mullen, has said it is the single biggest threat to our national security. It is clear it is time to act. We have run out of time to act.

So, as I close, I just want to say the American people have demanded we get our fiscal house in order. As usual, they are a few steps ahead of us, and it is now time for us in the Congress to catch up. So I am asking my colleagues of both parties and both Chambers to support my proposal. This is the right approach. It will enhance our economic security. It will ensure that we keep faith with our children. We shouldn't pass off this unsustainable debt to our children.

Madam President, I urge my colleagues to support this important proposal. I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. How much time do I have?

The ACTING PRESIDENT pro tempore. There remains 45 seconds.

Mr. HATCH. I ask unanimous consent that I be able to complete these remarks. It might take a few seconds beyond.

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

Mr. HATCH. Madam President, critics suggest a vote for our balanced budget amendment is a waste of the Chamber's time. That is pure bunk.

The same folks who say we should not be voting on the Republicans' balanced budget amendment have also offered up their own amendment to show their constituents that they too want to balance the budget.

I can tell you now that it is the Democratic alternative that misses the point, for a number of reasons. One, it doesn't address the true crisis. We have a crisis of spending. We are $15 trillion in debt, and the Democratic alternative does nothing to address it.

No. 2, it carves out massive portions of government spending from their definition of Federal outlays. No. 3, even its balance requirements, the most basic feature of any balanced budget amendment, are easily overridden. No. 4, there is no cap on Federal spending. And, No. 5, there is no supermajority requirement for tax increases.

Put it all together and this is what you get with the Democratic balanced budget amendment. You get a constitutional amendment that is going to force Congress to raise taxes on families and businesses to pay for out-of-control government spending. The Democratic alternative should be rejected. It might look good from a distance but up close it does not even begin to address our Nation's fiscal crisis.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the en bloc consideration of S.J. Res. 10 and S.J. Res. 24, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) proposing an amendment to the Constitution relative to requiring a balanced budget.

A joint resolution (S.J. Res. 10) proposing an amendment to the Constitution of the United States relative to balancing the budget.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 5 minutes of debate equally divided prior to votes on passage of the measures.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, yesterday and today my Republican colleagues here in the Senate have been coming to the floor one after another to deliver a simple, urgent message, one that I hear every time I am home in Kentucky: Washington simply must change course. The spending spree must end. We must put our Nation's fiscal house in order before it is too late.

This is not a partisan message. Everyone recognizes that both parties played a role in getting us to this point. But let's be clear, Republicans are the only ones in Congress right now who are attempting to do something meaningful about fiscal restraint. The only way we will actually achieve it is by acting together on serious legislation such as the balanced budget amendment Republicans are voting on today—not through thinly veiled cover votes such as the one Democrats plan to hold alongside this morning.

For nearly 3 years now, Republicans have stood up to the fiscal recklessness of this administration and pleaded with the President and Democrats in Congress to stop the spending spree—stop it—and work with us on a serious plan to put our Nation's fiscal house in order.

For nearly 3 years we have met nothing but resistance. I even read this week that some Democrats in Congress actually view our insistence on fiscal responsibility as a good political issue for them. They say Americans have moved on, that they do not want to hear about fiscal restraint anymore. Apparently these Democrats are content to let this crisis continue to build and build until it pops up in the polls again.

What Republicans have been saying this week is that we do not have that luxury. We cannot wait for a European-style calamity to happen right here to finally do something about our fiscal problems, nor should we want to. After all, we were not elected to get reelected. We were elected to recognize the Nation's problems and to face up to them with foresight and with courage.

That is why Republicans have kept up our call for a serious and effective balanced budget amendment. We have seen all the statistics—that Congress now borrows more than 40 cents for every dollar it spends; that interest payments on the debt alone will soon crowd out spending on things such as education and defense; that annual deficits under this President routinely double and triple the previous record.

We know where it has gotten us. Under this President, the national debt has rocketed from $10.1 trillion all the way up to 15.1 trillion, more than a 40-percent increase in the national debt under this President in a record time of less than 3 years, a run of fiscal mismanagement only matched in its recklessness by total unwillingness to correct it.

The President's most recent budget was so irresponsible that not a single Member of the Senate voted for it, not one. The President's budget was voted down unanimously here in the Senate.

What about the first ever downgrade of U.S. debt, did that prompt action? Not in this White House. It prompted a round of ''shoot the messenger'' instead. This President's entire approach to our Nation's fiscal problems has been to sit back and blame somebody else, even as he continues to make all of these problems worse.

There was a time when President Obama claimed to believe in the importance of paying our debts. As a Senator he stood on this very floor and chastised his predecessor for even asking the Congress to raise the Nation's debt limit. He called it a failure of leadership. Yet earlier this year, as President

he demanded that Congress approve the single largest debt limit increase ever requested by a U.S. President—without any plan at all to cover the cost. It was this kind of fiscal recklessness that roused Republicans to recommit ourselves to the idea that, if we are going to preserve the American dream for our children, Congress has to stop spending more than it takes in, and it was the Democrats' resistance to that idea that convinced us the only way to make sure it happens is through a constitutional amendment that actually requires it.

For too long, the politics of the moment or of the next election have been put ahead of Congress's responsibility to balance the books. Too many promises have been made that cannot possibly ever be kept, and now the time for serious action has come; we must prevent what is happening in Europe from happening here.

That is what our balanced budget amendment would do. By permanently limiting Congressional spending to the historical norm of 18 percent of gross national product, and through a new three-fifths supermajority of both Houses of Congress to raise the debt limit, the balanced budget amendment Republicans are proposing today would go a long way in preventing that day of reckoning from happening right here in America. Every single Senator should support it.

Democrats here in Washington know the American people want Congress to get its fiscal house in order. That is why they proposed a balanced budget amendment of their own. Unfortunately, they have no real intention of passing it. If they did, they would join us in supporting a bill that we know would lead to the kind of fiscal restraint the American people are asking for.

I ask my friends on the other side to join us. It is not too late. We are only going to solve this problem together. Republicans are doing our part. We need them to do theirs. The American people are asking us to act. Let's do it. If this President will not take America's fiscal problems seriously, Congress should do it for him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, as I rise to ask for the yeas and nays on the amendment, I point out my amendment is not a cover amendment. It includes many of the principles and provisions the House considered in a balanced budget amendment they voted on recently, and it also contains many of the provisions and principles that this body in the 1990s considered when Paul Simon and Senator HATCH and many others led on a balanced budget amendment proposal.

With that, I ask for the yeas and nays on S.J. Res. 24.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the joint resolution pass?

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 21, nays 79, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—21

Baucus	Feinstein	McCaskill
Begich	Gillibrand	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Blumenthal	Heller	Stabenow
Brown (OH)	Klobuchar	Tester
Carper	Kohl	Udall (CO)
Casey	Manchin	Wyden

NAYS—79

Akaka	Grassley	Murkowski
Alexander	Harkin	Murray
Ayotte	Hatch	Paul
Barrasso	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Burr	Johnson (SD)	Rockefeller
Cantwell	Johnson (WI)	Rubio
Cardin	Kerry	Sanders
Chambliss	Kirk	Schumer
Coats	Kyl	Sessions
Coburn	Landrieu	Shaheen
Cochran	Lautenberg	Shelby
Collins	Leahy	Snowe
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	McCain	Warner
DeMint	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Franken	Mikulski	
Graham	Moran	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 21, the nays are 79. Two-thirds of the Senate duly chosen and sworn not having voted in the affirmative, the joint resolution is rejected.

S.J. RES. 10

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on S.J. Res. 10.

Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, this is the last chance to vote for a constitutional amendment that will truly do something, that will tie the hands of Congress so they have to live within fiscal constraints. We are taxing and spending this country into bankruptcy. We have a $15 trillion-plus national debt, growing to $20 trillion to $30 trillion. We don't have any restraint around here.

People say: If we just live up to the Constitution and restrain ourselves, we can do that. They have been saying that for 35 years. The only time we have come to a balanced budget around here is when we had the first Republican Congress in over 40 years and we had a President who was willing to support it.

This is our chance to try to do something for our country that will stop the outrageous, out-of-control spending. We need to do it. This amendment is the only one that can do it.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I have actually voted for a balanced budget. Democrats in this Chamber and in the other Chamber voted for one and it passed. Not a single Republican voted for it. During the Clinton administration, we were able to balance the budget and start paying down the debt. A huge surplus was left to his successor and it was squandered by that administration.

We should not enshrine the extreme provisions in the current proposal in our Constitution. We should not make it more difficult for Congress to respond to economic and natural disasters. Proponents of this amendment say: Let's let the courts make these decisions. Let us not transform our courts into budget-cutting bodies. They are not equipped to perform that role. Even Justice Scalia, testifying before our committee, laughed at the idea that they could do that.

The Hatch-McConnell proposal will do nothing to spur economic growth or ease the partisan gridlock in the Congress. It will do the opposite. It will enshrine bad fiscal policy in the Constitution. A vote for this proposal is a vote for dramatic cuts in Social Security, Medicare, and veterans' benefits.

Partisan efforts like this may be good bumper-sticker politics, but they are bad solutions. I wish those who say they revere the Constitution would show it the respect it deserves rather than treating it like a blog entry.

I urge Senators to oppose this radical and ill-considered proposal to amend our Constitution.

Mr. VITTER. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Shall the joint resolution pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—47

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

NAYS—53

Akaka	Conrad	Kohl
Baucus	Coons	Landrieu
Begich	Durbin	Lautenberg
Bennet	Feinstein	Leahy
Bingaman	Franken	Levin
Blumenthal	Gillibrand	Lieberman
Boxer	Hagan	Manchin
Brown (OH)	Harkin	McCaskill
Cantwell	Inouye	Menendez
Cardin	Johnson (SD)	Merkley
Carper	Kerry	Mikulski
Casey	Klobuchar	Murray

Nelson (NE)	Sanders	Udall (NM)
Nelson (FL)	Schumer	Warner
Pryor	Shaheen	Webb
Reed	Stabenow	Whitehouse
Reid	Tester	Wyden
Rockefeller	Udall (CO)	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 53. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. 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.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3630

Mr. DURBIN. Madam President, last night the House of Representatives passed a tax cut bill, one that is doomed in the Senate and that the President has made it clear he will not sign.

It is important for us to move beyond this stalemate on an important issue that will literally affect 160 million working Americans.

Currently those working families enjoy a 2-percent payroll tax cut. For the average family in Illinois with a $50,000 annual income, it means $1,000 a year or more in terms of a tax cut. So if we fail to continue this payroll tax cut, families across Illinois and across America are going to see an increase in their payroll taxes of about $100 to $125 dollars a month. We cannot let that happen. These families are struggling paycheck to paycheck. We want to help them. We want to make sure we help this economy by putting more life into it, which creates more opportunity for profitability for business and new jobs.

We also need to maintain our unemployment insurance which we have provided during these difficult times for those families struggling to find work.

At this point it is clear we should move immediately—immediately—to consideration of the House tax cut bill, a bill which passed the House and should be taken up immediately in the Senate. There is no reason for delay. It has to be done before we go home. Let's not waste any more time. Let's bring it to a vote.

Therefore, I ask unanimous consent the Senate proceed to the consideration of H.R. 3630, which was just received in the Senate from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote, and that the vote on passage be subject to a 60-affirmative vote threshold; further, that if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER (Mr. FRANKEN). Is there objection?

Mrs. HUTCHISON. Mr. President, I object on behalf of our leader. This is a matter that needs to be decided between our two leaders. That has not been done. The bill has just come over. There needs to be some time. Certainly we hope in the future to vote on it at a time when the two leaders can agree.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I thank the Senator from Texas. I know her objection was on behalf of the Republican Senate leader. I would appeal to him and all Republicans on that side of the aisle, let's get down to the business of extending this payroll tax cut for working families and maintaining the unemployment insurance to help millions of Americans. Let's get it done before we even consider leaving for this holiday season.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

KEYSTONE XL PIPELINE

Mrs. HUTCHISON. Mr. President, at a time when our economy is staggering and global unrest is making long-term energy supplies uncertain, we are going to eventually be able to take up a bill that has been passed by the House that would bypass the President's decision to postpone until 2013, after the elections next year, a domestic infrastructure project that promises 20,000 immediate jobs, and 118,000 spinoff jobs, and provides a stable energy source from our trusted neighbor Canada.

After 3 years of unprecedented reviews by State and Federal agencies, the administration decided to delay the Keystone XL pipeline until after the 2012 election. Why? It would seem obvious that this is a decision that could now be made. The studies have been done. The jobs are needed. This is a privately financed traditional energy project. It is truly shovel ready. It is not a temporary government stimulus program based on wishful thinking, looking for things that can be done around the country. It is ready to go and it is privately financed, so there are no taxpayer dollars involved.

The pipeline is our Nation's access to the estimated 170 billion barrels of recoverable oil in western Canadian tar sands. It will provide energy from a reliable trading partner and friend, lessening our dependence on oil from turbulent Middle East and North African countries and from dictators and terrorism-supporting regimes in South America.

This turmoil leads to price spikes and supply interruptions that threaten our economy and our national security. If we can go forward with the pipeline project, it would have a tremendous impact on our Nation, where the project could stimulate $2.3 billion in new spending and generate more than $48 million in new tax revenues just in my home State of Texas.

The pipeline construction would result in 700,000 additional barrels of oils per day being sent to refineries in Texas. Our State's 26 refineries account for more than 25 percent of the total U.S. oil production, which is approximately 5 percent of worldwide capacity. Texas refineries working at capacity are of great benefit to the consumers of America. Oil is provided faster and more efficiently to domestic consumers and industry, bringing down the cost of energy to everyone in our country.

Last night the House approved this legislation. President Obama continues to threaten to veto any bill that comes to his desk that involves the Keystone pipeline. So I think it is fair to ask: What is his plan? The administration recently announced the President's 5-year blueprint for the future of America's energy resources. For example, the plan limits the offshore energy development to less than 3 percent of offshore areas.

The administration is decreasing our energy resources while other countries continue to increase their energy wealth, just off our coast in some instances, some as close as 25 miles from the U.S. waters. With the right policies, the oil and gas industry could create 1.4 million new jobs and raise $800 billion of additional government revenue by 2030. That would come from people working. That would come from people in the economy buying things, creating new jobs, and paying taxes because they are earning money. That is the way we should increase revenue in this country, not by stimulus programs that add to our deficit and to the debt that is going to be inherited by our children.

The administration is determined to pursue policies that limit our utilization of our own natural resources. Most other countries in the world are trying to develop their natural resources, and some do not have natural resources and wish they did. America has them but we are not using them.

We could—with a single pipeline—do something that would lower the cost of energy and create new jobs and raise additional government revenue. The fact that we are debating this project today in the face of a frozen economy and rising energy insecurity is unthinkable. We do not need more Solyndra fiascos. We do not need to waste additional billions of taxpayer dollars to support failed businesses that would not exist without federal subsidies.

This pipeline has not one taxpayer dollar in it. It is privately funded and will create private industry jobs that would be jobs that create more revenue for our country through the spending and the creation of still further jobs.

We would be doing it with a trusted neighbor and ally, Canada. This is something we should do. I would love to see us do it in a bipartisan way in this Senate as the House has already done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the urgent need to prevent a tax increase in the year 2012 if the Congress does not act to extend the payroll tax cut from last year. This is fundamental when it comes to working families across the country. Some 160 million working Americans are depending upon the Congress to do its work, to do its duty, and conclude this year on a couple of matters.

The principal focus of most people's attention right now, in addition to making sure we have a budget in place for the next couple of weeks and months but also, most urgently, is to make sure we are doing everything possible to bring about a cut in the payroll tax again as we did last year. So we should be voting today. We should not be waiting. We know the House has acted. I would guess that what they passed in the House will not pass in the Senate, but we should vote. Vote today. Get that done. Then both sides can sit down and work out a compromise on the payroll tax cut so we can give those 160 million American workers some measure of certainty as they begin to celebrate the holidays and prepare for our new year.

When I talk to people in Pennsylvania, they say to me basically two things: Do something to create jobs or to create the environment or the condition that job creation will flow from and, they say, do it in a bipartisan way. Work together as we, meaning Americans back home, have to work together. They have to work together at home to meet a budget. They have to work together at their worksite to be able to move a company or their agenda forward for an employer.

What we need is a very simple agreement on a very basic bill, and it should be a bill that would extend and, I would argue, expand. I wish to go beyond the payroll tax cut of last year. What we should be doing is cutting it in half. I know there might be others who do not want to go that far. But what we have now from the House is a 350-page bill loaded with all kinds of provisions that have nothing to do with the payroll tax cut and nothing to do with moving the economy forward. It is kind of a political game they are playing.

For example, the Keystone pipeline will be the subject of a lot of debate and discussion. But that has nothing to do with providing 160 million working Americans with a payroll tax cut, so we should set that aside and focus on cutting the payroll tax. Some of the provisions in the Republican bill will do substantial harm to families individually but also to the larger economy. Cutting 40 weeks—let me say that again—cutting 40 weeks from unemployment insurance is one provision. That is the wrong thing to do when have you between 13 and 14 million Americans out of work, in Pennsylvania over half a million people out of work, at last count 513,000 people out of work. They are telling us that we should cut unemployment insurance by 40 weeks.

Does that make any sense at all? Oh, by the way, what they leave out in that debate is what unemployment insurance does to the wider economy. You spend a buck on that, you get a lot more than a buck in return in terms of the economic impact. So unemployment insurance, when it is provided to people who lost their jobs through no fault of their own, helps the larger economy in addition to helping an individual worker or his or her family.

When it comes to the issue of the payroll tax cut itself, what we are talking about here is not something complicated and theoretical. We are talking about take-home pay, what goes in your pocket from your paycheck. We have got a choice here. If we go the right way and we extend the payroll tax cuts from last year, there is as much as $1,000 in take-home pay as a result of that.

I had a bill which we worked to try to compromise and change—we changed our bill in order to compromise, I should say. I thought it would be better if we cut the payroll tax for workers in half. That would be as much as $1,500 in your pocket for 2012. The other side objected to that. They wanted no payroll tax cut, apparently, for businesses, which I thought was a good idea. Then they also wanted to scale back what we could do for employees. But we are where we are. We will see what they are willing to do now. But let's not lose sight of what this is all about. If we do the right thing, we will have $1,000 extra in take-home pay for 160 million American workers, but if we go the way of some people here in Washington and play political games, it will be zero extra dollars of take-home pay. Very simple. It is a very simple choice.

I would hope our friends on the Republican side would allow us to vote today on the Republican House bill.

It is not going to pass, but it does provide clarity so that both sides can then sit down. They have rejected my compromise. Now the House version will come over here. But we will have some clarity about where both sides stand.

We can sit down and negotiate and get a payroll tax cut done, but we cannot do that until they let us vote on what the House did. We need to have that vote today. I don't know why the Republican side would want to hold it up in the Senate. We should vote on that. It is about take-home pay and also about peace of mind. I think a lot of Americans would like to know now that they can celebrate the holidays and move into 2012 with some peace of mind, knowing they are going to have some money in their pockets they might not have otherwise. It will have a tremendous impact on the economy. We know that from the data and from what happened in the first few months of 2011.

If the Congress fails to act, here is what it means for a State such as Pennsylvania. You can replicate this, I am sure, in other States as well. Mark Zandi, a respected economist on both sides of the aisle in Washington, looked at Pennsylvania and the impact of not extending the payroll tax cut for 2012. He said it would cost our State a little shy of 20,000 jobs in calendar year 2012—in a State, by the way, where in 2011 we created—or I should say the increase in jobs in Pennsylvania was more than 50,000 in 2011. That is not enough, and we need to do more, but certainly when you are creating jobs at that rate—and possibly in 2012 it could go above 50,000 jobs created in Pennsylvania. But not to act on the payroll tax and reduce that 50,000 or more by 20,000 jobs—and that is just one State—if you don't pass the payroll tax cut, that is the adverse impact on 1 State—20,000 jobs, according to Mark Zandi. That is a big mistake. We cannot afford to make those kinds of mistakes at this moment, which is very precarious in our economy, just when we are getting some—although not enough—good news about the economy.

We need to kick-start, jump-start job creation across the country. We can do that in large measure—although not completely—by a payroll tax cut.

It is time to move forward and time to move on. We should get this vote done on the House version, and then we can go to the negotiating table. While we are doing that, we can get some other things done. To hold up a vote on the House bill doesn't make any sense at all. We only have 17 days until the end of the year. We have other work to do as well. But the main thing we have to do right now is come together to protect 160 million American workers so that they can conclude the year and go into the holiday season and begin a new year with peace of mind to know they are going to have that payroll tax cut in their take-home pay and also to give those who are out of work and their families, their communities, and the country some assurance on unemployment insurance.

It is not time to play politics in Washington. This is the holiday season. If there is anytime in the year when people expect us to work together, it is at this time when we celebrate the holidays. We need to come together and compromise. I have compromised a couple of times in my legislation. I will not review that now, but I did that on my version of the payroll tax cut. We can all compromise more. We need to come together and stop putting up roadblocks to voting on measures that will lead us to a compromise.

The simple message for today is this: Let's vote on the House bill. If that doesn't pass, then we can go to the negotiating table and come up with a compromise to cut the payroll tax and put more take-home pay in the pockets of 160 million American workers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

LIHEAP

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the importance of sustained funding and support for the Low-Income Home Energy Assistance Program, better known as LIHEAP. I know it is something my colleague, the Presiding Officer, cares very much about as well.

LIHEAP helps households pay home heating costs and targets funds for those families with the lowest incomes and the highest energy costs. In 2010, nearly 165,000 families in Minnesota used this critical lifeline.

As the Presiding Officer knows, our home State may be known as the land of ice hockey and ice fishing and other winter sports, but our tough winters can be downright dangerous to families struggling to pay their utility bills and trying to keep the heat on.

Even as Minnesota's economy has weathered the recession better than most, we have seen a great increase in need for assistance with heating bills. From 2008 to 2010, there was a 30-percent increase in families who needed energy assistance. Without sustained funding for LIHEAP at current levels, we risk pushing these 38,000 families out into the cold.

This October, I joined with Members from many cold weather States, as my colleague did, in a letter that urged the Department of Health and Human Services to release LIHEAP funds as quickly and at as high a level as possible. We must follow up on this action by fully funding LIHEAP.

On October 28, the Department of Health and Human Services released $1.7 billion for LIHEAP. This is a start, but we need another $3 billion to ensure we sustain level funding from last year. Depending on how and what the final appropriations are for fiscal year 2012, it is important to recognize we will need over $1 billion to fully fund LIHEAP.

I believe seniors should not have to choose between paying for medication and their heating bills; that families should not have to choose between putting food on the table or keeping their furnaces on at night, and children should always have a warm home to sleep in at night. LIHEAP is targeting those families who are most in need. In fact, the average household served by LIHEAP in Minnesota had an income of $16,000, and 85 percent of the homes served by LIHEAP included at least one senior, a person with a disability, or a child under the age of 18. These families are struggling. Now is not the time to pull the rug out from under their feet.

LIHEAP is supported by nonprofit organizations such as Community Action of Minneapolis, the Salvation Army, State and local governments, and utility companies. These organizations know the value this program has to ensure that families have the tools they need to stay safe during the coldest winter nights. They also see how it creates economic activity by maintaining demand for utilities when household budgets are under the greatest strain and may be forced to go without.

According to economists, LIHEAP is a smart investment. For every dollar in benefits paid, $1.13 is generated in economic activity. As a cosponsor of the LIHEAP Protection Act, introduced by Senator JACK REED of Rhode Island, I want to commend my colleagues on their leadership on this issue, and I look forward to working with them to ensure this legislation is passed and that funding for the critical program is maintained.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS CONSENT REQUEST—H.R. 3630

Mrs. BOXER. Mr. President, I am going to eventually make a unanimous consent request. We have alerted our Republican friends to it. But before I do, I want to set the stage for why I am going to eventually ask we be allowed to go to H.R. 3630, which is at the desk, and that there be a debate and a vote on the Republican-passed payroll tax cut.

For the life of me, I don't understand why, as we approach the end of this year, Republicans do not want, right now, to have a vote on their own bill. Maybe it is because they do not have a lot of votes for it because it is a disaster. The President has spoken out very strongly for a payroll tax cut. We need that. It has been in effect, and if we don't extend it in this time of recovering from a deep dark recession, economists of all stripes have said we are going to see a reduction in economic growth. That is something we don't need right now.

Initially, Republicans said they didn't want anything to do with this tax cut. They loved the tax cuts for the millionaires and billionaires. Oh, that one they have a heart for but this one, they don't really like.

I think they took the heat back home, and good for the American people. They then decided they had to pass it because if they didn't pass it, working people were going to notice that $1,000 increase in their taxes.

So we are facing a very odd situation. Having served in the House for 10 years—I had left before Newt Gingrich became Speaker; I ran for the Senate. I know how things work over there. I can almost see—though I have no accuracy on this; it is simply my own feeling—the mindset: The President wants this tax cut so badly, let's do it, but let's load this up with things he is not going to be able to abide. Frankly, that is what they did.

Let's look at some of the things that are in this payroll tax cut. First of all, they added environmental riders. One of them I am very familiar with, and I want to spend a minute explaining.

The EPA passed a rule to control the filthiest and dirtiest boiler operations. These boilers are located in our communities. They spew forth things you really don't want to know about, but we better know. They are things such as mercury, arsenic, and lead. All these things cause cancer, and all of these things are dangerous to all of us, particularly to children and to pregnant women. So the EPA has crafted a rule—listen to this—that only goes after 5,500 of the 1.6 million boilers. Again, these are the filthiest and the dirtiest.

In crafting this rule, they had peer review science that showed this rule would prevent 8,100 premature deaths every single year. That is because we are talking about mercury, lead, and arsenic. These are not our friends.

Now, not being able to abide by this, those in the House are standing with the dirtiest polluters, and they put a stop to that rule. To me, this is shocking, as chairman of the Environment and Public Works Committee. If I saw you were driving a car in a certain direction, Mr. President, and I said to you, if you continue to drive your car in that direction, you are going to hurt people; you are actually going to be responsible for the deaths of 8,100 people in the course of a year, you would turn that car around. But, no, they are barreling forward. I am not even citing the stats—because I don't have them in my memory—on the number of missed workdays, the number of asthma cases, and the lost schooldays, but it is in the tens of thousands in a year.

So they attached what I call a real poison pill to the payroll tax cut. But that wasn't enough. Despite the objections from the Republican Governor of Nebraska, they pushed forward on the tar sands pipeline before the studies were done. By the way, the environmental impact report was done by a company that had ties to the developer. So before we rush to judgment on this, colleagues, we need to have more information. But, no, they are going to jam that through.

So those are two environmental riders that are in the bill that are very dangerous for the American people. So it is sort of like, here is $1,000 for you with the payroll tax cut, but we have just increased your risk of getting asthma or perhaps dying of cancer or a heart attack. Maybe that is why they object to having a vote on this bill.

Now, in this bill, the way they pay for things is unbelievable. They are so fearful of hurting the upper income people—those earning over $1 million a

year and paying for this payroll tax cut the way we do, with a small surtax on the millionaires and billionaires, which doesn't kick in until they get past the $1 million mark—they go after the middle class. They raise premiums on Medicare for 25 percent of Medicare recipients who earn $80,000 a year, and they raise it 15 percent for some of them in this time of recession. They cut the number of weeks an individual can get unemployment insurance, which also, at this time, is just plain cruel. They go after the salaries of middle-class workers, such as Federal firefighters, veterans, nurses, air traffic controllers, FBI agents, and all Federal employees while they allow government contractor employees to earn up to $700,000 a year.

Senator GRASSLEY is here, and I know he probably disagrees with some of what I said, but I know he agrees on the Federal contractor issue. In this particular bill, which the House crafted, I say to my friends, they go after middle-class workers, but the government contractor workers can earn up to $700,000 a year. To me, that is the only reason I can see why Republicans are objecting to having a vote on this so-called payroll tax bill—because it is so loaded with things that are going to hurt the American people.

So I think we ought to have that vote and kill this Christmas turkey, because it is a turkey. It is harmful to the middle class. It is literally going to cause an increase in premature deaths, in asthma cases, and it is literally going to hurt middle-class workers while it leaves the millionaires and billionaires alone. What kind of value system is that? Merry Christmas to the middle class. No, it isn't.

So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3630, which was just received from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote; and that the vote on passage be subject to a 60-affirmative-vote threshold; further, if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I must object, but I wish to make clear that the Senator from California understands I didn't come to the floor to object to her request, but on behalf of the Republican leader I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I thank my colleague. We are buddies. We work together on a lot of good government issues. But the minority leader, the Republican leader, is objecting.

So in summing this up, as I leave the floor, I would ask rhetorically, why on Earth the Republican leader is afraid to vote on a Republican bill, other than the fact that that bill, in my view, exposes a set of values that are not consistent with the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for what time I might consume, but I wouldn't expect it would be more than 30 minutes.

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

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the Fast and Furious investigation. But I would also like to follow up and have this portion of my remarks follow the Senator from California because I think my side has a legitimate position to take on some job creation things that are in the House bill that has come over here; that if people just hear one side of the story, they might misunderstand we are not interested in creating jobs and we are only interested in putting stumbling blocks in the way of regulations or Presidential decisions that are made. But it is directly related to, in the case of rules by EPA that the Senator spoke about, it is a fact that under this administration there is an explosion of regulations. A lot of those regulations, because of their cost, have led to the elimination of a lot of jobs or a lot of jobs not being created as a result thereof.

So if we hear the President of the United States saying we ought to pass legislation that he is for to create jobs or we hear the President of the United States, one or two times a week, flying all over the country at taxpayers' expense to give political speeches and asking to put the pressure on Congress to pass his jobs bill at the very same time his departments are issuing regulations costing jobs or not creating jobs or the President making a decision that we shouldn't build a pipeline from Canada down to Texas so we can import more oil in a cost-effective way from our friend Canada—a reliable friend—instead of spending $830 million every day—every day—to import oil and paying that to countries that either hate us or want to kill us, we think there is an inconsistency between the President who is going around the country giving speeches on why Congress isn't passing his legislation to create jobs, when his administration is making decisions—in the case of the pipeline, 20,000 jobs could be created right now, union-paying jobs, good jobs, and 110,000 jobs on the side related thereto, plus what it does good for the energy policy of the United States to have that built. The President is standing in the way.

He says it needs another year of study. The State Department has already given two studies over a period of years saying it is OK to go ahead. It is not an environmental problem. The Nebraska legislature held it up for a little while because of the aquifer, but they have reached an agreement that it can go through their State in a little different direction.

We think we ought to create those 20,000 jobs and we ought to do it right now and this legislation that has come over from the House does that. This legislation coming over from the House puts some block of some regulations going into effect that is going to eliminate jobs or stop the creation of jobs.

So we are a little bit irritated about the inconsistency between an administration that wants us to pass legislation to create jobs when, at the very same time, one person is making a decision that we are not going to move ahead with job creation projects. This legislation allows to move ahead for that.

FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, the reason I came to the Senate floor is to give my colleagues an update on the Fast and Furious investigation that I have been conducting since last January 31.

For almost 11 months now, I have been investigating Fast and Furious, an operation of the Bureau of Alcohol, Tobacco, and Firearms, ATF. On December 2, the Justice Department finally came clean about who helped draft its February 4 letter to Congress. That was a letter I wrote that they responded to since I opened the investigation on January 31. It only took them a few days to get a letter to me that had a tremendous number of falsehoods in it.

That letter falsely denied ATF whistleblower allegations that ATF walked guns. The revelation in the December 2 documents of this year were the last straw for me. They admitted the February 4 letter had falsehoods in it. I called for Assistant Attorney General Breuer to step down, and I don't do that lightly.

Earlier documents had already shown Mr. Breuer displayed a stunning lack of judgment in failing to respond adequately when told guns had walked in Operation Wide Receiver in the years 2006–07. The December 2 document showed that Mr. Breuer was far more informed during the drafting of the February 4 letter than he admitted before the Judiciary Committee just 1 month earlier. These two issues led me to call for the resignation of Mr. Breuer, the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver.

The December 2 documents also established a number of other key points. The first is that the Justice Department has a flawed process for responding to letters from Congress that involve whistleblowers. So any of my colleagues, any of the 99 other Senators who are writing letters to the Justice Department, understand they have a flawed process if it involved whistleblowers responding to us. I will show

that to you. In the cover letter that accompanied the documents, the Justice Department wrote that, in drafting their February 4 response, which had these falsehoods in it:

> Department personnel . . . relied on information provided by supervisors from the components in the best position to know the relevant facts.

They were listening to supervisors because they only listen to supervisors. That is the problem with not answering the letters in a truthful way, to me, 5 days later after I handed them to the Attorney General. I will show that in just a minute.

Clearly, the Justice Department did not rely on those in the best position to know the facts, since the letter was withdrawn on December 2 due to its inaccuracies.

I don't know how they can withdraw a letter that is in the public domain, but they just somehow withdraw the letter.

The whistleblowers were in the best position to know the facts. Frontline personnel—not supervisors—were in the best position to know the facts, not these senior bureaucrats or political appointees. Yet the Department failed to provide a credible process for whistleblowers, people who know what is happening on a day-to-day basis, and other frontline personnel to provide information without fear of retaliation.

Employees simply do not believe they are free to report misconduct because they see what happens to those who speak out. They know it is a career killer because the ATF and the Justice Department culture protects those who retaliate against whistleblowers. Yet whistleblowers in this case spoke out anyway.

In other words, these whistleblowers were speaking out, taking a chance on their professional future in Federal Government because they knew something wasn't right about the walking of guns. So they risked their career to make sure the truth was known.

The only crime committed by whistleblowers, generally, is the crime of committing truth. But when the Office of Legislative Affairs sought information to respond to my inquiries, it didn't ask these brave whistleblowers what happened. Instead, it simply relied on self-serving denials of senior officials at ATF headquarters or the criminal division here in DC or the U.S. attorneys in Arizona.

In other words, the Department took the word of the very officials the whistleblowers alleged had mismanaged the situation in the very first place, without getting both sides of the story.

The U.S. attorney has since admitted in testimony to congressional investigators he was too strident when he first heard these accusations. He claimed he didn't know all the facts.

We can't rely on the chain of command when we have a whistleblower. By definition, whistleblowers emerge because the chain of command is broken. Whistleblowers come to Congress because they are unsuccessful in getting their supervisors to address fraud, waste, and abuse. Sometimes those supervisors attempt to cover tracks and paper over the problem. That is why we have to get the story straight from the horse's mouth. We can't let the facts be filtered through multiple layers of bureaucracy. After all, the bureaucracy is filled with the same supervisors who should have done something about the problem in the very first place before whistleblowers even come forward.

These problems are particularly prevalent in the Federal Government that is so very large it is virtually impossible for anyone to ever be held accountable for anything. So it is crucial those investigating whistleblower allegations go straight to those on the ground level with firsthand knowledge of the facts. Their goal should be to understand the underlying facts of the whistleblower allegations, not to intimidate whistleblowers into silence. Instead, inquiries all too often focus on the whistleblowers themselves and what skeletons they have in their closet. That approach is exactly what is wrong with the Federal Government and why it doesn't function as efficiently as it can. Because if more whistleblowers were listened to and wrongs were brought to the surface and transparency ruled, there would be more accountability.

The focus should be on whether the accusations are true so the problems can be corrected. Too often, however, the focus is on finding out what information the whistleblower disclosed so the agency can circle the wagons and build a defense. That needs to change. If the department is going to regain its credibility, it needs to provide straight answers, not talking points and spin.

The only way to provide straight answers is to make sure we get straight answers in the first place. That is one reason we have pushed in our investigation to be able to interview frontline personnel.

The Justice Department objected in a letter Tuesday night. In that letter, the Justice Department also objected to us talking to first- or second-level supervisors. This is exactly the sort of approach that prevents key information from getting to senior officials and to Congress and impedes Congress's constitutional responsibilities to see that the laws are faithfully executed. In other words, we don't just pass laws and say that is the end of it. We have to pass laws to make sure we are a check on the executive branch of government and that means to do the constitutional job of oversight. That means ask questions. That means we are entitled to answers—unless somebody is trying to cover up something. When they are trying to cover up something in the bureaucracy, I always tell them: If you get stonewalled, eventually the truth is going to come out. The more truth that comes out, the more egg you are going to have on your face. Mr. Breuer is one of those who has tremendous egg on his face.

Justice cites the so-called line personnel policy for refusing to provide officials for voluntary interviews. The policy is based purely on nothing but the Department's own preferences. This isn't any law or statute or even case law. The Department has frequently set aside the policy and made exceptions.

For example, line attorneys gave transcribed interviews under oath to Congress in the 1992 Rocky Flats Nuclear Weapons Facility investigation. As recently as October, assistant U.S. attorney Rachel Lieber, the line attorney responsible for the anthrax investigations, participated in an interview with PBS's ''Frontline.''

How can the Justice Department tell me or argue to Congress that Congress should not be allowed access to line attorneys when they give that same kind of access to the press? Those are the kinds of line personnel and individuals who have the actual answers. I kind of surmise that the reason the Justice Department will let a U.S. attorney or some FBI agents be interviewed on television is that some public affairs officer has looked at it and said: This is a good story. This is going to make us look good. But when Congress wants to interview line people, no, and we have a constitutional responsibility to do that.

I would like to suggest that the Justice Department let the public affairs people make a decision of who can talk to Congress because it might make them look a little better if they will let them talk to Congress or are they afraid we might find out something? It is irritating as heck.

In this case, had the Justice Department gone to the horse's mouth before sending an inaccurate letter to me on February 4, they would have been able to get the story straight. The memo I have here I am not going to read, but I want to hold it up.

The memo is from an ATF line agent who substantiated the claims of the first ATF whistleblowers.

I ask unanimous consent a copy be printed in the RECORD immediately after my remarks.

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

(See exhibit 1.)

Mr. GRASSLEY. It is dated February 3, 2011, the day before the Justice Department sent their letter to me. The memo was passed up his chain in response to investigators on my staff talking to him about Operation Fast and Furious. He accurately described the problems with Fast and Furious. What he said was consistent with the claims I had already heard from other whistleblowers. Information such as this is why I was skeptical days later when the Department sent its February 4 letter to me, denying the allegations. In other words, I had proof they were lying to us.

The agent wrote in the memo about being ordered by a Fast and Furious

case agent to hold back in their surveillance, so that they did not ''burn the operation.''

While watching straw purchasers hand off weapons to traffickers—violating the laws of this country but encouraged to do it by their own Justice Department—the case agent ''told all the agents to leave the immediate area.''

While a crime was being committed the agent said to the agents to leave the area immediately. The memo explicitly says:

> The transaction between the suspects took place and the vehicle that took possession of the firearms eventually left the area without agents following it.

A crime is committed, U.S. agents there let them move on.

After the phone call to my staff, the ATF agent's supervisor requested that he write this memo documenting what he had told my investigators. This passed up the chain all the way to the ATF leadership. We know that because there are e-mails attaching the memo sent to senior headquarter officials. However, the Justice Department has refused to provide copies of those e-mails and will only allow them to be reviewed at Justice Department headquarters.

The Department has also refused to provide a copy of this memo. My staff had to obtain it from confidential sources.

One of the questions yet to be answered is who in the Justice Department saw the memo and when. Either way, once the Justice Department got hold of it they tried to keep it under wraps by refusing to give me a copy. They made my staff go to the Justice Department to view it, even though the entire memo simply recounts information that was already provided to my staff. It is embarrassing to the Department because it shows that the truth was easily knowable before the false denial was sent to Congress on February 4. If they had asked for firsthand documentation such as this memo when they first got my letter in January, we would not be where we are today.

The second point these documents establish is that main Justice had problems of its own. It was not all the fault of the ATF or the U.S. attorney. Mr. Breuer's deputy, Deputy Attorney General Jason Weinstein, participated in drafting a false statement. The Justice Department's February 4 letter read:

> ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

Documents show that line originated in a phone conversation, February 1, 2011, between Justice Department legislative affairs assistant director Billy Hoover from ATF and Jason Weinstein from main Justice's criminal division.

Like Assistant Attorney General Breuer, Mr. Weinstein knew that ATF had let hundreds of weapons walk in Operation Wide Receiver, which was an earlier, smaller scale case than Fast and Furious. In fact, in April 2010, he brought that fact to the attention of Mr. Breuer, his boss. April 2010 is 8 months before I got involved in this investigation. His e-mail to Mr. Breuer about Wide Receiver said:

> As you'll recall from Jim's briefing, ATF let a bunch of guns walk in efforts to get upstream conspirators but only got straws, and didn't recover many guns. Some were recovered in [Mexico] after being used in crimes.

It is ironic that is how Mr. Weinstein described Wide Receiver. He was one of the officials who authorized wiretaps in Fast and Furious. Therefore, he was in a position to know that exact same description applied to Fast and Furious. Yet he allowed the myth to be perpetrated that ATF would never do such a thing. Mr. Weinstein saw the Justice Department's very first draft of the letter to Congress. In fact, as one of his Justice Department colleagues in the Deputy Attorney General's office said, ''CRM,'' which happens to be the criminal division, and OLA, which is the Office of Legislative Affairs—''CRM and OLA basically drafted it.''

Mr. Weinstein knew the letter contained a blatantly false line. Yet he did nothing to correct it and that line thus remained in every successive draft of the letter.

On December 2 this year, the Justice Department's latest spin was that its statement that ''ATF makes every effort to interdict weapons'' was ''aspirational.'' Nevertheless, that did not stop them from withdrawing the letter for inaccuracies. Perhaps the ''aspirational'' language should be saved for mission statements. Responses to specific and serious allegations ought to, in a commonsense way, stick to the facts, right? This was an oversight letter. I was not asking for some ''feel good'' fuzzy message about what ATF aspired to. I was asking for simple facts.

A U.S. Border Patrol agent had died, and at the scene of his death were two guns from Fast and Furious. So his death was connected to the ATF operation. Whistleblowers were reaching outside of the chain of command because supervisors would not listen. Instead of treating these allegations with the kind of seriousness they deserved, the Justice Department resorted to damage control.

I do not know what else my investigation is going to uncover, but we are going to pursue it until we get to the end of it because my goal is to find out who at the highest level of government, in Justice or the White House, approved this, and get them fired; make sure that the Terry family gets all of the information about the death of their son—to this point they have had hardly anything—and, No. 3, to make sure a stupid program like walking guns, Fast and Furious, et cetera, never happens again.

This week the investigation revealed that shortly after the February 4 letter, Lanny Breuer asked Mr. Weinstein to write up an analytical memo of Fast and Furious. This suggests that Mr. Breuer and his deputy Mr. Weinstein were down in the weeds on Operation Fast and Furious a lot earlier than previously admitted. Mr. Weinstein was in an excellent position to write such a memo, since Mr. Breuer has acknowledged that Mr. Weinstein was one of the individuals who approved wiretaps in the summer of 2010 as part of Operation Fast and Furious. However, we had to learn of this memo from sources not from the Justice Department but from outside of the Justice Department. The Justice Department has not provided it to us, even though it is clearly responsive to a House Oversight Government Reform Committee October 25 subpoena.

This type of maneuvering is what got the Justice Department in trouble to begin with. The Justice Department should produce this document immediately, along with all the other responsive documents.

This investigation will continue. People must be held accountable. The Justice Department must stop stonewalling today.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Washington, DC, February 3, 2011.

Memorandum To: Special Agent in Charge, Dallas Field Division

Thru: Resident Agent in Charge, Lubbock Field Office

From: Gary M. Styers, Special Agent, Lubbock Field Office

Subject: Contact with Congressional Investigators

On February 2, 2011, at approximately 1500 hours, ATF Special Agent Gary Styers was contacted telephonically by Robert Donovan and Brian Downey, representing United States Senator Chuck Grassley and the Senate Judiciary Committee. Downey and Donovan after identifying themselves asked Special Agent Styers if he would be willing to answer some questions regarding the time Special Agent Styers spent on a detail to the Phoenix Field Division, Phoenix Group VII Office. Special Agent Styers said he would be willing to answer questions to the best of his knowledge.

Special Agent Styers was asked if he was familiar with the large firearms trafficking case in Phoenix Group VII and Special Agent Styers said he was. Downey and Donovan asked if Special Agent Styers knew the name of the case and he responded that it was ''Fast and Furious.'' Downey and Donovan then asked if Special Agent Styers knew who the case agent was and Special Agent Styers said it was Special Agent Hope McAllister. Special Agent Styers was also asked who the supervisor of the group was and Special Agent Styers said it was Group Supervisor David Voth. Downey and Donovan also asked who helped Special Agent McAllister, Special Agent Styers said that Special Agent McAllister had a Co-Case Agent from Immigration and Customs Enforcement (ICE) as well as an agent from Group VII. Downey and Donovan asked who was the Agent from ICE and Special Agent Styers told them it was Lane France.

Downey and Donovan asked Special Agent Styers if he knew what the agents were assigned to do on the investigation. Special Agent Styers explained that a group of agents were assigned to the case and that since the case was in the stage of an active

wiretap, some agents were working within the group and Special Agent Styers was then asked about his general impression of the Fast and Furious case. Special Agent Styers stated that the case had systematically divided and isolated agents from the group. The case agent had solicited the advice of numerous experienced agents, including Special Agent Styers, regarding how to conduct and end the wiretap operations and case overall. Special Agent Styers gave the case agent his honest opinion and advice since Special Agent Styers had worked two wiretap investigations in his career. Special Agent Styers felt that his advice and opinions, as well as other agents' advice and opinions were widely disregarded. Along with other agents within the group, Special Agent Styers explained that he was no longer asked to assist with Fast and Furious and concentrated on his assigned cases and provided necessary assistance to fellow agents within the detail and group.

Downey and Donovan asked Special Agent Styers what he felt was incorrect about the way the Fast and Furious case was conducted. Special Agent Styers explained that first and foremost, it is unheard of to have an active wiretap investigation without full time dedicated surveillance units on the ground. Special Agent Styers relayed that no agents in the group were assigned to surveillance on the Fast and Furious case. Special Agent Styers said that other agencies or task force officers may have been used to conduct surveillance and respond to calls of FFLs, but it seemed that either the case agent or Group Supervisor would poll the office for agents who were available to respond at short notice.

Secondly, Special Agent Styers said that it appeared odd to have a majority of ATF Agents working on a wiretap investigation, who had never worked such a case. Especially, when numerous, permanent Group VII agents and detailers had previous wiretap experience.

Special Agent Styers was provided with contact information for Downey and Donovan and the conversation was ended. Special Agent Styers contacted the Lubbock Resident Agent in Charge, Jim Luera at 1545 hours after the conversation with Downey and Donovan ended, to inform him of the contact. Special Agent Styers was later asked to document the conversation herein and attempted to do so to the fullest extent possible.

Respectfully,

GARY M. STYERS.

Mr. GRASSLEY. Mr. President, I do not see another Member on the floor. Unless some staff person among the Republicans or Democrats tells me somebody is coming, I wish to take another 5 minutes, if I could.

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

Mr. GRASSLEY. Mr. President, more like 7 or 8 minutes.

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

FCC HOLDS—LIGHTSQUARED

Mr. GRASSLEY. Mr. President, the cornerstone of Congress's ability to effectively oversee the Federal Government is the free and open access to information—in other words, congressional oversight, what I was talking about in regard to Fast and Furious.

On another investigation 231 days ago, on April 27, I made a very simple request. I requested that the Federal Communications Commission turn over communications regarding its controversial approval of the LightSquared project. LightSquared is a company owned by a hedge fund called Harbinger Capital Partners that is seeking FCC approval to use its satellite spectrum to build a terrestrial wireless network. To accomplish its goals, LightSquared has already spent millions of dollars on lobbyists and made large political donations.

The problem is that LightSquared's signals would, according to Federal Government tests, cause massive interference with the global positioning system, more commonly referred to as GPS. GPS, as you know, is a critical tool for anything from military drones and missiles to car and ship navigation. LightSquared's initial plan, which the FCC conditionally approved, would have interfered with just about every single GPS user.

The surprising fact is that there is no evidence the FCC even tested LightSquared's plan before approving it. In fact, the FCC granted this waiver—which is estimated to be worth at least $10 billion to LightSquared—in a shortened comment period starting right around Thanksgiving, 2010. Giving a company a possible $10 billion windfall in a holiday-shortened comment period without doing any testing is very suspicious. Risking our Nation's GPS assets, including the role they play in defending our Nation to accomplish this goal, is downright dangerous.

The question I am asking is, Why would the FCC do this? Of course, to get to the bottom of this question I asked the Federal Communications Commission for some documents—again, a simple question, a request for some information. The FCC, an agency with employees who are supposed to work for the American people, said no to my request. My staff was told the FCC intentionally ignored my document request. The FCC officials said they have determined that they will only be responsive to two Members of Congress: the Chairs of the House and Senate Commerce Committees, not even to ranking members of those same committees, and, of course, not to members of those committees whether you are majority or minority. Presumably, they would not even answer to the majority leader of the Senate or to the Speaker of the House, but for sure they surely are not answering to this senior Senator from Iowa. If you happen to be one of the 99.6 of the Congress who doesn't chair one of those two committees, from the FCC's point of view, sorry, you are out of luck. No documents for you. This attitude is unacceptable. I conveyed my concerns to the FCC on July 5 and asked again for documents. Again, I was stonewalled. This time the FCC claimed that since I cannot subpoena the FCC, it would not respond.

President Obama committed to run the most transparent administration in history. Yet the FCC is saying if you cannot force us to be open, we won't do it. I wrote another letter asking the FCC for documents on September 8, and again I was stonewalled.

This brings us to where we are today, 230-some days later. The FCC's decision to impede Congress's constitutional duty of oversight has forced me to make a difficult decision. I do not take that decision to hold up nominees lightly, but I never do it in secret. I always put a statement in the RECORD, and this is in addition to that statement. But when an agency flagrantly disregards congressional oversight, something must be done.

Before I publicly announced my intention to hold the nominees, I, through staff, contacted the FCC officials. I informed them that if the documents were not forthcoming, I would hold up the Federal Communication Commission's nominees whom the President sent up here. I was surprised and disappointed by their response. Despite knowing my intentions, they chose not to provide any documents. As a result, I am honoring my promise to hold those nominees.

It is unfortunate the FCC has chosen this path. Due to the FCC's decision to hide its actions from the public and Congress, these nominations are now stalled in the Senate. The question I would ask today of my colleagues and the President of the Senate is: Why? The FCC has already told me it would likely provide these documents if certain members—chairmen of committees—asked for them, but somehow 99.6 percent of the Congress has no right to this information. In other words, 99.6 percent of the Members of Congress cannot do their constitutional job of oversight of the Federal Communications Commission. To paraphrase a very popular slogan these days, I guess that makes me part of the 99.6 percent.

My concern is not just specific to this document request. It is broader than that. In the future, any Member of Congress may request documents from the FCC. As the courts have put it, every Member has a voice and a vote in the process under the Constitution. Each one of us has the authority to request and receive information from the executive branch in order to inform those votes. That is what our court has said. That authority is inherent in each Member's responsibility to participate in the legislative process.

The creation of the committee system and the delegation of certain responsibilities to committee chairmen doesn't change that at all. Individual Members still have a right, as well as a responsibility, to inform themselves by requesting information directly from agencies. For Congress to have a complete view of how an agency works, we need to have access to documents. Turning off that flow of information shortcircuits transparency and hurts accountability.

In this case, the Federal Communication Commission's actions have real-

world effects. The FCC's decision to grant a waiver to LightSquared created uncertainty for GPS users, and that includes our own National Defense Agency, the Department of Defense, and other Federal agencies. Another one is the Federal Aviation Administration which claims that 800 people would die as a result of LightSquared's initially proposed network. To the FAA, the FCC's decision could have killed people.

The Department of Defense wrote a letter to the FCC saying that it was not consulted by the FCC. Press reports say that General Shelton—who heads up GPS for the Armed Forces—said that LightSquared's interference would harm the military's use of GPS. To the Department of Defense, the Federal Communication Commission's actions would have harmed national security.

These are only two agencies, but the Department of Transportation, NASA, and NOAA, among others, have already raised concerns about LightSquared's plan. The effects of the FCC's decision are not just limited to the Federal Government; they also affect ordinary Americans. Here are two examples: For Americans who hope that NextGen air traffic control will reduce air traffic delays, the FCC's action would have continued to increase air traffic wasting time, fuel, and ultimately money for the flying public. For Americans who use precision agriculture to save time and money, the FCC's actions would harm the accuracy and reliability of their equipment. This again leads to wasted energy, lower crop yields, and higher prices for products such as wheat and corn. At the end of the day, the FCC's actions would cost the American consumers money.

Does the FCC even care? I don't know. But the agency certainly has not provided any evidence that it took any of this information into consideration. What we see today is an agency that is completely unaccountable and unanswerable to 99.6 percent of the Congress and, by extension, the American public. This is simply wrong, and I will continue to hold the FCC's nominees until this attitude changes.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

BENEFITS EXPIRATION

Mr. REED. Mr. President, I rise today to urge my colleagues to immediately extend the payroll tax cut and to fully continue jobless benefits for millions of Americans. In less than 3 weeks 160 million Americans face an automatic tax increase and millions of out-of-work Americans will begin to lose their jobless benefits. In order to keep our economy on track, we must continue the payroll tax cut and jobless benefits for millions of out-of-work Americans.

My State of Rhode Island, in particular, has felt the economic downturn acutely. With four unemployed job seekers for every one job and middle-class families struggling to get by—the possibility that Congress would let the payroll tax cut and jobless benefits expire is unthinkable.

I have joined my colleagues on this side of the aisle and voted time and again to cut taxes for middle-class families, and each time our Republican colleagues have opposed the measure because they value tax breaks for the top one-tenth of 1 percent of income earners more than they do tax cuts for middle-class Americans. Republicans have even rejected our effort to provide tax cuts to businesses and provide them incentives to hire. So in response, Democrats narrowed the focus of the tax cuts to employees. But, Republicans again refused to provide a tax cut for the middle class because it was paid for by asking the top one-tenth of 1 percent of Americans to contribute.

We have seen Republicans refuse to invest in our Nation's roads, bridges, schools, and in policies that will create jobs because Republicans cling to their belief that the wealthiest in our Nation should not have to share in the sacrifice every other American has made during these very difficult economic times. Republicans have voted in favor of millionaires and billionaires five times, costing middle-class Americans tax cuts and the continuation of jobless benefits and other policies that would help create and sustain jobs.

Republicans are not putting forth serious proposals. The House Republican extenders plan that passed that body yesterday is the latest example of not only brinksmanship but their ideological rigidity. Instead of reaching a sensible compromise that works for all Americans, the House Republicans voted to slash the current unemployment insurance program nearly in half and eliminate targeted relief for the hardest hit States like Rhode Island even as our job market is still weak and 14 million Americans are out of work. Republicans are in effect refusing to pass critical legislation, particularly with respect to continuing unemployment insurance. And instead of continuing unemployment insurance they are working to put an end to it by implementing aggressive waivers leading to block granting and creating artificial barriers to benefits—all with the long-term goal of dismantling the system. The Republicans would blunt one of the most effective countercyclical tools we have and ultimately throw it away.

At the core of the Republican Party's effort to reduce jobless benefits is the terribly misguided belief that Americans don't want to work. I say to my Republican colleagues—Americans do want to work. But we have to create jobs or incentivize the private sector to create jobs so they can work.

Instead of compromising and focusing on economic policies that will help create jobs and help the middle class, House Republicans focus on dead-on-arrival special interest pet projects such as the Keystone pipeline and further efforts to weaken the Clean Air Act.

The Republican plan ignores the reality and the challenges that face American families—to maintain their home, to maintain their job, to provide for the future of their families and their children and their retirement.

For those who have lost their jobs in one of the worst economic downturns we have ever faced, unemployment insurance is a lifeline. It is also important for Main Street businesses that rely on these dollars. Grocery stores and drugstores—they all depend on people having some cash to come in and take care of the necessities of life. Without the extension of jobless benefits, consumers will pull back spending, hurt local businesses, and decelerate the progress our economy has made.

We have had 21 months of private sector job growth. This is not sufficient to satisfy the needs across the country, but the growth stands in stark contrast to the absolute collapse of employment in the last months of the Bush administration. This job growth has not been an accident. It has been the result of decisions that the President and Congress made, which include the Recovery Act and other programs that keep the economy moving—not fast enough—but keep it moving forward.

The Economic Policy Institute has estimated that failing to extend UI benefits could result in a loss of $72 billion of economic activity in 2012—$72 billion of lost demand, which would slow down the economy and slow down job creation.

These are challenging times for millions of Americans. We cannot afford to let Congress be sidetracked by marginal issues. The core issues are very clear: extend tax cuts for middle-class Americans, continue unemployment benefits to those desperately searching for work. We are facing a tough job market; we have to pass these measures. We have to pass a clean tax cut for millions of working middle class families, and we have to continue jobless benefits in order to help millions of out-of-work Americans looking for a job.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

KEYSTONE XL PIPELINE

Mr. BOOZMAN. Mr. President, when President Obama was sworn into office, the Nation's average price for a gallon of gasoline was under $2. We all know that is not the case today. In most parts of the country, gas remains well over $3 a gallon. In my home State of

Arkansas, the price of gas ranges anywhere from just under $3 to $3.50 a gallon. The reason it stayed at a steady price is because there is a decreased demand because of the poor economy.

Business owners will tell you that when the price of gas hits $3.50 a gallon, it truly does affect how decisions are made. When it hits the $4 mark, things start to shut down in terms of the economy because the average person's disposable income is going to the gas pump instead of local businesses.

Our country at this time lacks an energy policy. We are also facing a jobs crisis of enormous magnitude. And our President is standing in the way of one project that can help address both of these problems: the Keystone XL Pipeline.

The proposed 1,700-mile pipeline would transport 700,000 barrels of oil per day from Canada to U.S. refineries in the gulf coast. Canada's oil sands are among the largest oil reserves in the world. As global demand for oil surges and Canada increases production, the addition of the Keystone Pipeline will ensure that Americans benefit from reliable and secure oil from our largest trading partner and trusted ally.

The $7 billion pipeline cost will be paid by the Keystone consortium and will fund nearly $½ billion in salaries. It will result in the purchase of $6.5 billion worth of materials, services, and other local economic activity. None of this will be funded with any Federal money. It is a no-brainer.

Some of these jobs are in my home State of Arkansas. Welspun Tubular Company, which makes pipes for the oil industry, has been producing pipe for the Keystone project. Unfortunately, due to the administration's delay on Keystone, the company has already begun to lay off workers in Little Rock. They have 500 miles of pipe that was produced for the project, ready to go, that is just sitting in the facility.

By delaying the start of the project, it is putting Americans out of work instead of putting Americans to work. Delaying this project costs thousands of well-paying jobs when Americans need reliable employment, and it hurts Arkansas businesses that have invested millions of dollars to help produce the pipeline. It is also a major step backward for energy policy goals of reducing our dependence on oil from unstable regimes.

When it comes to energy policy, I am kind of a T. Boone Pickens guy. I firmly believe that if it is American, we need to be using it. This goes for not only renewable forms of energy but the vast amount of fossil fuels we have been blessed with throughout the United States and directly off our shores. If we use what we have here in a responsible manner, we can be better positioned to pick and choose from whom we import our remaining oil.

Importing oil from Canada would accelerate America's independence from overseas oil by increasing the petroleum trade with one of our most reliable allies, one of our most reliable friends, instead of depending on the likes of Saudi Arabia and hostile regimes such as Venezuela for much of our oil. The amount of oil provided through this project is equal to half the amount we import from the Middle East. I doubt that anyone in this body would argue that any of the countries we import oil from in that region are more stable than Canada.

President Obama needs to quit pandering to the radical environmentalists. He needs to do what is best for the country, not what he perceives is best for his reelection. The Keystone Pipeline is what is best for America. Let's move forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WITHDRAWAL FROM IRAQ

Mr. MCCAIN. Today the President of the United States traveled to Ft. Bragg, NC, to mark the end of the war in Iraq and to pay tribute to the more than 12.5 million men and women of our Armed Forces who have served and fought there since 2003. Those Americans deserve all of the praise and recognition they receive, for they have given up their comfort and safety. They have given up less demanding and more lucrative jobs. They have given parts of their bodies and cherished parts of their lives. They have given the quiet little sacrifices that often go unmentioned but often hurt the most: the anniversaries spent alone, the birth of a child missed, the first steps not seen, and the first words not heard.

They have given all of that, and always they are prepared to give more. They deserve to be honored by us all. I know the President's words of praise and appreciation for our troops today were sincere and heartfelt. I have every reason to believe he will do all in his power to keep his promises to take care of our troops and their families at home and to never forget how those noble Americans have done far more than their fair share for the betterment of our Nation.

The President is a patriot and a good American, and I know his heart swells with the same pride and sense of awe all of us feel when we are in the presence of our men and women in uniform. These are humbling feelings, feelings of wonderment and gratitude, and they unite all Americans whether they supported the war in Iraq or not.

But let me point out a fact the President did not acknowledge today, which is this: Our men and women in uniform have been able to come home from Iraq by the tens of thousands over the past 3 years, and not just come home but come home with honor having succeeded in their mission for the simple reason that the surge worked.

All of this is possible because in 2007, with the war nearly lost, we changed our strategy, changed our leaders in the field, and sent more troops. This policy was vehemently opposed at the time by then-Senator Obama and now President of the United States and his senior leaders right here on the floor of this Senate.

On January 10, 2007, the day the surge strategy was announced, then-Senator Obama said:

> I am not persuaded that 20,000 additional troops in Iraq is going to solve the sectarian violence there. In fact, I think it will do the reverse.

On November 15, 2007, when it was clear to GEN David Petraeus and Ambassador Ryan Crocker and many of us that the surge was working, then-Senator Obama said:

> The overall strategy is failed because we have not seen any change in behavior among Iraq's political leaders.

Finally, on January 28, 2008, when it was undeniable the surge was succeeding, he had this to say:

> President Bush said that the surge in Iraq is working, when we know that's just not true.

At the time the President's preferred alternative was to begin an immediate withdrawal and have all U.S. troops out of Iraq by the end of 2009. I will let future historians be the judge of that proposed policy. All I will say is that for 3 years, the President has been harvesting the successes of the very strategy he consistently dismissed as a failure. I imagine this irony was not lost on a few of our troops at Fort Bragg today, most of whom deployed and fought as part of the surge.

The fact is, the President has consistently called for a complete withdrawal of all U.S. troops from Iraq at the earliest possible date, and he has never deviated from this position as President. Indeed, he always reaffirmed his campaign promise to end the war in Iraq and withdrawal of our troops. So perhaps it should not have come as a surprise when the President announced in October that he was ending negotiations with the Iraqi Government over whether to maintain a small number of U.S. troops in Iraq beyond this year to continue assisting Iraq security forces.

I continue to believe this decision represents a failure of leadership, both Iraqi and American; that it was a sad case of political expediency triumphing over military necessity, both in Baghdad and in Washington; and that it will have serious negative consequences for Iraq's stability and our national security interests.

I sincerely hope I am wrong, but I fear that GEN Jack Keane, who is one of the main architects of the surge, could be correct again when he said recently:

> We won the war in Iraq, and we are now losing the peace.

Let me be clear. Like all Americans, I too am eager to bring our troops home. I do not want them to remain in Iraq or anywhere else for a day longer than necessary. But I also agree with our military commanders in Iraq who were nearly unanimous in their belief that some U.S. forces, approximately 20,000, should remain for a period of time to help the Iraqis secure the hard-earned gains that we had made together.

All of our top commanders in Iraq, by the way, chosen by the President of the United States—all of our top commanders in Iraq—General Petraeus, General Odierno, General Austin, all of them believed we needed to maintain a presence of U.S. troops there, and they consistently made that clear to many of us during our repeated visits to Iraq.

On February 3, the commander of U.S. forces in Iraq, GEN Lloyd Austin, and U.S. Ambassador to Iraq Jim Jeffrey testified to the Committee on Armed Services that for all of the progress the Iraqi security forces had made in recent years—and it has been substantial—they still have critical gaps in their capabilities that will endure beyond this year. Those shortcomings included enabling functions for counterterrorism operations, the control of Iraq's airspace, and other external security missions, intelligence collection and fusion, training and sustainment of the force.

Our commanders wanted U.S. troops to remain in Iraq beyond this year to continue assisting Iraqi forces in filling these gaps in their capabilities. Indeed, Iraqi commanders believed the exact same thing. In August, the chief of staff of Iraq's armed forces could not have been any clearer. He said:

> The problem will start after 2011. The politicians must find other ways to fill the void after 2011. If I were asked about the withdrawal, I would say to politicians, the U.S. Army must stay until the Iraqi Army is fully ready in 2020.

During repeated travels to Iraq with my colleagues, I have met with all of the leaders of Iraq's major political blocs, and they too said they would support keeping a presence of U.S. troops in Iraq. So let's be clear. This is what our commanders recommended, it is what Iraqi commanders recommended, and it is what all of Iraq's key political leaders said privately that they were prepared to support. So what happened? What happened?

Advocates of withdrawal are quick to point out that the current security arrangement which requires all U.S. troops to be out of Iraq by the end of this year was concluded by the Bush administration. That is true. But it is also beside the point. The authors of that agreement always intended for it to be renegotiated at a later date to allow some U.S. forces to remain in Iraq.

As former Secretary of State Condoleezza Rice, whose State Department team negotiated the security agreements, has said:

> There was an expectation that we would negotiate something that looked like a residual force for our training with the Iraqis. Everybody believed it would be better if there was some kind of residual force.

So if that is not the reason, I ask again: What happened? The prevailing narrative is that the U.S. and Iraqi leaders could not reach agreement over the legal protections needed to keep our troops in Iraq. To be sure, this was a matter of vital importance. But while this may have been a reason for our failure, the privileges and immunities issues are less causes than symptoms of the larger reason we could not reach agreement with the Iraqis. Because of his political promise to fully withdraw from Iraq, the President never brought the full weight of his office to bear in shaping the politics and the events on the ground in Iraq so as to secure a residual presence of U.S. troops. This left our commanders and our negotiators in Baghdad mostly trying to respond to events in Iraq, trying to shape events without the full influence of the American President behind them.

Last May, I traveled to Iraq with the Senator from South Carolina, Mr. GRAHAM. We met with all of the major Iraqi leaders. All of them were ready to come to an agreement on a future presence of U.S. troops in Iraq. But as Prime Minister Malaki explained to us, the administration at that time and for the foreseeable future had not given the Iraqi Government a number of troops and missions that it would propose to keep in Iraq.

For weeks after, the administration failed to make a proposal to the Iraqis, and when the Iraqis finally united in August and publicly asked the administration to begin negotiations, the response from Washington was again characterized by delay. This ensured that a serious negotiation could not begin much less succeed.

I know Iraq is a sovereign country. I know it has an elected government that must answer to public opinion. I know there could be no agreement over a future U.S. military presence in Iraq if Iraqis did not agree to it and build support for it. So this is as much a failure of Iraqi leadership as it is of American leadership. But to blame this on the Iraqis does not excuse the fact that we had an enormous amount of influence with Iraq's leaders and we did not exercise it to the fullest extent possible to achieve an outcome that was in our national security interest.

In fact, in the view of many, they deliberately refused to come up with a number. They deliberately refused to engage in serious negotiation with the Iraqis, with the ultimate purpose of fulfilling the Presidents's campaign pledge that he would get all U.S. troops out of Iraq.

That is not a violation of sovereignty. That is diplomacy, that is leadership. Leaders must shape events and public opinion not just respond to them, and starting in early 2009, from their desire to accelerate our withdrawal from Iraq faster than our commanders recommended, to their hands-off approach to the Iraqi process of government formation last year, to their record of delay and passivity on the question of maintaining a presence of U.S. troops beyond this year, this administration has consistently failed at the highest level to lead on Iraq.

I say again, perhaps this outcome should not have been a surprise. It is what the President has consistently promised to do, and that decision makes good political sense for this President. But such decisions should not be determined by domestic politics. The brave Americans who have fought so valiantly and have given so much did so not for political reasons but for the safety and security of their fellow citizens, for their friends, for their families, for their children's future, and for us.

This is a decisive moment in the history of America's relationship with Iraq and with all of the countries of the broader Middle East. This is a moment when the substantial influence we have long enjoyed in that part of the world could be receding—in fact, it is receding. We cannot allow that to be our Nation's future. We must continue to lead. We must not let short-term political gains dictate our longer term goals. We need to continue working to shape a freer, more just, and more secure future for both Iraq and for people across the Middle East, for it is in our own national security interest to do so.

Over 4,000 brave, young Americans gave their lives in this conflict. I hope and I pray—regardless of these decisions made in large part for political reasons—that their sacrifice was not in vain. I hope their families will not mourn the day their sons and daughters went out to fight for freedom for the Iraqi people.

Unfortunately, it is clear that this decision of a complete pullout of U.S. troops from Iraq was dictated by politics and not our national security interests. I believe history will judge this President's leadership with the scorn and disdain it deserves.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

KEYSTONE XL PROJECT

Mr. BLUNT. Mr. President, the House yesterday passed a bill that included an effort to move forward on the Keystone XL Pipeline project, and I wish to talk about that project for a while today and American energy generally.

We all agree private sector job creation needs to be the No. 1 priority in Washington. One of the best ways to jump-start job creation is simply

through good energy projects. The shortest path to more American jobs is more American energy.

Unfortunately, the President and the administration have delayed one of the largest domestic, shovel-ready projects until after the election next year. This is a project that is ready to go. The States this project would go through have cleared the way for the project. There is no government money involved. This just takes a government OK, saying: Yes, it is all right to create these jobs. These jobs not only have the short-term impact of creating the jobs that are created to build the pipeline but the long-term impact of all the economic activity that occurs because of this new North American energy to which we would have access. In delaying this program, the President is simply stalling the creation of thousands of jobs and postponing not only the growth in our economy but also a move toward more energy security.

Not too many years ago, I don't think one could say with a straight face that we need to do everything we can to create something that closely resembles energy independence. We are in a situation now with North American energy where we can do that. The numbers on the Keystone XL project speak for themselves.

This project would create 20,000 direct jobs during the construction phase—20,000 jobs. That is why the labor union movement in the country supports this project. Twenty thousand jobs to build the pipeline. It would generate $20.9 billion in new private sector spending. It would generate around $5 billion in new State, local, and Federal revenue when this project is being built and when this project is completed. Nationwide, the project would benefit 1,400 American job creators.

The Keystone XL project would also help reinforce America's energy security by reducing our dependence on other parts of the world. With Canada, our largest trading partner, it is a miracle relationship, this large border that we don't worry very much about, all the back-and-forth economic activity that occurs. In fact, for every $1 we would send to Canada for that energy, they would send 91 cents back. So this is $1 we are spending to get 91 cents back, to be more of an energy partner with our closest neighbor—we have clearly a bigger border with Canada than we do with Mexico—to be an energy partner with our closest neighbor rather than to worry about energy in places where, frankly, they don't like us very well. If they do like us, they don't get the money back to us in the same way.

In fact, by comparison, of the 91 cents we would get back for every $1 we send to Canada for North American energy coming out of Canada, we get 49 cents back from Saudi Arabia. That doesn't mean Saudi Arabia is a bad trading partner. It just means they are not as good a trading partner as the Canadians are. We get 33 cents back from Venezuela. So why would we want to send $1 to Venezuela or $1 to Saudi Arabia for energy if we could send $1 to Canada and almost all of that $1 comes right back to us?

Domestically, this project would help encourage more oil production in the Bakken formation in the Upper Great Plains. The Bakken formation—which I sure didn't know about 15 years ago and I don't know that anybody did—is thought to be the greatest new energy development since Prudhoe Bay in the 1960s. I read somewhere the other day that North Dakota has become the fourth or fifth energy-producing State in the country, passing Oklahoma. This is a great resource right at the incoming border of where this new pipeline and all this energy activity would be.

Regardless of the White House's decision to delay this project, the Canadian oil sands will be developed. It is not a question of whether there is going to be a market; it is who gets the market. The Canadians have said, as they should: If we don't build a pipeline through the United States to the refineries in the Southern part of the United States, we are going to build that same pipeline in another direction. Most likely, the pipeline will go to the Pacific coast and then the energy goes to Asia.

Why would we want energy going to Asia from a trading partner where we get 91 cents back rather than energy coming here? Why would we want to buy more energy from the Middle East and less energy than we could buy from our neighbor? Why would we think for a minute that the energy security of the country would be better served in any other way than this one?

So this is going to most likely go to Asia. If it doesn't go to Asia, I guess it can go to the Atlantic coast and go to Europe. But what everybody believes is, if it doesn't come here, they just turn the pipeline to the west instead of the south, and those oil sands, that great energy resource goes somewhere else rather than where it makes more sense for us to get it or more sense for them to send it.

This is as close to an energy no-brainer as I can think of. But the majority leader says this project is dead on arrival in the Senate. I don't believe he meant just dead on arrival if it was part of a package that extended the payroll tax. I think the quote was: ''It is dead on arrival.'' It is not going to go anywhere in the coming year, at a time when we need those jobs. Eventually, we all know as quickly as we can get it, we need to be more dependent on North American energy and less dependent on energy everywhere else.

There have been many reports that say the administration's timing is in consideration for the reelection effort. This appears to be about one American job instead of more American jobs, and we need to be concerned about more American jobs.

Some reports have noted that the President's advisers ''fear that a decision in favor of the project could dampen enthusiasm among volunteers needed for door-to-door campaigning in battleground States.''

I thought that bus went to battleground States. That should be enough to get to battleground States. We shouldn't have to worry about not having these volunteers because we choose to do what makes sense for us in the energy situation.

Others have noted that ''the President decided to punt on this project in order to placate parts of the coalition that elected him in 2008.''

Americans are looking for jobs, not more of the same from Washington. This isn't time for politics. We need to jump-start the private sector economy. Again, I will say, the quickest road to more American jobs is more American energies.

For the better part of 60 years, we have used more energy than we could produce. The marketplace is there. The consumer is there. The user is there. This is what capitalism is all about. It is what free enterprise is all about, figuring out how to connect the product with the consumer. So we know the consumer is there. Let's do what we can to connect that consumer with the energy needs they have.

According to a Gallup poll, the sharp decline in the workforce last month may have more of a reflection on the large number of Americans deciding to give up looking for work. Let's do things that energize the economy and energize the American workforce.

I am glad to be a sponsor of the North American Energy Security Act. The House again pursued this week a similar policy as part of their effort to vote on a payroll tax extension, with this as an effort to create new jobs. Whether it is the Keystone Pipeline or the Utility MACT rule that slows down people's decisions to make a job-creating decision or other EPA rules and potential rules that make people think twice and three times and eventually enough times you don't do it about job creation or what we need to do to get to the oil and gas shale reserves of the country or oil in the Gulf of Mexico, let's do what is necessary for North America. Let's make North American energy work for America. I don't know a better way to do that at less government cost or less government involvement than the Keystone Pipeline.

I yield the floor and 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. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PAYROLL TAX CUT

Mr. COONS. Mr. President, I rise to share a feeling that many in my home

State have expressed to me. I rise to share my frustration.

It is not just the frustration you may feel, as I have felt presiding over this body, when for hours at a time it is empty, when there is such precious and important work that we can and should be doing to get the people of this great country back to work, to strengthen our national security, to lay the groundwork for a strong recovery, to deal with the hundreds of issues this body should be dealing with. I am expressing my frustration at our inability to work together and to make real progress.

Today, I have had the blessing of being visited by a number of Delawareans for lunch, for business visits, for just some constituent catchup. As I do almost every day, I commuted down from Delaware this morning. As I have heard from folks on the train, as I have heard from folks in my office, as I have heard from folks who have written and called my offices in Delaware and in Washington, they are puzzled and they are frustrated. They don't understand why we can't move forward.

To paraphrase the good Senator from Missouri who just spoke, there is a no-brainer right in front of us, and it is the extension of the payroll tax cut. It is something that at least apparently has the support of both parties in both Houses. It is something a number of economists have said is an important contributor to the modest but steady economic growth that is helping pull America out of this terrible great recession.

So I ask: Why is it we sit here stalled, unclear on when we can proceed to a vote, to a consideration of a clean payroll tax cut? There have been a whole series of efforts to get us to the floor for a vote to an extension of the payroll tax cut. This is a simple enough matter.

Working Americans all over this country—I believe 160 million of them—will be hit with an increase in their payroll tax rate at the end of this month, just a few days now away, unless we act. My good friend Senator CASEY of Pennsylvania has suggested several versions of a payroll tax cut that would build upon and strengthen the payroll tax cut that the President proposed and this body passed last year. The Casey compromise that has most recently been considered and debated in this body would put up to $1,500 in the pockets of hard-working Americans all over this country and would contribute as much as 1.5 percent to GDP growth in the coming year. But in the last 2 weeks, we have seen our colleagues on the other side of the aisle four times block our efforts through filibusters and dilatory tactics to attempt to get to a payroll tax cut extension. The first Republican version was opposed by 26 Senate Republicans; the second version opposed by 25.

So on some level I have to ask, what are we doing? Since when do Republicans openly oppose tax cuts? I have been in this Senate just over 1 year. As you know, I was sworn in last November. In my freshman year, I have seen many moments when we have been unable to reach reasonable compromise, when we have been unable to move forward, and when we have flirted with having to shut down the whole Federal Government because we couldn't reach an appropriate compromise with our colleagues on the other side of the aisle. Now we, once again, stand here this Wednesday, knowing that unless we can act in partnership, we will shut down this government on Friday without a continuing resolution.

Last night, the House acted. They passed this payroll tax cut extension and sent it over to us, and I am puzzled as to why we are not moving to it on the floor today. I will tell you that when we get to move to it, I will vote against it, and I know many others here will as well. Why? Because H.R. 3630, which passed the House last night, is not just a clean extension of the payroll tax cut bill—in fact, far from it. It is loaded with a whole series of other policy riders, things that have nothing to do with the payroll tax cut extension which House leadership had to do in order to garner enough votes to move it.

Today we should be considering this bill sent to us last night, the Speaker asking us to take it up, and it has a whole series of provisions which I suspect many here and at home don't know about. I will briefly consider a few of them.

It undermines health care reform by punishing low- and middle-income families whose economic circumstances changed during the year. It cuts 40 weeks of unemployment benefits from the 99 weeks we would like to extend to 54 weeks. It overrides the President's decisionmaking process on the Keystone XL Pipeline—in my view, simply to embarrass the President—and it amends the Clean Air Act to block EPA's proposed rules on toxic air pollution from industrial boilers.

It would also freeze Federal pay through 2013 and impose a triple contribution, mandatory contribution to Federal retirement programs, effectively cutting Federal employee pay and taking more than $53 billion out of the pockets of Federal workers.

To me, in some ways most alarmingly, it allows States to impose drug-testing requirements on employees who have lost their jobs and are seeking unemployment.

In short, what came over to us from the House last night is the furthest thing possible from a clean extension of the payroll tax cut. It is a payroll tax cut with rider after rider sitting on the back of this horse that has weighed it down so greatly, it can clearly hardly move. It is a terrible bill, and in my view we should move to it, dispose of it, and get back to the business of the country.

Last, I am puzzled as to why we are not proceeding to it. My recollection—and I don't have the joy of sitting here on the floor all the time, but my recollection from what I read and heard is that the Republican leader has twice called on us to move to this bill. I believe he did so twice earlier this week, saying we should put partisanship aside and promptly take up whatever is sent over to us from the House by way of a payroll tax cut extension. I think I quote when I say his comment was:

> I think the first thing we need to find out is whether there are the votes in the Senate to pass what the House has passed. And so I'd rather not speculate about what happens later. I'm hoping we are spending our time and energy trying to get this bill passed in the Senate, as well as in the House.

That is a perfectly reasonable attitude. We should proceed to this bill. We are here. We have the bill. We have been waiting almost literally the entire day without making any progress. We need to extend tax cuts for payrolls. We need to extend tax cuts that incentivize clean energy investments. We need to extend tax cuts that can help inspire innovation, research, and development.

There is a whole list of tax cuts that will expire at the end of this year without action. We need to pass the National Defense Authorization Act. We need to pass a continuing resolution to fund this government and the rest of this year's appropriations bills. There are so many important bills to which we must turn.

My sole question is, why, when we tried to proceed to this bill this morning, did the Republican leader object?

I am just a freshman, but I represent a State that is deeply frustrated and puzzled. Since when do Republicans load up a tax cut extension with so many riders that they are afraid to even bring it to a vote on the floor of this Chamber? I am puzzled. I am frustrated.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

THE KEYSTONE XL PIPELINE

Mr. BARRASSO. Mr. President, I would like to speak today in support of the Keystone XL Pipeline.

The Keystone XL Pipeline is one of the largest shovel-ready infrastructure projects in the United States. It would bring oil from North Dakota and from Canada to refineries along the gulf coast and in the Midwest. The pipeline would strengthen America's energy security and create tens of thousands of new jobs. These are good-paying jobs. But don't take my word for it, just consider what representatives of organized labor have had to say.

The president of the Building and Construction Trades Department of the AFL–CIO said:

> [A]ny discussion of the Keystone XL project begins and ends with one word: JOBS.

He went on to say:

> Throughout America's Heartland, the Keystone Pipeline represents the prospect for

20,000 immediate jobs . . . without one single dollar of government assistance.

The general president of the International Brotherhood of Teamsters said:

The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

Consider the remarks of the general president of the Laborers' International Union of North America. He said:

This project . . . is not just a pipeline, but . . . a lifeline for thousands of desperate working men and women.

House Democrats also recognize the importance of this Keystone XL Pipeline. This summer, 47 House Democrats voted in favor of the bill to require a decision on the pipeline by November 1. On October 19, 22 House Democrats wrote a letter to the President. This is what they told President Obama:

America . . . cannot afford to say no to this privately funded . . . jobs-creating infrastructure project.

They went on to say:

It is in our national interest to have a Presidential Permit issued for the Keystone XL Pipeline as soon as possible.

Senate Democrats also support the Keystone XL Pipeline. Senator BAUCUS of Montana said:

We need to put Montanans back to work and cannot afford further delays to the Keystone XL Pipeline.

Senator TESTER, also from Montana, said:

The Keystone Pipeline will create Montana jobs and it should not have to wait 14 months for an up-or-down decision.

Senator MANCHIN of West Virginia said:

I'm for the Keystone Pipeline . . . all the trade unions, everyone's for it. It creates thousands of jobs.

Senator BEGICH and Senator LANDRIEU have also written in support of the pipeline.

Until recently, President Obama suggested that he too believed the pipeline to be in the interests of the United States. On April 6, the President held a townhall event in Pennsylvania. There, he received a question about Canadian oil sands production. In response, the President of the United States discussed the Keystone XL Pipeline. This is what he said:

. . . importing oil from countries that are stable and friendly is a good thing. . . .

Let me repeat. The President of the United States said:

. . . importing oil from countries that are stable and friendly is a good thing. . . .

However, on November 10, the President reversed course, and he showed a different side. After protests from environmentalists, the President decided to punt his decision on the pipeline until after the 2012 Presidential election.

Many in the press say the President delayed his decision so that environmental activists would turn out on election day to support him. If true, the President's decision to delay the approval of the pipeline was not only political, it was also cynical—cynical because these environmental activists believe they can shut down Canadian oil sands production. They believe they can shut down the production by stopping construction of the Keystone XL Pipeline. It simply is not true, and the President knows it. But maybe the President does not want to be honest with these environmental activists. Maybe he just doesn't want to disappoint them. He doesn't want his political base to stay home on election day.

But don't take it from me; consider what Austan Goolsbee had to say. Many Members of this Chamber know he is the former Chairman of the White House Council of Economic Advisers, this White House Council—President Obama's Council of Economic Advisers. This is what he said:

It is a bit naive to think that the tar sands would not be developed if they don't build that pipeline.

Eventually, it's going to be built. It may go to the Pacific, it may go through Nebraska, but it is going to be built somewhere.

Again, Mr. Goolsbee was President Obama's top economic adviser.

Why are the Canadian oil sands going to be developed? Because the oil sands are a huge national asset for Canada, and Canada will not allow that asset to be stranded.

Let's consider the findings of the Canadian Research Institute. This is an independent, not-for-profit research entity that was established in 1975. Its mission is to provide relevant, independent, and objective economic research on energy and environmental issues.

This June, they released a report. It was entitled ''Economic Impacts of Staged Development of Oil Sands Projects in Alberta from 2010 to 2035''—a 25-year future look. This report looked at a variety of scenarios, including one in which no new pipeline capacity is built. Under that scenario, the institute estimated that the total impact on Canada's GDP would be about $2.3 trillion over those 25 years. It also estimated that the compensation for Canadian employees will reach almost $650 billion over this same period. It estimated that the direct, indirect, and induced employment in Canada will grow from 390,000 jobs to a peak of 490,000 jobs in 2020, just 9 years from now. It also estimated that the royalties to Alberta will go from approximately $3.6 billion in 2010 to a peak of $22.6 billion in 2020—in 10 years, from $3.6 billion to $22.6 billion in royalties to Alberta.

Again, the Canadian Energy Research Institute made all of these estimates assuming that no additional pipeline capacity will be built. What do these estimates mean? They mean Canada will continue to develop its oil resources whether or not Keystone XL Pipeline or any other pipeline is built. It means the environmental activists trying to shut down oil sands production are naive at best.

It also means that the President, President Obama, is once again failing to lead, that he once again is failing to be forthright with the American people, and that he is unwilling and failing to make difficult decisions. The President is showing that he thinks his job is really the only job that matters.

Of course we all know Canada will not sit idly by. Canada will add additional pipeline capacity whether or not Keystone XL Pipeline is built.

Canada's Prime Minister, Stephen Harper, has said that the decision to delay approval of Keystone XL Pipeline demonstrates ''the necessity of making sure that we're able to access Asian markets for our energy products.'' That is what the Canadian Prime Minister had to say. He was just in Washington last week. Alberta's Premier, Alison Redford, said that the decision to delay approval of the pipeline ''is a clear reminder about the strategic importance of diversifying our export markets.'' ''A clear reminder about the strategic importance of diversifying our export markets.'' In other words, Canada has a tremendous amount of oil, and Canada will ensure that its oil is brought to market. It may go to the United States, it may go to China, it may go to another country, but Canada's oil will be brought to market.

Thus, the question for President Obama is very simple, very straightforward: Is it in America's interests to reduce our dependence on oil from the Persian Gulf and from Venezuela? Is it in America's interest to create tens of thousands of new jobs at a time of 8.6 percent unemployment? The answer is abundantly obvious. The answer, of course, is, yes, it is in America's best interests to reduce our dependence on oil from the Persian Gulf and Venezuela. It is in America's interest to create tens of thousands of new jobs at a time of 8.6 percent unemployment.

It is time that the President starts to say yes and stops saying no to jobs and to energy—yes to energy security, yes to tens of thousands of new good-paying jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I seek recognition in morning business.

The PRESIDING OFFICER. The Senator is recognized.

PAYROLL TAX CUT

Mr. LAUTENBERG. Mr. President, we are at a time in the calendar that usually is a time of excellent anticipation. Christmas is coming. The holidays are coming. People are trying to

get their families in order, do the shopping, and all the things we have to do. It would seem this is a moment of fairly happy days and the holiday season is here. But these are not happy times for many Americans.

Across our country, families are fighting to keep their heads above water. Some parents do not know how they are going to put food on the table tonight, much less presents under the Christmas tree or during the Hanukkah holidays. That is why our side of the aisle is fighting to continue and expand a tax cut that has benefited millions of working families this year. This is a tax cut for people who need it—families who depend on a paycheck. With the payroll tax cut, the typical family in my State, the State of New Jersey, would receive an extra $40 a week, starting next year. That is what a typical household in the Northeast pays for gasoline or health care each week.

Mr. President, $40 a week adds up to $2,100 a year. For parents who are struggling—as many are—to make ends meet, an extra $2,100 goes a long way to help buy groceries or pay the electric bill or purchase medicines. It can help pay for childcare, preschool or college tuition—the necessities that help ensure children succeed in life.

To make sure all working families continue receiving this much needed relief next year, we are asking America's millionaires—people who earn over $1 million a year—to pay their fair share of what the country needs to get ourselves back into reasonable balance. But the Republicans will not even allow us to vote on a bill that their colleagues in the House approved last night.

I wish to just spend a minute here. The House passed a bill last night. It included tax relief for some and we should take it here and consider it. But the Republicans will not even let us bring up the bill that passed in the House last night, and there is a question as to why. Why will they not let us do it? There is, obviously, a hidden meaning.

But what we see is, the Republicans are acting like Scrooges. This picture I have in the Chamber shows a mean-looking guy, as we see. That is what they want to do for Christmas.

For GOP Scrooges, this is not the season of giving; it is time to take things away. He said: No payroll tax cut for you this year.

They want to take away the tax cut for ordinary working families. The Republican Scrooges want to take away unemployment insurance benefits for 1 million people—imagine, people who are dependent on unemployment insurance at times when they are out of work, to help sustain their families, put food on the table, to try and just keep their heads above water. But that does not matter to our friends on the Republican side.

Today in America there is only one job available for every four unemployed people. This is not the time to cut unemployment benefits.

Republicans also want to weaken safeguards that keep our air clean—filling our atmosphere with poisons and endangering the health of our children. They want to weaken those safeguards.

To add insult to injury, the Republicans are also trying to ram through a massive pipeline that will carry toxic materials into our country—toxic materials. We are so conscious of what damage the toxic environment can do to our families, to our children. But they want to have a pipeline that will carry toxic materials into our country. They want to make it easier for coal-fired industrial facilities to foul the air, spew toxins into our neighborhoods.

It is hard to believe. Instead of gifts, the Republican Scrooges want lumps of coal in the stockings and coal pollution in our lungs.

In many families, it is a tradition to teach children to welcome Santa Claus during the holidays. This year, we are going to tell our kids to hide away from the Republican Scrooges. We are not going to alarm our children and tell them things that are difficult may be even more difficult if some tax relief that is proposed for working-class families is not available to them.

The Republican priorities are different. They want to raise taxes on middle-class families—families who work for a living—to protect luxuries for millionaires: nice boats, airplanes. I do not mind—they have made the money; it is what they buy with it—but at least carry their fair share of our financial needs in this country.

The Republican priorities say they are for lower taxes, but that only goes for the jet set. When it comes to cutting taxes for working families, the Republican mantra is: Hey, we have to take care of the wealthy. We have to watch out for the wealthy, make sure they are OK. Don't ask them to carry more of the load. It is not a good time to deal with them. After all, maybe they will be big contributors to our political campaigns.

Let's not kid ourselves. American millionaires do not need help. They do not need the Republicans' help. Since the 1980s, our country's wealthiest 1 percent of the working people have seen their average household income increase by 55 percent. Let me restate that. Since the 1980s, our country's wealthiest 1 percent have seen their average household income increase by 55 percent—enormous—but for the bottom 90 percent average household income has not increased at all. As a matter of fact, it has gone down because the cost of living has gone up much faster than even any raises that come through.

Even though incomes are growing for the very wealthy, their tax rates are actually going down. Their taxes are going down. We can also look at the chief executive officers to see how well the wealthy are faring.

CEOs at the largest companies are now paid an average salary of $11 million a year. Note that. The largest companies' CEOs are now paid an average salary of $11 million a year. That is 343 times as much as the average worker's salary of $33,000 a year. This comparison is so hard to reconcile. The CEOs of the largest companies have an average salary of $11 million a year, and the average worker's salary is $33,000 a year. Where is the equity in this? When we send the people out to fight, put on the country's uniforms, do the jobs, build the foundations, make sure the country is strong—$33,000 a year. That is tough.

Just a few decades ago, the pay gap between CEOs and workers was much more modest. The CEOs—again, the CEO, people at the top of these companies—were paid an average of 42 times as much as the average worker, as we see on this chart. The chart demonstrates that in the 1980s, the CEOs made 42 times the average worker's pay. So the difference was not that obvious or that big. In 2010, CEOs made 343 times the average worker's pay. There is no equity there.

I come from the corporate world, and I know what big salaries are. I have seen it in my own company. But the one thing you have to do is at least encourage the people who are working for you to understand that they have a chance in life to provide the things we all talk about for our children—a college education, the prospect of a decent job, the prospect of being able to take care of our own family.

The numbers make it clear: Our goal should not be protecting millionaires. They do not need our help. We should be focused on protecting Medicare, food safety, home heating for the poor, and Head Start for little kids who have a first chance to learn—to learn—to understand education, to see how important it is to learn, to start reading books at an early age, to start having conversations with their parents about what is going on in this world.

They want to take those children out of the Head Start facility—so many of them, 200,000; it has been proposed in some of the House budgets—take them out of the Head Start school.

But our Republican colleagues do not want to hear about that. They continue asking the poor, the middle class, the elderly, and our children to bear the entire burden of these tough times.

The Republicans now remind me of what accountants are like. They are people who are obsessed, obligated to deal with the bottom line. There is no soul, no humanity, no compassion—not around here—unless it is for the wealthy. They have compassion for themselves.

Let's be clear: It does not hurt those of us who have been successful to pay our fair share. I remind those within my voice, who hear me, we have two wars going on. We have people paying a terrible price to serve our country's needs—a terrible price. This is a time

for those who are fortunate enough to make above $1 million to say: Hey, I want to help carry this burden. I do not want to ask people who are scratching for a living—just trying to make ends meet—I do not want to ask them to do more without saying I want to do my share.

I was lucky. I ran a very big company. I want to do my share. That is why I am here. That is what I am talking about. To those who make more than $1 million a year, I say: Look in the mirror. Ask yourself if you could succeed without help from anyone else or did your country help you achieve your prosperity. Was it people who built the buildings and built the infrastructure and manned the jobs all across the country—service jobs? They built the foundation upon which those who make $1 million a year build their futures, build their fortunes. That is what happens. But there is not the respect for the hard-working families that we like to see.

I ask our Republican colleagues, think about the true meaning of the holidays.

It is not Halloween, it is not trick or treat, because otherwise that is what the game looks like. This time of the year is about coming together, caring about your fellow man. This should be a season of giving, not taking away the necessities from our country's most vulnerable.

We all remember at the end of a ''Christmas Carol'' when Ebenezer Scrooge opened his heart and became a hero. We need the same kind of miracle here in Congress. We need the Republican scrooges to have a change of heart and work with us to help our fellow Americans this holiday season. We need them to help us continue and expand the tax cuts for working families. We need them to help us continue unemployment insurance benefits for the jobless and clean air safeguards for our children. We need them to help us protect the programs that benefit the people who need them most, whom we need to keep our foundation strong.

To our Republican colleagues, we say, come on, let's work together. Let's do this. Let's put the acrimony aside. Let's put the selfishness aside and say, those who work every day for a living and try to keep things together—and we have millions of people who are looking for jobs who cannot find them right now—let's work together to make sure our children and grandchildren inherit an America that is even stronger than the one we inherited. Show the heart of America. That will be the best gift we can ever give them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

UNEMPLOYMENT INSURANCE

Mrs. MURRAY. Mr. President, there are no more important issues for middle-class families across America than jobs and the economy. This is what they want their elected officials to be focused on. It is exactly what I think we ought to be working on every single day. That is why I have come to the Senate floor again and again to urge my Republican colleagues to stop blocking our attempts to extend and expand the middle-class tax cut so many of our families are counting on. That is why I come to the floor once again today to discuss the urgent need to maintain Federal unemployment benefits for middle-class families across our country. This should be an easy issue.

Unemployment benefits provide a lifeline for millions of families, and it would be simply wrong to cut off this support while the economy continues to struggle and so many of our workers are having so much trouble finding work. Right now, there are more than four unemployed workers for every single job opening. If every opening were filled tomorrow, we would still have more than 10 million workers across the country without a job to even apply for.

Additionally, nearly half of all unemployed workers have been out of a job for 6 months or longer, which is higher than we have seen for more than 60 years.

So millions of Americans are unemployed today, not because they do not want to work and not because they do not have valuable skills but simply because they find themselves in an economy that is not creating jobs as quickly as we need it to. Those unemployed workers are desperate to get back on the job. Unemployment benefits make all the difference for them and their families while they scour the want ads and pound the pavement and send out resume after resume after resume.

I recently sent a letter to my constituents asking for their stories about what these benefits actually mean to them and their families. The response to that was unbelievable. Within a few days, I received hundreds of e-mails. People sent me videos. They sent me pictures of their families. I received story after story from workers and families from across my home State of Washington who are fighting to make ends meet in this very tough economy and who cannot afford to have the rug pulled out from underneath them.

One of those stories came from a woman named Vicki, who lives in Maple Valley, WA. She was an unemployed single mom, lost her apartment, and told me she now has to share a room with her son in a relative's home. Vicki told me she has made every effort—going to interviews, sending out her resumes to hundreds of employers, still not able to find a job.

She understands that in this economy finding a job will not be easy, but she is going to keep trying, and the support she receives from unemployment benefits has kept her and her family afloat and made all of the difference. She said those benefits allowed her to put food on the table for her family and gas in her car so she could go to job interviews. She told me, ''If I lose my unemployment benefits, I do not know what I will be able to do to provide for my son.''

She is not alone. I heard from older Americans such as Judy. She is a grandmother of five from Bothell, WA. Judy told me she had been working for 47 years before being laid off from her teaching job in 2009. She said over the last 12 years she has worked to teach adults the skills they need to move into jobs as bookkeepers and receptionists and schedulers. But in this economy, although she was an expert in her area, even she cannot find a job in those fields.

She wrote to me, saying:

> I want to work, but nobody will hire older citizens no matter how much experience they have. I started looking for a job at the pay level I was at when I was laid off. But after being unemployed now for 2 years, I am even looking at jobs for less than half of that. Still I am told my experience does not match their requirements.

For Judy, unemployment benefits are not the solution. She wants a job. But they provide her with some critical support while she looks for that last job before she can retire.

I also heard from Sheila from Bellevue, WA. Like Judy, she is close to retirement, but she was laid off last year from an engineering technician job that she told me she loved and now she is desperate to get back to work. After sending out over 500 resumes since then, she has had 4 interviews. In her e-mail to me, Sheila wrote:

> I was devastated when I was laid off. I now look for work 7 days a week. I have worked hard my entire life. I do not want everything I have worked for to disappear.

She told me that is what would happen if her unemployment benefits run out now.

Finally, I received a video message from Scott in Olalla, WA. Scott told me that after working at the same company for 20 years, he was laid off in March and filed his first unemployment claim in the 30-plus years he has been in the workforce. He said he always thought unemployment insurance was for the other people, never thought he would be the one collecting it. Now he calls it a godsend for him and his family. In his video, Scott told me about the uncertainty his family would face if his benefits expired before he could get back on the job. If this happens, Scott said:

> I cannot imagine what it would do to my family to lose our home. We spend our money wisely. We live well within our means. But if we lost our home, we would be just another statistic. The last thing I want to do is to explain to my wife and my daughter that we have to leave our home.

That is exactly what he said would happen if he loses his unemployment benefits in this tough economy.

Those are just a few of the many stories I have received. There are so many of them out there. Millions of the people across America, including about 100,000 in my home State of Washington, will stand to lose their benefits

that they count on if Congress does not act by the end of this year, in a few short weeks. These workers are not looking for a handout. They do not want to be a burden, but they need support while they get back on their feet and back on the job.

In this struggling economy, maintaining these unemployment benefits is critical. The nonpartisan Congressional Budget Office has said maintaining unemployment benefits is one of the most effective policy tools we have now to boost the economy and get money into the pocket of our consumers. If they are cut off, it would not just be devastating for the families who count on this support, it is going to hurt our small businesses and communities to have billions of dollars pulled away from consumers who spend it every month on food and rent and clothing. We cannot afford to have this lifeline cut off. Our great country has always been a place that stands with our middle-class families when times are tough and gives them the support they need to get back on their feet and back on the job and contributing to their communities once again.

I urge all of our colleagues to stand with us as the holidays approach, to maintain these unemployment insurance benefits that so many of our families are counting on, and to keep working to cut taxes for the middle class and get our economy moving again and put our country back to work.

On that last point, before I finish, I want to join our majority leader and so many others who today called on Republicans to stop blocking their own bill and allow it to be brought up for an up-or-down vote. We know the Republican bill that passed the House yesterday is going to fail. It is bad policy, and many in their own caucus apparently do not support it. Their bill takes some of the policies we are fighting for to support the middle class, including unemployment benefits, waters them down, and then adds a whole bunch of tea party red meat to attract the Republican support it needed to pass the House.

I am focused on delivering the tax cuts that middle-class families need and deserve, so I will vote against the Republican bill if it is allowed to come up. But I cannot believe that our Republican colleagues are now preventing us from taking a vote on their own bill and then not allowing us to come together, which we need to do in these last few days before the holidays, to get a bipartisan deal and get it to the American people. They expect us to do this job. That is what is holding us up.

I urge our colleagues to sit down, work out an agreement, so that we can all celebrate the holidays with our families, and the families out there who are counting on us will know we have done the job for them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

THE KEYSTONE XL PIPELINE

Mr. THUNE. Madam President, I think there are a few things that many people across the country, and, hopefully, in the Congress, agree upon. One is that we need to focus like a laser on creating jobs. That is something I think there is universal agreement on here.

I also think there is universal agreement that we ought to become more energy independent as a nation. We need to look for ways in which our country can lessen that dangerous dependence we have on foreign sources of energy. We import a good amount of our oil from other places around the world—some of them not so friendly regimes. That is why it is such a mystery as to why the Keystone XL Pipeline project is running into such resistance from the administration.

It is ironic in many respects because we had the President of the United States, several months ago, saying:

> We are going to have to import some oil; and when it comes to the oil we import from other nations, obviously, we've got to look at neighbors like Canada and Mexico that are stable, steady, and reliable sources.

That is what the President said earlier this year, that if we are going to get energy, if we are going to import oil, we ought to import it from countries that are friendly to the United States. I argue there is no country more friendly to the United States than Canada, with whom we have a very robust trading relationship. We do about $640 billion of bilateral trade annually with our Canadian neighbors. So thinking that we might be able to get oil from Canada, as opposed to from Venezuela or somewhere in the Middle East, seems like a good option for this country—a good option that policymakers here ought to be very supportive of.

That, again, makes it an even greater mystery as to why the administration has insisted on blocking or even making a decision about whether we can develop a project called the Keystone XL Pipeline, which would take advantage of those oil resources available in Canada and bring them into the United States, transport them through a pipeline that is 1,700 miles long to refineries where that product can be refined, and people here could benefit from it or it could be sold perhaps somewhere else. Nevertheless, it would benefit the economy.

Both in the initial stages when the project is under construction, as well as later on, it will create lots of jobs. In my State of South Dakota—the pipeline would come through South Dakota as it makes its way down to the refineries, and we would benefit from hundreds of jobs that would be created and $½ billion in economic activity will be created alone in South Dakota. That is during the construction phase, not to mention all the State and local tax revenue that would benefit many of the local governments across my State and other States through which the pipeline would traverse.

It is increasingly a mystery—I don't know how else to describe it—a curiosity or something—to those of us who see the great benefit in getting our oil resources from a friendly country like Canada as to why this administration would be so opposed even to issuing a decision on permitting this pipeline project that would enable that oil to come from Canada through to refineries in this country.

The other issue on which there is universal agreement is that we ought to put policies in place that create jobs. There is no greater shovel-ready project than the Keystone XL Pipeline. It would have an immediate impact of 20,000 jobs that will be created immediately—a $7 billion initial investment and billions more over the years as this project continues to be utilized. Furthermore, I argue that it will create other opportunities for energy project development. Certainly, the Bakken oil find in North Dakota would stand to benefit from having a pipeline this accessible to it. It creates all kinds of spinoffs and other types of economic activity that would be good for jobs.

We will have something that lessens our dependence upon foreign sources of energy by about 700,000 barrels of oil a day, creates hundreds of thousands of jobs, and enhances the ability of State and local governments to collect revenues, which they desperately need for their own purposes and needs. Yet here we are looking at this project—or at least a decision on it—being blocked by this administration for no apparent reason other than politics, I argue.

We are heading into a political year, and the President is running for reelection next year. I think it is clear that the delay on a decision on this project for 18 months was clearly designed to get past the Presidential election so the President would not have to make a decision that splits his political base. We have the labor groups that are for it and the environmental groups that are opposed to it. I guess it must be a political decision for this administration to delay this project. It doesn't make sense for America and American workers.

The President says he gets up every day and he thinks about what he can do to create jobs. Well, here are 20,000 immediate jobs that we can benefit from right away—not to mention the many jobs that would come if this project was built.

As we look at the legislation sent to us from the House of Representatives, it includes this Keystone XL Pipeline language that would allow a decision

to be made 60 days from its enactment. So we could accelerate at least the period in which this decision could be made.

Why is that important? Because this project is going to go on one way or the other. If it is not built in this country, it will be shipped somewhere else around the world—perhaps China or another country—and the American workers and the American economy will suffer, and the American need that we have for energy will not be met. We are not going to benefit or be advantaged by not having this project here or if it goes someplace else. That makes absolutely no sense for our economy, no sense for jobs and for many States that are in support of this project.

I hope as this debate gets underway on the proposal sent from the House of Representatives, the sticking point, the thing that hangs it up is not the Keystone XL Pipeline. People will probably have honest disagreements about various provisions in the legislation being sent to us from the House, but one thing that should not delay or in any way detour this from being considered in the Senate is resistance or objections to a final decision being made on the Keystone XL Pipeline.

I want to read a few things for you that have been said by some of the folks across this country who think this is a good idea. Many represent working people—the labor unions. The Teamsters said:

> The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

The AFL–CIO said:

> For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: Jobs.

Look at what has been said by the Brotherhood of Electrical Workers:

> At a time when jobs are the top global priority, the Keystone project will put thousands back to work and have ripple benefits throughout the North American economy. Our members look forward to being part of this historic project and pledge to deliver the highest quality work to make it a success.

That is what some of the labor leaders are saying. I want to read what some key Democrats in Congress have said about this. These are a few excerpts from Democratic Members of Congress:

> America truly cannot afford to say ''no'' to this privately funded, $20 billion jobs-creating infrastructure project, which could bolster our economic, energy, and national security. To that end, we respectfully urge you to ensure that the Presidential permit is issued for Keystone XL.

Here is another quote:

> Mr. President, America needs the Keystone XL pipeline. It is in our national interest to have a permit issued for Keystone XL as soon as possible.

The Department of State's final environmental impact statement reaffirmed the findings of the two previous environmental impact statements; namely, that the pipeline will have no significant impact on the environment.

So we have a project that has been OK'ed by the environmental agencies in this country, the people who look at the environmental impacts, who have said this project is ready to go. We have labor organizations that are waiting and are saying this is important to getting people back to work. We have Democrats in Congress who have said this is a project that we should be for. In fact, there was a vote on this language in a freestanding bill in the House recently. There were 47 Democrats who came out in support of the Keystone XL Pipeline legislation. So we have 47 Democrats on record.

Mr. CONRAD. Madam President, I have some sympathy for the position I hear the Senator enunciating—that the issue of the pipeline ought not to be the thing that prevents us from moving forward. I personally think the pipeline is absolutely in the national interest. It will help us reduce our dependence on foreign energy—at least foreign sources that are hostile to our interests.

The big question is—at least for this Senator—would the language permit a rerouting of the line within the State of Nebraska so that the question of the Ogallala aquifer would not be addressed? Is it the Senator's understanding that the language that has come to us from the House would permit Nebraska to reroute the line to avoid the aquifer?

Mr. THUNE. Madam President, through the Chair, I would say to my colleague from North Dakota that my understanding is the legislation does permit that to happen, and that is why I believe the State of Nebraska, including the Governor and our colleagues here in the Senate from Nebraska, have now come out in support of this. Whereas previously there had been some concern about the Ogallala aquifer, my understanding is the legislation allows for that issue to be addressed. And I have a statement here from the Governor of Nebraska expressing his support for this legislation. So it does strike me that at least that should not be an issue that in any way deters consideration of this pipeline and that we shouldn't have to wait 18 months.

I am saying to my colleague from North Dakota—and I think he recognizes the value of this, as he is from North Dakota, and obviously his is a State that could be favorably impacted by the economic activity resulting from this pipeline—that if we don't do this, somebody else is going to benefit from it. This is not going to wait around. There are vast oil sands reserves up in Canada, and they are looking for a place where they can get this to a refinery and get it refined. If the United States doesn't move forward, some other country is going to benefit.

Mr. CONRAD. If I could just say to my colleague, Canada is going to develop this resource. This oil is going to go somewhere. It is absolutely in our national interest for that oil to come to our country. If the language is, as the Senator represents, that it permits the rerouting of the line within Nebraska to avoid the issue with the Ogallala aquifer, then I, for one, on this side, would hope this could be part of the final package.

I hope this is something we can work through in the coming hours. This should not be the thing that prevents us from reaching across the aisle, reaching across the divide between the two Chambers and achieving a result that is critically important for the country.

I thank the Senator for allowing me to ask this question.

Mr. THUNE. I appreciate the question and comments of the Senator from North Dakota. I couldn't agree more with the sentiments he expressed.

I do believe we have in front of us something for which there is a lot of bipartisan support—an extension of unemployment insurance benefits, with some reforms, a payroll tax cut extension, a fix for the physician reimbursements under Medicare, and a number of other things that have been put into this with an eye toward not only addressing what are some very serious concerns—many of these things expire at the end of the year—but also something that would really create jobs, that has a jobs component to it that would do something positive for our economy.

I hope that we can find a way to come together and that this does not become a deterrent to the legislation that is going to be before us in the not too distant future—the proposal that came to us from the House of Representatives. I certainly hope that doesn't unravel as a result of the Keystone XL Pipeline language being included because I recognize—as the Senator from North Dakota has expressed, and many of his colleagues on his side, along with many of my colleagues on our side—the value of what this could do for jobs, what this could do for our economy, and what this could do for America's energy needs. This will enable us to do business with a friendly partner to the north—Canada—as opposed to continuing to import oil from other countries around the world with which we do not have that kind of a friendly and stable relationship.

I would hope the President would make a decision not to get in the way or assert pressure on Members on his side to vote against this simply because it includes this particular provision. It is good for America, it is good for the States that are impacted, and many of the local governments would benefit. It is certainly good for jobs and the economy, as has been voiced by the various labor unions across this country that represent working Americans. With 700,000 barrels of oil coming to America from Canada, we would be creating economic activity and jobs versus 700,000 barrels of oil going someplace else around the world and some

other country benefitting and our becoming even more dependent on foreign sources of energy.

So, Madam President, again, I don't know what to say. This is a no-brainer, and so I hope the Senate will find its way before we adjourn for the Christmas holiday to enact this legislation that has been put forward that would enable this project to be decided. It doesn't prescribe one way or the other what the President does; it just says the President either has to approve it or give a reason why it is not in the national interest.

I see the other Senator from North Dakota, Mr. HOEVEN, is here as well. He has been a leader and involved in getting this legislation introduced. I thank both my colleagues for recognizing its importance, and I hope we can move legislation that will get this project decided one way or the other. In my view, an affirmative decision would be preferable and would allow us to move forward.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

ECONOMIC POLICY

Mr. CONRAD. Madam President, I wanted to come to the floor to discuss the question of extending the payroll tax cut, dealing with unemployment insurance, dealing with compensation for doctors who treat Medicare patients, and also addressing the question of the alternative minimum tax and, of course, the other tax extenders as well.

This is a key moment for the country. As I expressed earlier—as Senator THUNE was addressing the body—I personally do not believe the Keystone Pipeline should hold us back. This is something upon which I think we could get broad agreement, especially if the language is as the Senator has represented and as Senator HOEVEN has assured me—that it permits the State of Nebraska to reroute that line so that the Ogallala aquifer is not in danger. In my judgment, it is entirely in the national interest to get the Keystone Pipeline advanced. So that should not be the issue that hangs us up.

As we look at things that are holding back the economy, unemployment remains far too high, the housing crisis continues, and we have weak consumer confidence and demand. That really is at the heart of our ongoing economic weakness. Personal debt is still near record levels. We have tightened borrowing standards for businesses and consumers. I hear very often that even good businesses with good track records at paying back loans can't secure the credit they need to expand. And we have State and local budget cutbacks that are continuing.

As we look at the private sector jobs picture, there is some good news because we have now had many months of expansion of private sector payrolls. In fact, if we go back to 2010, in March of the year, ever since then we have seen private sector payrolls increasing to the tune of millions of jobs. So there is progress being made.

When we look at the reason there has been progress, I believe two of the most distinguished economists in the country gave us a background to understand why we are seeing this progress after one of the greatest financial debacles in our country's history. Alan Blinder, the former Deputy Chairman of the Federal Reserve, and Mark Zandi, who was an economic adviser to the McCain campaign, did an analysis of the Federal Government's response to the financial crisis and the recession. Here is what they found, and they are speaking of TARP and the stimulus:

> We find that its effects on real GDP, jobs, and inflation are huge, and probably averted what could have been called Great Depression 2.0. When all is said and done, the financial and fiscal policies will have cost taxpayers a substantial sum, but not nearly as much as most had feared, and not nearly as much as if policymakers had not acted at all. If the comprehensive policy responses saved the economy from another depression, as we estimate, they were well worth their cost.

Madam President, we have a debate going on in this country about economic policy, and our friends on the other side believe that they have the answer, that they have the prescription. I would just remind those who might be listening that it was their policy and their prescription that led this country to the brink of economic collapse. They controlled the economic policy of this country for 8 years, and they put in place a series of policies that they said would dramatically expand job opportunities in this country and strengthen the economy. But we know what happened.

At the end of 2008, I was in the meeting here in the Capitol with the Bush administration's Secretary of the Treasury and Chairman of the Federal Reserve. They told us they were taking over AIG, the big insurance company, the next morning, and they told us that if they did not, they believed there would be a financial collapse within days. Going back to the same tired, failed economic policies that put us in that position is a mistake—a profound mistake. Hopefully we would learn from history.

I believe what is needed now is for America to take steps to strengthen the economy in the short term but to combine that with fiscal discipline over the mid and longer term so that we can get back on track and face up to this debt threat.

Two of the more distinguished economists in the country, in addition to the two I have already cited, have just concluded work for the Peterson Institute for International Economics. These are the Reinharts—Dr. Carmen Reinhart and Dr. Vincent Reinhart—and this is what they concluded following severe financial crises. They found that economic recoveries are shallower and take much longer. Here is what they said in their analysis:

> Real per capita GDP growth rates are significantly lower during the decade following severe financial crises. In the 10-year window following severe financial crises, unemployment rates are significantly higher than in the decade that preceded the crisis. The decade of relative prosperity prior to the fall was importantly fueled by an expansion in credit and rising leverage that spans about 10 years; it is followed by a lengthy period of retrenchment that most often only begins after the crisis and lasts almost as long as the credit surge.

What they are reporting to us, after looking at a long period of economic history and dozens of countries, is that after a financial crisis, recovery takes much longer than is typical from a standard recession.

We now have a bill that was sent over from the House that I believe has serious defects. I believe that bill is a nonstarter.

First of all, the House leaders included extraneous provisions making it a partisan bill. President Obama has said he will veto it. Even the Senate GOP won't vote on it. So we have the curious circumstance where we have a bill sent to us by the House of Representatives, controlled by the Republican Party, and the Republican Party in the Senate won't permit a vote on the Republican bill. One might ask, why would that be? Perhaps the reason is they know there aren't many votes for it in this Chamber, just as there weren't many votes for it when it was previously offered on this side.

So more than just extending the payroll tax cut is at stake. We also need to extend unemployment insurance, and we need to fix the cut that is about to happen to doctors who treat Medicare patients. That is the so-called doc fix. We need a compromise, not just partisanship, from both sides. Both sides need to find a way to come together.

I have tried to indicate on this side a willingness to cross the partisan divide with respect to the Keystone Pipeline. Some on the other side have said that is important for their support for this legislation. I have said—at least speaking for me—that I am prepared to support the Keystone Pipeline because I do believe it is in the national interest.

As we look at the effect of allowing the expiring payroll tax cut to die, this is what Goldman Sachs said to us:

> Should [the payroll tax cut and extended unemployment benefits] expire at the end of the year, fiscal drag will be intense in 2012.

In other words, because there will be a reduction in demand in the economy, we will see lower economic growth, we will see lower job creation, we will even see a risk of returning to recession. This is from Goldman Sachs, the U.S. Economic Analyst, ''What Turns a Stall Into a Slump?'' They are telling us one way to turn a stall into a slump is to fail to extend the payroll tax cuts and to extend unemployment insurance benefits to those who have been out of work for extended periods of time.

That is not just the view of Goldman Sachs. I wrote a letter to the Congressional Budget Office—that is nonpartisan—and I asked them which of

the policy initiatives we could take would give us the biggest bang for the buck. What they told us is No. 1 would be extension of unemployment insurance. Why? Because the people who receive those benefits are most likely to spend the money. That means there would be increased demand in the economy, and that would give additional lift.

Let me be swift to add: For those who are concerned about deficit and debt, I am with you, absolutely, because our long-term threat is this growing debt. But CBO has told us in testimony before the Budget Committee there is no contradiction between taking steps in the short term to give lift to the economy and taking steps in the medium term and the longer term to rein in deficits and debt.

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

Mr. CONRAD. Madam President, I ask unanimous consent for an additional 3 minutes.

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

Mr. CONRAD. I thank the Chair and I thank my colleagues.

This is what JPMorgan Chase has said on expiring payroll tax cut and emergency unemployment benefits:

> For 2012, the more important issue is what happens to expiring stimulus measures. . . . Together, [the payroll tax cut and the emergency unemployment benefits] have lifted household disposable income by about $150 billion this year. If they expire as scheduled, consumption growth early next year would be challenged. . . . In our baseline view, the drag from tightening fiscal policy [including expiration of the payroll tax cut and emergency unemployment benefits] could subtract 1.5%–2.0% from GDP growth next year.

Since GDP growth is only forecast at 2.5 to 3 percent, a reduction of 1.5 to 2 percent would be a dramatic reduction.

This is what Mark Zandi, the chief economist of Moody's Analytics, said:

> If policymakers do nothing here, if Congress and the administration just sit on their hands and they do nothing, the odds are very high we'll go into recession early next year. . . . We have a payroll tax holiday, all of us. . . . We'd be in recession right now without it. . . . If they don't [extend] that, at the very minimum, we'll likely go into recession.

I hope very much that colleagues are listening. I hope very much that we are able to proceed to address this matter of extending the payroll tax cut and of extending unemployment insurance.

I think I want to end as I began. If we had not had the government response in TARP and stimulus, Zandi and Blinder—two of the top economists in this country, one who was an adviser to the McCain campaign, one who was the Deputy Chairman of the Federal Reserve—have said we would be in a depression today. We would be in a depression today, with 16-percent unemployment and 8 million fewer people having jobs. We ought to pay close attention to that advice. We ought to act on it, and we ought to do it together. We ought to find a way for principled compromise on both sides.

This body is bigger and better than we are demonstrating at this hour. We have the chance to prove to the American people that we are worthy of their confidence and that we are able to respond and do the urgent business of the Nation. I hope we don't disappoint them.

I thank the Chair and my colleagues for the courtesy of the additional time, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Madam President, I ask unanimous consent the period for morning business be extended until 7:30 p.m., with Senators permitted to speak up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from North Dakota.

KEYSTONE XL PIPELINE

Mr. HOEVEN. I wish to begin by thanking my esteemed colleague from the great State of North Dakota. I appreciate very much his support for this important project as he has again expressed. This is something we worked on for a great length of time. It is something we have quite a bit of background and experience with, energy production and the infrastructure needs that go with it. Again, I express my appreciation to Senator CONRAD for his support of the project, and also for expressing, and I think doing so in very eloquent terms and in terms that are very much appreciated, that he feels this is something that needs to advance; that he feels as we work forward in terms of determining how to handle the payroll tax cut holiday issue, this is something that can be helpful and constructive.

I am here to speak in support of the Keystone project. You might say, Why? Why is it important that we move forward with this project? Well, first and foremost, because it is a tremendous job creator, but also because it reduces our dependence on foreign sources of oil as well as improving environmental stewardship. I want to take a minute to talk about all three aspects of the legislation.

Together with my colleagues, I put forward the North American Energy Security Act of 2011. Essentially, that legislation clears the path to move forward with the Keystone XL Pipeline project.

For those who may not be familiar with the Keystone XL Pipeline, I brought this chart that actually shows the route it travels. It is a 1,700-mile-long pipeline which runs from Alberta, Canada, down to our refineries in the gulf coast region. As you can see, it is this blue line laid out on the chart. Right next to it we have this red line. This is the Keystone Pipeline. I will take a minute to talk about that, because I think it is important in the context of what we are trying to do with Keystone XL.

Prior to being elected to the Senate, I served the State of North Dakota for 10 years as Governor. During that time, we worked with many companies to develop pipeline infrastructure in North Dakota as we produced more and more oil for this Nation, but we also worked with our neighbors from the North who provide oil to our country as well, in fact 2.2 million barrels a day, to move that product safely into our country.

The Keystone Pipeline, built by TransCanada, as you can see, tracks from Alberta, Canada, all the way down to Patoka, IL. So it is similar in that it brings Canadian crude into our refineries here in the United States, which is refined and reduces our dependence on other sources of oil. About 590,000 barrels a day flow through the Keystone Pipeline right now. So when we talk about the Keystone XL project, we are not talking about something which hasn't been done before. In fact, we just got done permitting this pipeline, which is almost identical, bringing oil from roughly the same place in Canada down to refineries into the United States. That has already been approved by EPA and the Department of State. It went through the requisite NEPA and study processes, it went through the proper processes with the Department of State, and it has been approved, 590,000 barrels a day coming into our country to reduce our dependence on oil from places such as the Middle East and Venezuela right now. So when we talk about Keystone XL, we are not talking about doing anything we haven't already done.

This pipeline—which would run a little bit to the west—again roughly starts up about the same place, Alberta, Canada, comes down further than the existing Keystone Pipeline down to our refineries. It is important to know that this isn't just about moving crude oil from Canada to the United States. This is also about moving oil within the United States.

In this part of our country, in North Dakota and in Montana, we are producing a tremendous amount of oil. My home State of North Dakota today is closing in on oil production of 500,000 barrels of oil a day. We will put 100,000 barrels a day of crude oil, such as sweet crude, into this pipeline as well. So it is not just about moving Canadian oil in America, it is about moving oil within our country, production from the Bakken region in the Williston Basin, down to our refineries.

Also, you will notice that the pipeline comes down to Cushing, OK. Right now we have a backlog of oil in Cushing, OK, and this pipeline will move oil from Cushing down to the refineries in Texas and Louisiana. So it helps solve bottleneck issues, moving oil in our country, which will help reduce prices to consumers as you eliminate some of these bottlenecks and price disparities.

Again I go back to the point of my being here today, talking about this legislation, which is solutions-oriented legislation, problem-solving legislation. What it does is it creates jobs, it reduces our dependence on Middle East oil, and again it provides better environmental stewardship. So when I say it is solutions oriented, what do I mean by that? The issue, as I think most people who follow this issue will recall, the concern or the problem was in the Sandhills region of western Nebraska. Concern had been expressed about going through the Sandhills of Nebraska. That is an area where we have the Ogallala aquifer, and there was concern there that there might be an issue should there be any kind of breach in the pipeline. So that was the issue.

However, the State of Nebraska recently had a special session. In that special session, they said, Hey, we will work to reroute the project to eastern Nebraska, similar to the pipeline that already exists. That eliminates the problem. Now we don't have an issue anymore in the Sandhills area of Nebraska.

The legislation we have written and that has now been incorporated into the House bill takes that very solution and incorporates it into the legislation. It says the Nebraska Department of Environmental Quality can work with EPA and the State Department to reroute the project in Nebraska so there is no longer an issue. We solve the problem. It is problem-solving legislation.

We say as to the entire project that the administration, with State, the EPA, and so forth, has to make a decision on whether to approve the project within 60 days. Is it in our national interest? They have to make that decision within 60 days so the project can get started and we can start creating those construction jobs. But as to Nebraska, they are not bound by the 60 days. They have the time they need to incorporate the solution from the State's special session.

All we are saying is this project has been studied for 3 years. It has been studied for 3 years already. It has gone through the NEPA process. It has gone through the full EIS. State was ready to make a decision. It got held up because of Nebraska, and we specifically addressed that problem. Now it is time to go forward. That is why this is problem-solving legislation.

Again, this is about creating jobs. This is about reducing our dependence on Middle East oil. We absolutely address the issue of Nebraska. We do not set a 60-day time limit on it. As to the rest of the project, we can get started.

Let's talk about who supports the project. The Prime Minister of Canada, Stephen Harper, has talked to our President and said, look, our greatest ally is Canada. Canada says, this is a very important project for Canada. This is about producing our energy resources in Canada. This is about jobs and economic opportunity in Canada.

Let's join with our best ally and together create jobs and produce energy we can count on.

The issue has been brought up about environmental stewardship. For those who say we have some concerns about producing oil in the oil sands region of Canada, I submit Canada is doing what we are doing. North Dakota all the time is improving their technology in order to improve their environmental stewardship. For example, going to in situ mining rather than for excavation for things such as producing the oil sands.

The point we have to understand that is very important is, if the pipeline doesn't go this way, if the pipeline doesn't go south, it is going to go west. If this product does not come to the United States, this 700,000 barrels, it is going to the west coast of Canada, where it will be loaded on ships and it will go to China.

We have a choice to make. Do we want to reduce our dependence on oil from the Middle East and from Venezuela and other parts of the world where we have real security issues? Do we want to increase the relationship and the economic ties with our best ally in the world or do we want 700,000 barrels a day of Canadian oil going to China instead?

By the way, let's talk about the environmental stewardship. That means we have to haul it over there on oil tankers. We have to continue to bring our product in on oil tankers, so we have higher emissions instead of lower emissions. Instead of that oil being refined in the cleanest refineries in the world, which we have, it is going to be refined in refineries in China, which have much higher emissions.

Again, the whole focus of the legislation—I authored the bill. The whole focus in writing this bill was to say: How do we solve the problem? How do we deal with the concerns? How do we make sure we are being fair to people but that we move forward with real job creation, with producing more energy to increase our energy independence with our good friend and neighbor, our strongest ally—Canada? How do we continue to do more in terms of private investment, deploying technologies, creating better environmental stewardship? It is about problem-solving legislation.

We can see we have not only the U.S. Chamber of Commerce now supporting this legislation, because they want to see job creation, but we have all the large building and trade unions supporting it as well—AFL–CIO, International Brotherhood of Teamsters, International Brotherhood of Electrical Workers, Labors International Union of North America, United Association, International Union of Operating Engineers.

It is America's workers who are clamoring for the expedited approval of this important project. We can't wait.

Mark Ayers, president, Building & Construction Trades Department, AFL–CIO:

> The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

James P. Hoffa, International Brotherhood of Teamsters:

> At a time when jobs are the top global priority, the Keystone Project will put thousands back to work and have ripple benefits throughout the North American economy. Our members look forward to being part of this historic project and pledge to deliver the highest quality work to make it a success.

President Edwin D. Hill, International Brotherhood of Electrical Workers. The list goes on.

As I said, this project has been studied for 3 years. We have already built the sister project. We have gone through that whole process. This has been studied for 3 years already.

How much will this project cost the American taxpayer? This is a $7 billion investment, but it is private investment. It is private investment that stimulates job creation. Not only will it not cost the American taxpayer one dime, The Perryman Group from Waco, TX, estimates it will create hundreds of millions of dollars in local and State revenues.

Our country faces some real challenges. One of those challenges is we have to get people back to work. We have 8.6 percent unemployment. We have 13.3 million people looking for work. We need to get them back to work. So government needs to create the legal, tax, and regulatory environment that stimulates private investment and gets people back to work. This legislation, this project, helps do that.

We have a deficit and a debt—a deficit of about $1.3 trillion, a debt that is now $15 trillion. When our President took office, our debt was $10 trillion. The national debt was $10 trillion. Today it is $15 trillion.

We have to get a grip on our spending. We have to start finding savings, but at the same time we have to grow this economy. We have to get private investment going and grow this economy. That growth in revenues and controlling our spending is what will reduce the deficit and the debt.

You know what, we have to do more to reduce our energy dependence on places such as the Middle East and Venezuela, where we have real challenges. This is the kind of project that can do it. I submit we need to move forward. This body has the opportunity to truly empower the kind of investment we need to move our economy forward, to create greater energy independence, and to help Americans get back to work. That is exactly what they want. I encourage my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

BALANCED BUDGET AMENDMENT

Mr. KIRK. Mr. President, too often we have set-piece speeches in the Senate without any resort to the traditional debate, where two sides are equally dividing time without a set script on a critical issue before our country. I would like to restart the true Senate tradition of debate with a debate with my colleague from Delaware.

I will yield to him right now.

Mr. COONS. I thank Senator KIRK. I am grateful for the Senator inviting me to join him in a real debate on the floor on an issue about which we disagree and about which we cast opposing votes earlier today. It is an issue of real import to our country. It is something that has been debated in the past and will be in the future but essentially whether we should have a balanced budget amendment.

Mr. KIRK. What I would like to do now, in sort of a chess clock style, is take 10 minutes, with unanimous consent, to be equally divided between me and the Senator from Delaware on the subject of the balanced budget amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered. For 10 minutes, the Senator from Illinois and the Senator from Delaware may engage in a colloquy. The Parliamentarian will keep track of the time of each, to the best of our capability.

Mr. KIRK. Mr. President, the United States needs to adopt a balanced budget amendment to the Constitution. It was a good idea when Thomas Jefferson backed it and it is an even more important idea today. What we are seeing in Europe is a collapse of government finance because they have spent too much, taxed too much, and borrowed too much. Not only do they have a crisis of their government debt, but they have higher taxes and lower economic performance because of that philosophy.

We cannot repeat that mistake. That is why the Senate should have adopted a balanced budget amendment. I will speak in bipartisan fashion—any of the balanced budget amendments we considered today would have been better, rather than to subject our country to a rising tide of debt and an economic model which is already, we are seeing, failing in Europe.

Mr. COONS. I could not agree more that we need to be responsible; that the United States and this Senate need to face our serious and crippling national deficits and debt.

It was a good idea when Thomas Jefferson recognized that a balanced budget amendment was a bad idea. Thomas Jefferson actually, several years later, after supporting a balanced budget amendment, acted as President in ways that demonstrated he understood that real opportunities required extraordinary capabilities by the Federal Government.

I was a county executive. Others in this Chamber who were mayors or Governors lived with balanced budget requirements and it imposed great restrictions on us. It forced us to make tough decisions on annual timelines, so I understand why it is tempting to consider passing one of the balanced budget amendments that were before this Chamber today.

But there is a difference between the Federal Government and the State and local governments. Thomas Jefferson acted decisively to make the Louisiana Purchase possible and to finance the War of 1812. During the current economic downturn, if the Federal Government had not been able to borrow and invest in restoring growth to this country, we would not have had a great recession, we would have had a second depression. I am convinced of it, and it is one of the reasons I think, had the balanced budget amendment been in place, we would have been in even greater trouble than we have been over the last few years.

Mr. KIRK. What we see now, today, though, is that we are awash in $15 trillion in debt and that since the creation of the triple A credit rating by Standard & Poor's, the United States has now lost that rating.

When young Americans are born today, they already owe the Federal Government $40,000. So they will have a lower income and a higher tax burden throughout their working lives because of the debts put on them.

The biggest reason for a balanced budget amendment, though, is we have a structural inability to represent young Americans. They cannot vote until they are age 18. Yet the representatives of their parents can transfer tremendous burdens onto that young generation of Americans. The essence of the American dream is that our children's lives will be better than our own. But given the weight of the debt we are now transferring onto the backs of the next generation, that may no longer be possible.

We absolutely have to have a structural way to prevent one generation from transferring new spending and new debt to the new generation so the American ideal is preserved and so they have a fighting chance to have a better life than their parents.

Mr. COONS. This Senate can, should, and has shown the ability to reach balanced budgets—no, in fact, surpluses—within living memory. In fact, when President Clinton was the President, this Senate and the House acted together. They adopted budgetary self-restraint.

Why amend the Constitution of the United States, our most foundational document, when we have within our own power, recently demonstrated in the late 1990s, the capacity to control ourselves?

The Senator and I agree we are leaving to our children an enormous, crushing legacy of a national debt that has exceeded safe boundaries. But why amend the Constitution in order to force the Senate to do our job? Instead, I think we should embrace some of the tough, big, bold, bipartisan proposals that have been put on the table—whether the Bowles-Simpson Commission or others. The framework of a broad deal that requires sacrifice from all, changes to the spiraling Federal spending, and changes in the direction of the country is on the table before us. Why take a detour into amending America's foundational document rather than simply stepping up and doing the job that is before us?

Mr. KIRK. The job of each generation is to make sure the Constitution deals with critical problems facing the country, so we amended the Constitution so we could prohibit slavery. We amended the Constitution so we could grant women the right to vote. We should amend the Constitution to prevent one generation from encumbering the next generation.

America is the greatest experiment in self-government and, more important, the underlying value of self-rule ever designed. But we have seen in recent days that self-control disappear. We work in the Senate, now well onto I think 900 days, without a budget. This is the most successful corporation, the most successful enterprise on Earth, representing the real aspiration for human dignity and freedom. Yet that is in danger if we become indebted to China and other countries in ways that no previous generation of Americans have done. This country has regularly amended the Constitution to fix inequities in our society, and the growing inequity we see today is debt and deficits, especially to other countries. Therefore, we should amend the Constitution to protect those who cannot yet vote from an economic fate that would otherwise befall them.

Mr. COONS. Mr. President, how much time remains?

The PRESIDING OFFICER. On the Senator's side, 2 minutes 20 seconds; on the side of the Senator from Illinois, 1 minute 16 seconds.

Mr. COONS. Mr. President, as the good Senator from Illinois suggests, we are, indeed, encumbering future generations with a debt that has risen above $40,000 per American. This is a central challenge of our time, one in which our national security leadership has cited as critical to ensuring our security and our liberty going forward. But, in my view, the balanced budget amendment that was advanced through S.J. Res. 10 earlier today would compel exactly the sort of intergenerational burdens that my good friend from Illinois suggests he seeks to avoid.

Let me be clear. The requirements of that balanced budget amendment include a spending cap, a supermajority requirement to raise the national debt, and a two-thirds requirement for any increase in Federal revenue. Those in combination would compel drastic, immediate, and substantial reductions in a wide range of programs—such as Social Security, Medicare, Medicaid, veterans benefits—that if imposed would

have not just a short-term, very negative impact on our current economy but a significant restructuring of the longstanding relationships between individual citizens and generations.

Yes, leaving a legacy of debt to the next generation is a terrible thing for us to do, but leaning on the crutch of the Constitution and the fig leaf of a constitutional amendment to avoid doing our responsibility—a job which the Senate is fully capable of doing—avoids that responsibility to the next generation.

I close with this question: As we say in the law, if there is a right, what is the remedy? If we were to pass this constitutional amendment, how would it be enforced if the Senate in the future were to fail to balance the budget? Would lifetime Federal judges around the country be imposing choices in terms of budget cuts, spending cuts, revenue changes? I think that would be no better—in fact, far worse—than the Senate simply doing its job.

Today I voted against this balanced budget amendment because I think we have it within our power to show self-control and to secure the future for the next generation of Americans.

Mr. KIRK. I would close by saying the Senator and I agree. I think the Simpson-Bowles plan is the right way to go, and my hope is that we join together on a bipartisan basis to reduce expected Federal borrowing by $4 trillion along the lines of that bipartisan Presidential commission. But, unfortunately, the Simpson-Bowles plan is gathering dust. The supercommittee that was given procedural powers to possibly put that forward also collapsed. We have not been able to do our job, and we are now encumbering the next generation with even greater amounts of debt—historic amounts.

I think the Founding Fathers did not contemplate the ability to borrow as much from other countries as we now have, and with the United States as the center of freedom and democracy around the world there is a lot riding on the credit of the United States.

My colleague from Delaware talks about a very vital future—especially for people like my own mother—of Social Security and Medicare, but I think she understands that a bankrupt country cannot support Social Security and Medicare. We have to defend the credit of the United States, and therefore I think a balanced budget amendment is essential to the long-term future of the United States.

With that, I thank my colleague.

Mr. President, we have just finished. I hope we do return to a tradition of actual debate, and I thank my colleague for the chance to carry out this debate.

Mr. COONS. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

TRIBUTE TO MAJOR GENERAL BENNY LANDRENEAU

Ms. LANDRIEU. Mr. President, while we have a bit of quiet time on the Senate floor this evening, I thought I would make brief remarks about the extraordinary career of MG Benny Landreneau. General Landreneau recently retired as the most senior Adjutant General in the Nation, with nearly 14 years of service as head of the Louisiana National Guard, serving under three Governors, and nearly four decades of service to the State of Louisiana and our Nation.

Over many years I have had the joy and pleasure of calling General Landreneau a friend and a colleague and I have worked closely with him and the 11,000 members of our Louisiana National Guard. Through the September 11 attacks on our country and through Hurricanes Katrina, Rita, Gustaf, and Ike and the recent BP oil-spill—one of the largest environmental disasters in our Nation's history—General Landreneau has proven his leadership to the people of Louisiana and our Nation time and time again.

Benny, as he is known by his friends, credits his father with inspiring him to serve in the National Guard. His father Joseph Audley Landreneau was a World War II veteran and engineering soldier and a combat veteran. Benny, who grew up in Vidrine, LA, chose to follow in his father's footsteps and quickly rose through the ranks in the Louisiana National Guard.

As a young man, in 1969 he enlisted as a light weapons infantryman in the 773rd Maintenance Battalion. Two and a half years later he graduated from Officer Candidate School and became a second lieutenant platoon leader as part of the 3671st Maintenance Company. From those very early beginnings in the National Guard, he progressed rapidly through the ranks.

During his time with the Guard, General Landreneau was part of several major campaigns, including a deployment during Desert Storm. During the first gulf war General Landreneau and his 527th Engineer Battalion were tasked with any number of important missions, including the No. 1 mission for the gulf war commander himself, GEN Fred Franks.

General Franks needed an unmanned aerial vehicle landing strip built immediately, so he knew who to call to get that job done. He called Benny Landreneau and his battalion. Need I say that it was done, I am sure, under budget and before time.

After the 527th returned to the command headquarters, General Franks called General Landreneau to thank him for what he did, which was extraordinary, and asked the general what he could do as a return favor. Without blinking an eye, General Landreneau just said:

> Sir, please, if you could get us home for Mother's Day, it would be appreciated.

So all of the mostly guys were home from other States—some women in the battalion as well—and they were thrilled to be home with their parents.

In 1996, shortly after the gulf war, General Landreneau retired from the Department of Agriculture and Natural Resources where he served also as a State conservationist for almost 30 years. Since that time, he has taken the National Guard in Louisiana from a strategic reserve force to an operational force that continues to lead the Nation both on and off the battlefield, and I will talk about off the battlefield in just a minute.

General Landreneau was quoted as saying:

> The Louisiana National Guard soldiers and airmen are part of the finest National Guard in America. It is their dedication and professionalism, their commitment and their hard work that has made the Louisiana National Guard the finest guard in America. The Louisiana National Guard has performed in such an outstanding matter in accepting these new challenges of being an operational force and responding to the wars in Afghanistan and Iraq and deploying throughout the world when called on and, at the same time, being able to take up the work of their State emergencies—

Which have been too numerous to count—

> and being able to respond to the citizens of this State in an outstanding fashion.

This is due in part, I say, to his leadership and vision.

General Landreneau has also been instrumental in implementing one of the most phenomenal programs in our country: the Louisiana National Guard Youth ChalleNGe Program. It is part of the National Youth ChalleNGe Program. This is what I mean by off-the-battlefield expertise as well as on-the-battlefield expertise.

Some years ago—I think about 15—when General Conway was the general for the National Guard, he helped to start this program that now has graduated over 100,000 young people between the ages of 16 and 18 who are unfortunately drifting from the straight and narrow path. They haven't ended up in prison yet, but they are headed that way. They have given up on themselves. They have gotten into a little bit of trouble and need a second chance. This program offers them that chance.

Under General Landreneau's leadership, we run three of the dozens of programs operating in the United States. I might say we run the best three, having been granted and acknowledged with awards in ceremonies for many years in Louisiana and having graduated the largest number of young people. This has been done because of General Landreneau's extraordinary commitment to the citizens of our State

and to the young people of our State and the respect he has of his rank and file for these men and women to go beyond their regular duties and responsibilities and step up and say: There is an epidemic in America. Our dropout rate is too high. What can the National Guard do, in addition to everything else they do both abroad and at home, to help? It is extraordinary.

His grandchildren and his children are proud of him. I know he is very proud of them.

He has assembled over the last 14 years arguably the most tested staff in the Nation. He is being succeeded as Adjutant General by GEN Glenn Curtis, who has served as General Landreneau's right-hand man for the last 6 years. It is the hallmark of his leadership that General Landreneau leaves his staff ready to step up, ready to serve, and ready to continue the excellent service they have given to the people of our State and our Nation. Although General Curtis will bring his own brand of leadership to the National Guard, there is no doubt, as he has said to me many times, he has learned at the elbow of GEN Benny Landreneau.

In conclusion, I would like to personally, on behalf of the people of our State, thank GEN Benny Landreneau for his many years of service and dedication to the people of Louisiana and our country. I want him to know he has positively impacted our State in ways that will long be remembered. The people of Louisiana are grateful for his service and for his dedication, and we honor his admirable career in the National Guard.

Thank you, Mr. President. I yield the floor and 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. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FRANKEN. Mr. President, I ask unanimous consent that Senator WHITEHOUSE and I be permitted to engage in a colloquy.

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

CLIMATE CHANGE

Mr. FRANKEN. Mr. President, I rise today to address an alarming trend that I see in our national discourse. As legislators, our decisions need to be rooted in facts. Science driven by data and rigorous analysis needs to inform our policymaking.

Scientists are the ones who made the United States the world's innovator in the last century. Scientists are the people who gave us antibiotics, for example. Do you like being able to use antibiotics? Well, then, thank scientists.

Scientists put a man on the Moon—several men, actually—and got him back safely. These are rocket scientists.

Scientists made it possible for Americans to watch this speech on C–SPAN—that is C–SPAN, the Cable Satellite Public Affairs Network—also rocket scientists.

Scientists also came up with such useful things as the Internet.

A scientist from the University of Minnesota, a Noble Price-winning agronomist named Norman Borlaug, is credited with saving over 1 billion lives worldwide. He did this by using science to develop a high-yield, disease-resistant wheat that was planted in Pakistan, India, and elsewhere around the world.

By engineering our next-generation weapons systems, scientists ensure that our military will continue to be the most powerful in the world.

We rely on science and scientists, and if we are to progress as a country, if we and future generations of Americans are to be healthy and prosperous and safe, we better put science right at the center of our decisionmaking. Yet, right now, foundations and think tanks funded by the fossil fuel industry are spreading misinformation about the integrity of climate science, much as think tanks paid by the tobacco industry used misinformation to cast doubt about the health hazards of smoking.

Ignoring or flatout contradicting what climate scientists are telling us about the warming climate and the warming planet can lead to really bad decisions on natural energy and environmental policies here in Congress. So today Senator WHITEHOUSE and I want to take some time to talk about climate science and about the fact that a scientific consensus on climate change has been reached. Climate change is happening and is being driven by human activities.

From the National Academy of Sciences, to the American Meteorological Society, to the American Academy for the Advancement of Science, all of the preeminent scientific institutions agree that manmade greenhouse gas emissions are warming the planet and are a threat to our economy, to our security, and to our health, and so do the overwhelming majority of actively publishing climatologists.

This graph, taken from a study published by the National Academy of Sciences, shows responses to the survey question: Do you think human activity is a significant contributing factor in changing mean global temperatures?

What you see here is that as climate expertise goes up, so does the affirmation that climate change is real and is caused by human beings. Among the most expert pool of respondents, climatologists who are actively publishing on climate change, represented by this bar right here, the rightmost bar, 97 percent of that category of scientists answered yes. Of course, there are a few articles published by climate skeptics in peer-reviewed journals, but the vast majority—97 percent—of the peer-reviewed literature supports the notion that people are causing the Earth's climate to change.

What are peer-reviewed articles? Well, they are articles scientists write after conducting experiments. The experimentation is designed to test a hypothesis. If the hypothesis holds up, the scientist writes a paper describing the experiment and sends to it a professional journal. The journal then sends to it other experts in the field—peer reviewers—who see if they can tear any holes in the theory. They question the methodology. They check the math. Very often, they send the paper back with questions. And the researchers will make changes to satisfy the reviewers' inquires. If in the end the peer reviewers think the work is sound, they recommend the paper for publication. Then, after publication, other scientists in the field are free to read the paper and plug away and disprove it if they can. That is a peer-reviewed paper.

I repeat, the vast majority of peer-reviewed literature supports the notion that people are causing the Earth's climate to change, and 97 percent of published climatologists say yes when asked: Do you think human activity is a significant contributing factor in changing mean global temperatures?

Mr. WHITEHOUSE. Mr. President, as Senator FRANKEN has pointed out, despite the efforts to mislead and create doubt, the jury is not out on whether climate change is happening and being caused by manmade carbon pollution; the verdict is, in fact, in, and the verdict is clear, as shown by this group of scientific organizations that signed a letter supporting our efforts to do something about carbon pollution in the Senate back in October of 2009: the American Association for the Advancement of Science, the American Chemical Society, the Geophysical Union, the Meteorological Society, the Natural Science Collections Alliance, the Botanical Society of America.

Virtually every significant scientific organization accepts that these are the facts and that the verdict is in, and, indeed, there is some recent added support. The scientific community continues to examine this question.

A recent report by James Hansen and Makiko Sato says:

> Climate change is likely to be the predominant scientific, economic, political and moral issue of the 21st century. The fate of humanity and nature may depend upon early recognition and understanding of human-made effects on Earth's climate.

They continue:

> Earth is poised to experience strong amplifying polar feedbacks in response to moderate global warming. Thus, goals of limiting human-made warming to 2 degrees Celsius are not sufficient—they are prescriptions for disaster.

Another recent report, ''Climate Change and European Marine Ecosystem Research,'' reads as follows:

There is no doubt that rapid global warming and ocean acidification are real, and very high confidence that both are forced by human activities and emissions of carbon dioxide. Climate change effects are especially evident in the oceans.

I will get into that later on in our colloquy a little bit further.

Levels of atmospheric CO_2 are accelerating.

A third report, ''The World Energy Outlook for 2011,'' says:

Global energy-related carbon dioxide emissions reached 30.4 Gt in 2010, 5.3% above 2009, representing almost unprecedented annual growth. In the New Policies Scenario, our central scenario, CO_2 emissions continue to increase, reaching 36.4 Gt in 2035, and leading to an emissions trajectory consistent with a long-term global temperature increase of 3.5 degrees Centigrade.

What does that mean?

The expected warming of more than 3.5 degrees Centigrade in the New Policies Scenario would have severe consequences: a sea level rise of up to 2 metres, causing dislocation of human settlements and changes to rainfall patterns, drought, flood, and heatwave incidence that would severely affect food production, human disease and mortality.

There are also iconic American companies that have made the considered business judgment that climate change is real and we need to prepare. But we can get more on that later in the colloquy.

Mr. FRANKEN. Yet, in spite of all of this—and these are all new reports on top of this 97 percent number that was established. Yet the conservative media and some of my colleagues in Congress seem to think it is just fine to ignore what these scientists are saying.

Let me illustrate this with an analogy. Say you went to a doctor and the doctor told you: You better start eating more sensibly and start exercising, because you are tremendously overweight. I see that you have a family history of heart disease, and your father died of a heart attack at an early age. You have to go on a diet and start working out a little bit.

You say: You know what. I want a second opinion. So you go to a second doctor and he says: OK, you have a family history of heart disease. Your father died of a heart attack at a young age, and you weigh over 300 pounds. You smoke three packs a day. Your cholesterol is out of control, your blood pressure is through the roof. It would be irresponsible of me as a doctor not to immediately send you to this place at the Mayo Clinic that I know. I think you have to go there.

You say: Thanks, doctor, but I want a third opinion. So you go to the third doctor and the third doctor reads the chart and looks at you and goes: Wow, I am amazed that you are still alive.

You say: You know what. I want a fourth opinion. And then you go to the fourth, fifth, sixth, and seventh doctors. They are all saying the same thing. But you keep asking for more opinions.

Finally, you go to the 25th doctor. The 25th doctor says: It is a good thing you came to me, because all this diet and exercise would have been a complete waste. You are doing fine. Those other doctors are in the pockets of the fresh fruit and vegetable people. He says: Enjoy life, eat whatever you want, keep smoking, and watch a lot of TV. That is my advice.

Then you learn the doctor was paid a salary by the makers of Twinkies, which, don't get me wrong, are a delicious snack food and should be eaten in moderation. Am I making sense here?

Mr. WHITEHOUSE. It is actually quite a good example, because we have some of the phony science that has attacked the science of climate change, which is actually a pretty good comparison to what the Senator described.

Take, for instance, the bogus Marshall Institute, which was founded in 1984 by a physicist who had been the chief scientist behind the tobacco industry's campaign to convince Americans that tobacco is actually OK for you, and that there was doubt about whether it would actually do you any harm. A few years later, he organized something called the Oregon Petition, which denied that climate change was happening. They phonied up the Oregon Petition to look like official papers of the National Academy of Sciences. So the National Academy of Sciences had to take the unusual step of responding that the petition ''does not reflect the conclusion of expert reports of the academy,'' and further, that it was ''a deliberate attempt to mislead.'' So he is an ''expert'' saying that tobacco is OK for you. Suddenly, he turns up as a climate denier, and he phonies up his report to look like——

Mr. FRANKEN. Was he part of a foundation?

Mr. WHITEHOUSE. This is founded by the Marshall Institute. There are others of these out there. The other example is the Heartland Institute, another so-called think tank with backers from tobacco and the fossil fuel industries, founded also in 1984. It has written reports to try to manufacture doubt about climate science and about the risks of secondhand smoke. Heartland received nearly $700,000 from ExxonMobil through 2006. Their bogus policy documents include false claims that climate change is poorly understood, and simply wrong assertions, that there is no consensus about the causes, effects, or future rate of global warming.

Picking these two—but there are others in the constellation of bogus science—they are commonly funded by the Bradley Foundation, the folks who brought you the John Birch Society; by the Scaife foundations, which are constantly behind rightwing causes; the Olan Foundation, which is against public health causes; ExxonMobil; and by the Koch brothers. Although it may look like different voices, it is actually the same money speaking through different fronts.

Mr. FRANKEN. This is actually an interesting area. There is a well-established link between the scientists who have worked for think tanks such as George C. Marshall Institute, Heartland Institute, and other foundations, which were funded at first by tobacco money and, since then, by the fossil fuel industry. These scientists have been paid to spread misinformation in order to cast doubt. That is all they have to do—on a whole host of scientific issues—first, tobacco and acid rain, the hole in the ozone layer, and now climate change.

Take tobacco, for example. Scientists were paid to testify in court that there was no proof that smoking caused cancer or was addictive, even after the industry scientists knew darn well that cigarettes were addictive and did cause cancer and heart disease. In fact, the tobacco industry was found guilty in 2004 of plotting to conceal the health risks and addictiveness of cigarettes from the public. The judge found that the tobacco industry had ''devised and executed a scheme to defraud consumers and potential consumers about the hazards of cigarettes—hazards that their own internal company documents proved they had known since the 1950s.''

The whole purpose of this scheme was to provide misinformation, to confuse the public, to manufacture doubt, and that is what is happening right now with climate change. Public data from the Security and Exchange Commission and from charitable organization reports to the IRS report showed that between 2005 and 2008, ExxonMobil gave about $9 million to groups linked to climate change denial, while foundations associated with the private oil company Koch Industries gave nearly $25 million. The third major funder was the American Petroleum Institute. All in all, the energy industry spent hundreds of millions of dollars, even billions of dollars, on lobbying against climate change legislation between 1999 and 2010, including a large spike in spending from 2008 to 2010.

Mr. WHITEHOUSE. And it is not enough that they have a stable of paid-for scientists to create doubt, to create phony science that raises the level of doubt; they also go out of their way to attack legitimate scientists. You would not think this would carry much weight in a proper debate, but amplified by the corporate money behind it, and designed, as the Senator said, with the purpose not to win the argument but to create doubt so that the public moves on, it is actually worse.

One example of this attack on lifetime scientists has been the phony so-called Climategate scandal, which was an effort to derail international climate science and climate negotiations.

Mr. FRANKEN. Climategate. Sometimes the Senator and I refer to it as ''Climategate-gate.''

Mr. WHITEHOUSE. Yes, Climategate-gate. In fact, the real scandal here wasn't what the scientists did; the real

scandal was the phony attack on the scientists.

Mr. FRANKEN. I thank my colleague for bringing this up. Let's talk about that. This is the leak of thousands of e-mails from scientists at the University of East Anglia Climate Research Unit back in 2009. It was done right before the Copenhagen conference, right?

Mr. WHITEHOUSE. I believe that is correct.

Mr. FRANKEN. OK. The conservative media—remember, this doubt is amplified in the conservative echo chamber, talk radio, et cetera. You know what it is, the Wall Street Journal editorial page, Fox News, et cetera. Conservative media pounced, taking quotes out of context to sensational lies like this ''scandal.'' Most of the attacks were directed at an e-mail by Phil Jones, a climate scientist working with the East Anglia Climate Research Unit, in which in this e-mail he referred to using ''Mike's Nature trick of adding in the real temps to each series for the last 20 years to hide the decline.'' That sounds very bad, ''trick'' and ''hide the decline.'' That went viral in the conservative media—evidence that the scientific consensus on climate change was a giant hoax. We had a Member of this body who said the science behind this consensus ''is the same science that, through climategate, has been totally rebuffed and no longer legitimate, either in reality or in the eyes of the American people and the people around the world.''

But it turns out that the trick being referred to in the e-mail is actually a technique to use the most accurate data available. Pre-1960, temperature data would include measurements from thermometers, tree rings, and other so-called temperature proxies. Post-1960—this is the trick—they excluded tree ring data from some specific kinds of trees that were widely recognized by the scientific community to be unreliable after 1960. So the decline refers—they refer to it as—it isn't a decline in global temperatures, as the deniers claim.

Since 1960, we have had pretty good measurement of temperatures around the world with things such as thermometers. They knew this tree ring gave an apparent decline in temperature, as measured by these specific kinds of trees that were known to be inaccurate compared to all the sensors we have for measuring—and there are thousands and thousands and thousands and thousands and thousands of measurements of the temperature around the Earth every minute, every day.

So this was the ''trick''—a technique to use the most accurate data available of global temperatures from things, again, called thermometers, and one that excluded data widely known to the scientific community to be inaccurate. That is what the ''trick'' was. That is all. That is what Phil Jones referred to in his e-mail. Ironically, he was trying to be precise.

Mr. WHITEHOUSE. And it provoked considerable review afterward because of the alarmist claims that were made in this phony attack on the climate science. A number of pretty respectable organizations took a look at this. One was the university itself, and the university itself reached the conclusion on the specific allegations made against the behavior of CRU scientists, ''We find that their rigor and honesty as scientists are not in doubt. In addition, we do not find that their behavior has prejudiced the balance of advice given the policymakers. In particular, we did not find any evidence of behavior that might undermine the conclusions of the IPCC assessment.'' That was the university review.

Not enough? The National Science Foundation also——

Mr. FRANKEN. The university could be biased.

Mr. WHITEHOUSE. That is why we go on to the National Science Foundation, which found no direct evidence of research misconduct and therefore said, ''We are closing this investigation with no further action.''

Parliament looked into it as well, because the university was in Great Britain. And the House of Commons did an investigation. The Commons' investigation concluded that the challenged actions by Professor Jones and others ''were in line with common practice in the climate science community.'' They went on to say:

> Insofar as we have been able to consider accusations of dishonesty, we consider that there is no case to answer.

No case to answer. Finally, they said:

> We have found no reason in this unfortunate episode to challenge the scientific consensus as expressed by Professor Bennington that ''global warming is happening and that it is induced by human activity.''

So the studies that looked at whether the climate science was phony or whether the climategate scandal was phony have all come down supporting the science and pointing out that climategate should properly be known as climategate-gate because it was the scandal that was phony.

Mr. FRANKEN. Now, let's make a distinction between people who are climate skeptics and people who are climate deniers. This is kind of an important distinction. There is nothing wrong with skepticism. In fact, we love skeptics. Scientists are, by nature, skeptical. If someone has a new idea, they need to prove conclusively they are right before 97 percent of scientists will believe them. This has already happened for an overwhelming majority of climate scientists who have concluded, again, that global warming is happening and that it is caused by mankind. But there are a small number of them who still have questions.

On the other hand, a climate denier is someone who would not be convinced no matter how overwhelming the evidence. And, as I pointed out, a lot of these deniers are being paid by polluters to say what they want.

Now, shortly after climategate, or climategate-gate, a physicist at the University of California Berkeley, Richard Muller, who was skeptical of the prevailing views on climate science, decided to test the temperature records. Muller, a skeptic, started the Berkeley Earth Surface Temperature Study to reevaluate the record and weed out scientific biases. This was gold to climate deniers. In fact, among the funders for the Muller study was the Charles Koch Foundation. But things didn't work out the way the deniers had hoped.

In late March, Dr. Muller testified before the House Science and Technology Committee with his initial findings on temperature increases since the late 1950s. This is what he said:

> Our result is very similar to that reported by the prior groups—a rise of about .7 degrees Celsius since 1957. This agreement with the prior analysis surprised us.

Because, as I say, they were skeptics. Muller basically recreated the blade of the so-called hockey stick graph, or the temperature graph, that had come under attack in climategate.

This graph shows Muller's estimates against the previous estimates. Muller's Berkeley is black. You will see it is just identical, pretty much. This past October Dr. Muller's group released its findings, and to the dismay of skeptics and deniers these findings further confirmed the prevailing science behind climate change and the work of the scientists attacked during climategate-gate.

We can see the results on the chart. This gray band indicates a 95-percent statistical spacial uncertainty. But it is exactly—and his line is the black line—exactly what the other scientists measured.

The summary of the findings begins by saying, bluntly, ''global warming is real,'' and goes on to say:

> Our biggest surprise was that the new results agreed so closely with the warming values published previously by other teams in the U.S. and U.K.

Including East Anglia.

> This confirms these studies were done carefully and that potential biases identified by climate change skeptics did not seriously affect their conclusion.

So even though these claims that the consensus on global warming is a hoax have been refuted so convincingly—by a skeptic no less; funded by Charles Koch, no less—some of the deniers keep repeating it. The science is settled and climategate, or climategate-gate, was just a big distraction. So now let's move on and figure out how we are going to attack the challenge of climate change.

Mr. WHITEHOUSE. The challenge of climate change being extremely real, one of the things that is so frustrating about this campaign of phony, manufactured doubt is that in real life we are seeing the predictions of climate science come true around us.

Climate scientists predicted the atmosphere would warm, and the atmosphere is warming. Climate scientists

predicted the ocean would absorb heat, and sure enough, the ocean has absorbed heat and ocean waters are warming. Climate scientists predicted the ocean would absorb CO_2 and that would then lower the pH level of our ocean waters. The ocean is now more acidic than it has been in 2 million years, threatening coral reefs, shellfish, and the tiny creatures, such as plankton, that make up the base of the entire oceanic food chain.

Climate scientists predicted glaciers and Arctic sea ice would melt and, sure enough, we are seeing record melting. We just saw that notorious leftwing publication, USA Today, report:

> Federal Report Arctic Much Worse Since 2006. Federal officials say the Arctic region has changed dramatically in the past 5 years for the worse. It is melting at a near record pace and it is darkening and absorbing too much of the sun's heat.

Climate scientists predicted ecosystem shifts, and we are seeing ecosystem shifts, such as the million-plus-acre forests in the American West—dead to the bark beetle, gone from being green and healthy forests to just mile after mile of brown and dead trees.

Mr. FRANKEN. Explain why the bark beetle is doing this. What is happening and how does that relates to climate change?

Mr. WHITEHOUSE. The bark beetle relates to climate change because what was keeping those trees free from the bark beetle was cold winters that killed off the bark beetle larvae. As temperatures have warmed, the larvae lived through the winters, and they attacked the trees. So trees that were protected by cold winters are no longer protected, and there are literally millions of acres of forest lost in the West.

On a smaller scale, but more important to me in my home State of Rhode Island, the preeminent fish that was taken out of Narragansett Bay was called the winter flounder. My wife wrote her Ph.D. thesis about the winter flounder. It was a very significant cash crop for our fishermen and is now virtually gone because the mean water temperature of Narragansett Bay is up nearly 4 degrees.

Scientists also predicted we would be loading the dice for extreme weather with climate change, and we are seeing an unusual amount of extreme weather. The number of billion-dollar disasters has hit a record. A recent press clip noted:

> With an almost biblical onslaught of twisters, floods, snow, drought, heat, and wildfire, the U.S., in 2011, has seen more weather catastrophes that caused at least $1 billion in damage than it did in all of the 1980s, even after the dollar figures from back then are adjusted for inflation.

Serious, grown-up corporate entities, like the biggest insurance companies in the world, are noticing this and are concerned. Munich Reinsurance has written the following:

> The high number of weather-related natural catastrophes and record temperatures, both globally and in different regions of the world, provide further indications of advancing climate change.

Throughout the corporate world we are seeing this. Here is a list of companies that have gone public with the need for us to do something about climate change: American Electric, Bank of America, Chrysler, Cysco, DuPont, Duke Energy, eBay, Toyota, Timberland, Starbucks, Google, GM, General Electric, Ford, Siemens, PepsiCo, Nike, Nishiland, and John Deere. I am picking these at random, but these are not fringe organizations. These are the core of the American business community, and they recognize what is going on.

I want to single out one company, which is Coca-Cola. I was going to bring to the floor the new can of Coca-Cola as an exhibit to demonstrate this major international corporation—this huge American success story based in Atlanta—has taken probably the most iconic product in America—the Coke can—and has redesigned it to reflect what the climate change is doing in the Arctic and to polar bears. Unfortunately, my Coke can was confiscated by the cloakroom staff because I am not allowed to bring exhibits to the floor unless they are this. I should have snuck it out here, but that is why I don't have it.

Coca-Cola is a serious American business, and here is what they say:

> The consensus on climate science is increasingly unequivocal—global climate change is happening and man-made greenhouse gas emissions are a crucial factor. The implications of climate change for our planet are profound and wide-ranging, with expected impacts on biodiversity, water resources, public health, and agriculture.

So we put against that the core business community—iconic companies such as Coca-Cola, putting their very label behind the need to address climate change—and the phony-baloney-paid-for scientists who are creating this doubt, and it is time to close this episode.

Mr. FRANKEN. I am glad the Senator brings up the phony-baloney doubt, especially with this extreme weather we have been experiencing. Some of my colleagues on the other side have pointed to the extreme snowstorms—at least one of my colleagues has—in the Northeast over the last several winters as evidence that global warming is a hoax. Again, this is completely misleading. Intensifying blizzards aren't due to the Earth getting cooler, they are due to increased moisture content in the air. Warmer air holds more moisture.

Now, basically, it doesn't have to be that cold for it to snow. It just has to be 32 degrees or below. What is snow? It is frozen water. So it is about water. The atmosphere is now holding more water because it is warmer. Warmer air holds more water than colder air. The main point is that these increased natural disasters have real costs.

A few months ago we had a hearing in the Energy and Natural Resources Committee on the Forest Service's management of the intense forest fires we had out West this year. In that hearing, Forest Service Chief Tom Tidwell told me he is seeing longer forest fire seasons out West—more than 30 days longer than what we used to have even a decade ago. Forest Service climate experts—and these are scientists—have said that a major contributing factor to these longer fire seasons and more intense fires is climate change.

The cost of these fires, passed on to all levels of government and to society as a whole, is huge. It is something that Members on both sides of the aisle recognize and are concerned about. Several of my Republican colleagues in that hearing expressed their concerns about the cost.

They referred to a report from the Western Forestry Leadership Coalition, which estimates that the combined direct and indirect costs of forest fires can be as much as 30 times the cost of fire suppression alone. We need to factor in the cost of forest rehabilitation, the loss of tax revenues for local governments, loss of businesses that depend on forest resources from property losses, not to mention the immeasurable cost of lives which are lost due to the fires.

I wish to underscore for Members of this body that when we have discussions about important issues such as cost of wildfire response, we are talking about the cost of responding to climate change. If forestry specialists at the U.S. Forest Service tell us these fires are getting worse due to climate change, we should be listening to them.

Mr. WHITEHOUSE. If the Senator doesn't mind, if I change elements from fire to water since I represent an ocean State, another place where climate change is creating dangerous consequences is in our oceans. Let me cite a few reports that have come out recently.

Climate Change & European Marine Ecosystem Research says:

> Close to one-third of the carbon dioxide produced by humans from burning fossil fuels and other sources has been absorbed by the oceans since the beginning of industrialization, and that has buffered the cause and effects of climate change.
>
> A resulting lowered pH—

When carbon goes into the ocean, it acidifies it. It lowers the pH.

> A resulting lowered pH and saturation states of the carbonate minerals that form the shells and body structures of many marine organisms makes these groups especially vulnerable. The growth of individual coral skeletons and the ability of reefs to remain structurally viable are likely to be severely affected. Continuing acidification may also affect the ability of the oceans to take up CO_2.

So they will not be absorbing the one-third that they have absorbed any longer. It will stay in the atmosphere and atmospheric concentrations will increase even faster.

The Annual Review of Marine Science reports that:

Growing human pressures, including climate change, are having profound and diverse consequences for marine ecosystems. These effects are globally pervasive and irreversible on ecological time scales. Direct consequences include increasing ocean temperature and acidity, rising sea level, increased ocean stratification, decreased sea ice, and altered patterns of ocean circulation, precipitation, and fresh water.

The context for this is a pretty astounding one; that is, when we look back through history, we don't look at changes in terms of decades or even generations. We look at changes in terms of millions of years.

There is a special issue of Oceanography with a feature on ocean acidification, and it is called ''Ocean Acidification in Deep Time.''

We have now an atmosphere that already contains more carbon dioxide than at any time in the last 800,000 years of earth history and probably more than has occurred in several tens of millions of years.

We have had agriculture as humans for about 10,000 years, to give you an idea of what 800,000 years or several tens of millions of years means. The report goes on:

There are no precedents in recent earth history for what will be the immediate and direct consequences of the release of CO_2 into the atmosphere and its concurrent dissolution in the ocean's waters.

But we are playing with very dangerous effects when we ignore climate change at the behest of a tiny minority of scientists and their polluter industry funders behind them.

Mr. FRANKEN. There are folks who get the cost of inaction, and that includes the Department of Defense.

In its 2010 Quadrennial Defense Review—or QDR—the DOD identified climate and energy as among the major national security challenges that America faces now and in the future.

To give you a perspective on the significance of this, ''Crafting a Strategic Approach to Climate and Energy'' was alongside other priorities laid out in the QDR with titles like, ''Succeed in Counterinsurgency, Stability and Counterterrorism Operations,'' and ''Prevent Proliferation of Weapons of Mass Destruction.''

This is serious stuff. It matters for DOD because climate change is predicted to increase food and water scarcity, increase the spread of disease, and spur mass migration and environmental refugees due to more intense storms, floods, and droughts.

Mr. WHITEHOUSE. We had similar testimony in the Senate Intelligence Committee. The witness who testified before us released his testimony before the House Intelligence Committee and very much the same conclusion:

We judge that global climate change will have wide-ranging implications for U.S. national security interests over the next 20 years.

The factors that would affect U.S. national security interests as a result of climate change would include food and water shortages, increased health problems, including the spread of disease, increased potential for conflict, ground subsidence—the Earth lowering—flooding, coastal erosion, extreme weather events, increases in the severity of storms in the Gulf of Mexico, disruptions in U.S. and Arctic infrastructure, and increases in immigration from resource-scarce regions of the world.

There are probably climate deniers who say: That is all part of the conspiracy. The Defense Department is in on it. All those companies are in on it. The intelligence community is in on it.

But if there is a hoax, what is more mainstream than National Geographic? Is National Geographic in on it too? They would have to be because they did a special report a few years ago on climate change and they showed a polar bear stranded on the melting ice. Here is what they said:

It's here. Melting glaciers, heat waves, rising seas, trees flowering earlier, lakes freezing later, migratory birds delaying their flight south. The unmistakable signs of climate change are everywhere.

How do we know this? We know this because of the science. What do they say about the science?

How do we know our climate is changing? Historical records, decades of careful observations and precise measurements—

As the Senator said, with things such as thermometers—

around the globe along with basic scientific principles.

If you think National Geographic is in on it and you can't have faith in the Defense establishment and you can't have faith in the corporate establishment and you can't have faith even in National Geographic, perhaps you can have faith in the Pope, who said recently:

I hope that all members of the international community can agree on a responsible, credible, and supportive response to this worrisome and complex phenomenon, keeping in mind the needs of the poorest populations and of future generations.

The press release from Catholic News Service then quotes one of his bishops, Cardinal Rodriguez, who says:

Our climate is changing. Urgent action is necessary.

He called on our political leaders around the world ''to curb the threat of climate change and set the world on a path to a more just and sustainable future.''

Mr. FRANKEN. OK. Well, the Pope—I mean, didn't the Catholic Church go after Galileo?

Look, between the science supporting climate change and the reality of the dangers that climate change brings, we have to ramp up our efforts to master this challenge, and that means wise investments in clean energy R&D and deployment. They are just a good place to start. Plus, these investments encourage the growth of domestic clean energy—a domestic clean energy economy which would create jobs—and has created jobs—grow our manufacturing base, and keep us competitive in global energy markets. That is so important because Germany, China, Denmark, and countries all over the world are winning this race.

One of the great parts about this job is spending half the time here and half the time home in Minnesota. Minnesota is a national leader in clean energy.

In 2007, Minnesota passed the highest renewable energy standard in the country at the time, and all our utilities are on track to meet the goal of 25 percent renewable by 2025.

Our largest utility, Xcel Energy, is on its way to 30 percent by 2020. We have universities such as the University of Minnesota Morris which is pushing the frontiers of innovation in greening its campus through a biomass gasification system which provides heating and cooling and electricity, wind turbines that produce power, and LEED-certified buildings. Our farmers have led the country in biofuels, and our universities are leading R&D efforts for the transitions to cellulosic and other advanced biofuels.

By the way, the first commercial cellulosic plant that is scaled up to commercial levels is being built right now. St. Paul has the largest district energy system in North America. It is heating and cooling all of downtown St. Paul with woody biomass. SAGE Electrochromics is a manufacturing plant in Minnesota that has cutting-edge window glass technology that uses a little photovoltaic cell to control and turn these—these windows turn completely opaque and block out all UV during the summer. During the winter, they are these beautiful, huge windows that let in all the light. It isn't like a Polaroid. It is an incredible technology.

The University of Minnesota has just received two grants from the Advanced Research Projects Agency at the Department of Energy, ARPA-E, that was patterned after DARPA, the Defense Advanced Research Projects Agency that created the Internet. Across the State, businesses and cities are working together to make our buildings more energy efficient, using Minnesota-made technologies such as Marvin and Anderson windows. Minnesota, by the way, is the Silicon Valley of windows. We have 3M window films or McQuay heating and air-conditioning systems.

Just last month, I partnered with our cities and counties to launch the Back to Work Minnesota Initiative, aiming to break down barriers in financing retrofits, retrofitting public and commercial buildings across Minnesota. What is great about that, this pays for itself. You finance this and you retrofit a building; it puts people in the building trades to work who are in a depression, and it puts manufacturers that build energy-efficient materials and equipment, geothermal furnace systems and furnaces, heat exchange furnaces, pumps, and you save energy.

The energy efficiency pays for the retrofit in 4 or 5 years and you can capitalize this and we are finding innovative ways to do that. It pays for itself and you lower our carbon footprint. You use less energy, create jobs, save money. It is win-win-win-win. This is something we have to do. It is insane not to.

Mr. WHITEHOUSE. We are proud of what is going on in Rhode Island as well. We plan to meet 16 percent of our energy needs through renewable energy sources by 2020, and that is on top of a goal to cut energy use by 10 percent. So we will cut energy use by 10 percent and, of the remaining 90, get 16 percent of that out of renewable energy sources. Everybody is getting involved—utilities, towns, the State, the private sector. One of our cities, East Providence, is right now converting a brownfield which has been vacant for 40 years, nearly, into New England's largest solar institution. As my colleague says, there will be a payback and they will earn money on that for their taxpayers.

Our State of Rhode Island has been the national leader at how you map and prepare for offshore wind development. In the State and Federal waters off the coast of Rhode Island we are positioned to lead the country in offshore wind siting, with all the jobs that building those giant wind turbines and assembling them and erecting them offshore creates.

We have exciting companies such as BioProcess Algae, of Portsmouth, RI, which opened a spectacular facility in Iowa, which takes the exhaust from ethanol plants and runs it through algae farms and creates biofuels. They are at the cutting edge of that technology.

When you see these great technologies and these great opportunities—in this colloquy, we are ending on what I hope is a very strong, positive note for the economy. If we can pull away from the lies and the phony science and the polluter-paid nonsense that has so far distracted us from doing our duty as a nation, we can get into the race that is going on in this world for the energy future. The economy of this century is going to be driven by the $6 trillion clean energy industry. We do not want to fall out the back of that race and leave it to the Chinese and the Europeans. We want to be winning that race and the jobs and the economic success that can bring that not only can power our homes and our factories, it can power our economy back to security for all Americans.

I thank Senator FRANKEN for inviting me to join him in this colloquy. I think our time is coming close to expiring, so I yield the remainder of our time to you, and I ask unanimous consent Senator FRANKEN be allowed as much time as he needs to conclude. This has been a wonderful opportunity for me.

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

Mr. FRANKEN. Mr. President, I thank Senator WHITEHOUSE for his leadership. Algal—by the way, algal is the pronunciation of this. Algal energy is amazing. We are fueling jet fighters with jet fuel made from algae.

Both the President and Energy Secretary Chu have said we are in America's Sputnik moment. They are absolutely right. Fifty years ago we were in a global space race. Today we are in a global clean energy race. Whichever country takes the most action today to develop and make clean energy technologies will dominate the global economy in this century.

That means supporting financing for clean energy and energy efficiency projects. It means tax credits for clean energy manufacturing, providing incentives for retrofitting residential and public and commercial buildings. It means supporting basic research and keeping alive initiatives that support clean energy technology innovation. These need to be our priorities as we make energy policy and budget decisions.

We can pay for these investments by cutting expensive, outdated subsidies for oil companies that are making record profits. There is a lot more to be done if we are going to win this global clean energy race, but it is not going to be easy. It means unifying as a country and starting to do things differently than we have been doing them.

Albert Einstein said:

> We can't solve problems by using the same kind of thinking we used when we created them.

I am convinced we can win this race. No other country is better positioned. But first people need to understand the stakes. Climate change is real, and failure to address it is bad for our standing in the global economy, bad for the Federal budget, and bad for our national security. We can do better than that for our children and our grandchildren and posterity.

Mr. President, I thank Senator WHITEHOUSE and I yield the floor.

I suggest the absence of a quorum.

Mr. CARPER. Will the Senator withhold?

Mr. FRANKEN. I take that back.

The PRESIDING OFFICER. The Senator from Delaware.

BOILER MACT

Mr. CARPER. Mr. President, there is not the absence of a quorum, but I appreciate my colleague mentioning that. I said to him earlier today, maybe yesterday, Senator FRANKEN is a joy to have around here. Some of us know he brings a real special touch for trying to infuse some civility into this place again. He came up a year or two ago with the idea of a secret Santa exchange. We actually did it this year. I was not going to mention it tonight. My secret Santa turned out to be the Senator from Alaska, Senator MURKOWSKI, the colleague of the Presiding Officer. She gave me a most wonderful handmade gift that she and her staff created.

Delaware is the only State that doesn't have a national park. What they did is they created, on a sheet of paper like this—only it was a firm sheet of paper, not a regular sheet of paper, but they literally—this was the State of Delaware and they created a national park so we have a pop-up national park with a bus going around and our pictures riding along in the bus. I don't care what else I get for Christmas, that is going to be the best Christmas present for this year. I don't see how anybody tops that.

But that provides not only some civility but also some levity in a place that could use both, so I thank the Senator for all his contributions, but especially that one.

On something more serious. What I want to do is talk about the regulation EPA has been working on for a while. It is called the boiler MACT. The idea is maximum achievable technology here. If you go back in time, go back to about 1990—in 1970, in this country, Congress passed and the President signed—Richard Nixon actually signed—the Clean Air Act of 1970, a Republican President who had a Republican head of EPA. That was able to be implemented at the time we had the Cuyahoga River up in Cleveland, OH, that actually was on fire. There were lots of terrible things happening in our environment in this country.

Better things started to happen, not just cleaner water, wastewater treatment, and cleaner air, but it led in 1990 to the passage of the Clean Air Act Amendments of 1990. One of the requirements of the Clean Air Act Amendments of 1990 was in that legislation the Congress directed EPA to finalize regulations to reduce what are called air toxics from boilers by the year 2000. So the Clean Air Act was adopted in 1970. In 1990, 20 years later, the Clean Air Act Amendments were adopted, and in the Clean Air Act Amendments of 1990 Congress said: EPA, we want you to finalize regulations to reduce air toxics from boilers by the year 2000, 10 years.

The year 2000 came and went without any action. The Bush administration, George W. Bush administration, finalized a rule. I think it was in the year 2004. But they excluded many industrial boilers from having to comply. As it turned out, there are a lot of boilers in this country. I was stunned to find out there are about a half million boilers in this country. A lot of them are fairly small—schools or churches or smaller buildings, hospitals. But a bunch of them are pretty good size.

In any event, the Bush administration in the year 2004 came up with a rule, proposed a rule, but they excluded many industrial boilers from having to comply. In fact, the rule may not have been just proposed, it might actually have been finalized.

But, as a result, the regulation was vacated in 2007, 3 years later, by the Circuit Court of Appeals right here in the District of Columbia. So, 2004, EPA

finally gets around to finalizing the rule that they were called to do some 14 years earlier by the Congress. And 3 years later the DC Circuit Court of Appeals knocks it down and vacates that ruling on boilers.

It was not until June of 2010—and that is a full 10 years after the congressional deadline for action—it was not until 2010 that the EPA issued a proposal for boiler air toxic rules that addressed all the major emitters.

As with most air pollution regulation these days, EPA was under court order to finalize the rule by a set date. The court had said to EPA: We want you to finalize the rule by a set date. That date was the beginning of this year, January of 2011.

During the public comment period, the EPA received thousands of comments and new information from, among others, industry. In fact, they received so much in the way of comments and new information, in December of 2010—that was a month before the date set under the court order to finalize the rule—a month before that date was to occur, EPA asked the courts, a month before the January 2011 deadline, to extend the deadline for promulgating the final air toxic standards to April of next year, to April of 2012.

The courts said: No, don't think so. They said: EPA, you have had enough time to finish. They allowed EPA only until January 21 of this year to go ahead and actually promulgate these regulations.

Even though EPA didn't have a lot of time to process the comments, EPA was able to finalize a rule in February of this year that yielded the same benefits—I think this is pretty interesting—a rule that realized the same benefits in terms of reducing toxic emissions, mercury and arsenic, lead, that kind of thing—the same level of reductions in those emissions as in the June 2010 proposal that they made, but they cut in half the cost of compliance. That is pretty impressive, isn't it? They cut in half the cost of compliance, got the same amount of reductions in emissions of these air toxic substances for half the cost. However, EPA did not stop there. Wanting to address industry's concerns, the EPA opened public comment yet again to consider a reproposal of their regulations.

I know some people think EPA has been guilty of a rush to judgment in this regard. I think if you go through the chronology objectively, this is not a rush to judgment. I hope, if nothing else, to convey tonight that the EPA has moved deliberately, some say way too slowly, in order to address this. There are others who think way too fast, still too fast.

Anyway, last month the EPA proposed the boiler MACT regulation to try to address stakeholder concerns and I think they have done a workmanlike job, a good job. In this new proposal, of the 1½ million boilers in the United States, less than 1 percent would be affected—less than 1 percent would be affected by these emission limits.

I have a chart to show what it looks like. This is a good way to actually think of this.

The pie represents the 1.5 million boilers in the United States. Some are very small, and some are large industrial boilers. Less than 1 percent need the technology to meet the emission limits prescribed by EPA. That is the red tiny slice here. About another 13 percent of the 1.5 million boilers in the United States would need to follow best practice standards in ensuring that the emissions from those boilers are in order. And the rest—1.3 million boilers or a vast majority of boilers, a little over 85 percent—are not affected by the rules.

Not everybody likes the fact that less than 1 percent of the boilers are affected by these rules, and some of our friends in the environmental community understand that we have been very unhappy with how slowly this whole thing has proceeded.

The last thing I want to mention here—maybe two more things—in terms of moving from this point forward, how long would these less than 1 percent have to comply with the regs that have finally been promulgated? I am told the sources would have up to 4 years to comply. The EPA is still taking public comment and hopes to finalize this regulation by late spring.

The bottom line is that we have delayed long enough. Only 1 percent of our largest sources will need to clean up. The EPA has certainly tried to address many problems—maybe not all the problems but most problems—and they are still taking public comments. I am not sure we need to delay this boiler MACT any further.

There are a lot of people who sneeze during the course of their lives, as I have just done here on the floor. That was just a coincidence, but a lot of people in this country suffer because of the quality of our air. We have made great improvements in cleaning up the quality of our air. We still have too many people who suffer from asthma and other respiratory diseases. The kinds of problems and emissions we are talking about here deal less with asthma and respiratory diseases; we are talking about substances that can kill people. In the case of the substances we are talking about here, they have the ability to kill more than 8,000 people a year.

We don't have many large towns in Delaware. In Wilmington, we have about 75,000 people. In Dover—the central part of our State—we have about 30,000 people. And if you take 8,000 people, that is about as many people as live in any of the—well, Newark, where we have the University of Delaware, has about 30,000 people. But other than that, we don't have a lot of large towns. For us, 8,000 people could be the fourth or fifth largest town in my State. That is a lot of people. At the end of the day, even if these rules are fully implemented, we are not going to save all of those 8,000 people, but a lot of those lives will be saved in the coming years, and we need to do that.

We need to let this process go forward and do our dead level best—the EPA has tried to be responsive to concerns that have been raised—to provide for a cleaner environment and not to dampen our economic recovery.

The last word I would add is that I think the idea that we have to choose one over the other is a false choice. We don't have to do that. We can have a cleaner environment and we can have jobs. If you look at the growth of our Nation's economy since 1970, when the Clean Air Act was adopted, or 1990 when the Clean Air Act amendments were adopted, we have seen dramatic growth in our budget. We have seen growth in our economy, and we have seen the quality of air become a lot cleaner over that period of time. So one does not preclude the other.

While some serious concerns have been raised about the earlier proposals by the EPA, a lot of those concerns have been addressed. I think we need to get on with it.

With that, Mr. President, I think we are going to wrap it up here around 7:30, which is in another 10 minutes or so. I am looking around, and I don't see anybody else waiting to speak, so I will note the absence of a quorum and bid you good night.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the period for morning business be extended until 8:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO LIEUTENANT GENERAL PATRICIA D. HOROHO

Mr. INOUYE. Mr. President, today I rise to congratulate LTG Patricia D. Horoho on becoming the U.S. Army's 43rd Surgeon General. This is a momentous time for military medicine, with two historic firsts for the U.S. Army and for the Department of Defense. On December 5, 2011, General Horoho became the first woman and the first nurse to assume command of the U.S. Army's Medical Command. Then, just 2 days later, she became the Army's 43rd Army Surgeon General, making history again by becoming the

first woman and the first nurse in the Department of Defense to be sworn in as Surgeon General.

Lieutenant General Horoho earned her bachelor of science degree from the University of North Carolina at Chapel Hill in 1982. She received her master of science degree as a clinical trauma nurse specialist from the University of Pittsburgh. Her military education includes graduating from the Army's Command and General Staff College and the Industrial College of the Armed Forces, where she earned a second master of science degree in national resource strategy.

Lieutenant General Horoho has earned numerous civilian and military awards and recognitions throughout her distinguished career. Her civilian accolades include recognition in 1993 as one of the top 100 nurses in the State of North Carolina. She was selected as the USO's Woman of the Year in 2009. Most recently, the University of North Carolina School of Nursing selected her as the Alumna of the Year on November 30, 2011.

Some of Lieutenant General Horoho's previous military assignments include Deputy Surgeon General; Chief of the Army Nurse Corps; Commander of the Western Regional Medical Command in Fort Lewis, WA; Commander of the Madigan Army Medical Center in Tacoma, WA; Commander of the Walter Reed Health Care System in Washington, DC.; and Commander of the DeWitt Health Care Network in Fort Belvoir, VA.

Lieutenant General Horoho brings extensive leadership, education, and experience to her new position as the 43rd Army Surgeon General. I applaud the many accomplishments which have brought her to the highest level of rank and responsibility in military medicine, and I wish her success as she begins her new position.

RECOGNIZING THE NATIONAL GUARD

Mr. BROWN of Massachusetts. Mr. President, today I would like to congratulate the National Guard on 375 years of service.

It was on December 13, 1636, in Massachusetts that our Nation's military heritage was born. It was the members of the Massachusetts Bay Colony who stood together and founded an organization to protect and defend the peoples of the Bay Colony. They provided watch to ensure the security of their fellow settlers in Massachusetts, and they drilled to ensure they were prepared to fight if called upon.

From these grassroots origins comes today's National Guard: the most prepared, best equipped, and most mobile National Guard our Nation—or any nation—has ever had. Like the guardsmen of the first days of this Nation, today's guardsmen continue to answer the call to duty. They serve as leaders in our homeland defense response and disaster relief, and over the past 10 years, our guardsmen have served with courage and honor in Iraq and Afghanistan, right alongside our Active-Duty Forces. They are fighting on many fronts overseas and fulfilling many different missions.

Sometimes they are coming home with devastating injuries. When they return, these citizen soldiers and airmen face the challenges of recovery, readjustment, and finding jobs. The unemployment rate of today's National Guard remains well above the national average. To ensure that we honor the service of these guardsmen and veterans, I introduced the Hire A Hero Act which gives a tax credit to small businesses that hire veterans and members of the National Guard and Reserves, and I am pleased to say that the legislation has become law.

I have also pushed to ensure that all our National Guardsmen receive fair housing allowances. I introduced an amendment included in this year's National Defense Authorization Act that makes certain every guardsman who gets deployed will receive the housing allowance they need and deserve. When a guardsman is ordered to Active Duty for a contingency operation, the housing allowance for that guardsman currently reverts back to his or her home-of-record status rather than the current housing allowance of his or her present duty station, despite any significant loss of income. Basically, guardsmen are being punished financially for being deployed to a war zone. My amendment to this year's National Defense Authorization Act will rectify this inequity.

Also included in this year's National Defense Authorization Act is a monumental provision recognizing the significance of today's National Guard. As a 32-year member of the Massachusetts National Guard and a member of the Senate Armed Services and Veterans' Affairs Committees, I am proud to have cosponsored the amendment to make the Chief of the National Guard Bureau a full member of the Joint Chiefs of Staff. It is a long overdue measure that gives the National Guard the recognition and respect that it deserves. I am proud to have supported it, and I look forward to its final passage.

Today our National Guardsmen continue the tradition of service begun by the militia of 1636, and I want to pay special recognition to the guardsmen of the 26th Yankee Brigade serving overseas and to their families for their service and sacrifice. Massachusetts's own 26th Yankee Brigade is currently serving in Afghanistan. When asked, they answered the call to duty. This summer while I was in Afghanistan, I was fortunate enough to see firsthand the selflessness, courage, and professionalism of ''The Nation's First.'' They are a credit to the State of Massachusetts, the National Guard, and to this Nation.

Congratulations to the National Guard for its 375 years of service to this Nation and to all the guardsmen who are prepared to support and defend this great Nation in its times of need.

KEYSTONE XL PIPELINE

Mr. LEAHY. Mr. President, the House Republicans have sent us a payroll tax bill that is more of a political campaign commercial than a piece of serious legislation. Extending this tax break for ordinary Americans evidently has been a tough sell in the other body, unlike the eagerness found there for even more tax relief for the very wealthy. Among the many unrelated, controversial provisions they have attached as sweeteners is one that would force the President to approve the Keystone XL tar sands oil pipeline. Proponents of this tar sands project provision argue that it belongs on this bill because building the pipeline would create jobs.

Any construction project creates jobs. We could create thousands of jobs by investing in clean solar and wind energy, as the Chinese have done. And people can disagree about building the Keystone Pipeline, but there is a lot more to it than the short-term jobs it would create, and trying to jam it through Congress on this bill in the waning hours of the session is little more than a political stunt.

It was about 15 months ago that I first learned about the plan to build a pipeline to transport crude oil from tar sand strip mines in Alberta across the U.S.-Canada border and down through the Midwestern United States to refineries and ports in Texas.

Tar sands are a particularly dirty source of petroleum, from extraction to refinement. As I looked into this issue I saw some of the photographs of the boreal forest area where it is extracted, and I was shocked. Anyone who is interested in this issue, whether or not you think building the pipeline is a good idea, should look at the photographs. They depict an extraordinarily beautiful landscape that has been ravaged by heavy machinery, vast ponds filled with polluted water and sludge, and a scared wasteland where forests used to be. It is one of the more graphic examples of how our collective, insatiable thirst for oil has pillaged the fragile environment of this planet. Our demand for fossil fuels will continue to grow exponentially unless we come up with a comprehensive, national energy plan and have the will to implement it.

We all know that the extraction of oil, minerals, timber, and other natural resources often harms the environment. But there are degrees of harm. Removing the tops of mountains and dumping the refuse in rivers and ravines or extracting heavy oil from tar sands are among the most energy intensive and destructive.

Under the law, the State Department has the responsibility to approve or disapprove the pipeline because it crosses an international boundary. More than a year ago, I and 10 other Senators sent a letter to the State Department raising concerns about the

proposed pipeline and the impact of tar sands oil on global warming and asking a number of questions about the Department's decisionmaking process. Eight months later we received a response, which answered some of our questions and raised others.

I and other Senators sent two additional letters to the Department about the pipeline, most recently about reports of a possible conflict of interest between the contractor that performed the environmental review, Cardno/Entrix, and the energy company, TransCanada.

There have also been e-mails indicating a less-than-arm's-length relationship between a State Department official at the U.S. Embassy in Ottawa and a lobbyist for TransCanada. And a month ago the State Department's inspector general announced the beginning of an investigation into whether conflicts of interest tainted the environmental review process.

What began as basic questions and fundamental concerns about the pipeline has evolved into a significant controversy regarding the impact the pipeline will have upon our Nation's energy policy and continuing dependence on fossil fuels, the irreversible harm to the environment and the acceleration of climate change, and the potential for oilspills that could contaminate a key aquifer underlying an area of critical agricultural importance that hundreds of thousands of midwesterners depend on for irrigation and drinking water.

From the beginning, I have expressed misgivings about the State Department's ability to conduct a thorough, credible investigation of a project of this complexity that involves issues about which it has limited expertise. There are reports of inexperienced staff handling the lion's share of the work, and it is not surprising that the Environmental Protection Agency and the Department of Energy have raised concerns and identified flaws in the State Department's analysis.

It is my impression that the State Department, from the outset, approached this with a sense of inevitability. What they did not anticipate was the strong reaction of Members of Congress of both parties, including several from Midwestern States that have been coping with multiple oilspills from the original Keystone Pipeline that company officials have treated as inconsequential. They also did not anticipate the strong opposition from ordinary Americans who pay close attention to environmental and energy policy issues, for whom tar sands oil is particularly repugnant.

Concerns about the consequences of this project have united not only those living along the proposed route but people across the Nation, including in Vermont, as well as in Canada, who care about the environment, both in this country and in Canada, and who understand the need to wean our Nation from oil and other fossil fuels and to invest in renewables and energy efficiency.

Every President since the 1970s has spoken of the need to reduce our dependence on fossil fuels and particularly foreign oil. But despite all the speeches, year after year we are more dependent on these finite, polluting sources of energy than ever before.

Today, energy companies are spending staggering amounts of money in search of new sources of oil and gas in some of the most inhospitable places on Earth, where its extraction involves great risks to the people involved, the environment, and endangered species. We even send our young service men and women halfway around the world to fight wars, in part to ensure our continued access to a ready supply of oil. It has become a national security priority.

We have lost valuable time, and there are no quick fixes. No matter what we do today, later this week, or later this month, this country will be dependent on fossil fuels for many years to come. But simply replacing Middle Eastern oil with Canadian oil without creating new, dependable sources of renewable energy and improving efficiency in the energy we use does not alleviate the national security and economic risks associated with a global oil market that is vulnerable to manipulation and disruption.

There is also much more we could do to make use of what we have by wasting less, improving end-use efficiency, and increasing our use of renewable sources of energy. While TransCanada and its supporters extol the virtues of the Keystone XL Pipeline, as the minority leader and others have done, simply by reducing waste we could eliminate entirely the need for the energy produced from the oil that would flow through the pipeline.

I come from a State that shares a border with Canada. My wife's family is Canadian. I have a great fondness for that ''giant to the north.'' But this issue is not about U.S. relations with Canada. We are inseparable neighbors, friends, and allies. There are strong views about this pipeline, pro and con, in both countries. As Americans, we have to do what is right for our country's energy future, for the environment, for our citizens.

Some have argued that if this pipeline is not built, TransCanada will simply build a pipeline to the coast of British Columbia and export the oil to China. But there are significant obstacles and no indication that such an alternative route is a viable option. Others maintain that the carbon emissions from extracting and refining this oil would not appreciably exceed those from oil shipped by tanker from the Middle East, but they do not address the environmental harm and pollution caused by the strip mining and separation process.

TransCanada has flooded the media with dire warnings about the American jobs that will be lost if the pipeline is rejected, which our Republican friends have echoed, trying to turn this into a campaign issue. But most of these are construction jobs that will disappear once the pipeline is built. And the choice is not between jobs or no jobs. They do not mention the tens or hundreds of thousands of American jobs that could be created by investing in other cleaner, renewable sources of energy, which, unlike tar sands oil, will not be used up in a few short decades.

Last month, in response to concerns about the sensitive and crucial aquifer that the pipeline would traverse in the Midwest, the White House announced that the State Department will consider alternative routes through Nebraska and that this would delay a decision on the pipeline until 2013. This is positive, but it ignores the many other reasons to reject this project altogether.

It is my hope that on further reflection, the President will treat the debate over the Keystone XL Pipeline as an opportunity to draw a line between our past and future energy policies.

Fossil fuels are finite, inefficient, and dirty. The cost we pay at the gas pump bears no resemblance to the long-term environmental and health costs borne by society as a whole.

We cannot lessen our reliance on fossil fuels by simply talking about it. We cannot do it by putting our goals for a better future under the pillow and leaving any real action to future generations. We cannot do it by hoping that a scientific genius will suddenly discover an unlimited source of energy that costs pennies and does not pollute, nor should we do it by spending huge amounts of money, time, talent and American ingenuity to search the farthest reaches of the globe for every last drop of oil, regardless of how dangerous or harmful to the environment.

Will the Keystone XL tar sands oil pipeline have the cataclysmic consequences that some of its opponents predict? No one can say for sure. If anyone had asked officials at British Petroleum on April 9, 2010, about the probability of a disaster like the one that occurred the next day when the Deepwater Horizon exploded in the Gulf of Mexico, they likely would have dismissed it as farfetched. It turns out they were violating multiple safety regulations.

Are we going to change the pipeline's route to avoid the aquifer, only to continue to act as if global warming is nothing to worry about, that we can continue to burn more and more fossil fuels, emitting more and more carbon into the atmosphere, and destroying the landscape while we are at it?

This pipeline would perpetuate a costly dependence that has gone on for a century, for which we all share in the blame. Keystone XL would once again do nothing to address the problems associated with fossil fuels. It would virtually assure more oilspills, it would do nothing to promote conservation and reduce waste, and it would do

nothing to spur investment in clean energy alternatives.

Most important, it would provide yet another excuse for once again punting the urgent, national security imperative of developing a sustainable energy policy for this country. That is what the decision about the Keystone XL tar sands oil pipeline has come to represent regardless of what route it takes.

RECOGNIZING GOLDEN VALLEY, MINNESOTA

Mr. FRANKEN. Mr. President, I want to take this opportunity to honor the 125th Anniversary of the incorporation of Golden Valley, MN. As a child growing up in St. Louis Park, I have many fond memories of time spent in my neighboring town to the north, Golden Valley. As next-door neighbors, our cities shared a commitment to civic engagement, strong families, and a tight-knit community that worked for the wellbeing of all its citizens. We can see the results of those values today.

On its 125th birthday, Golden Valley has much to be proud of, a high quality education system, high living standards, and model businesses ranging from Fortune 500 companies to family-owned small businesses. Clearly, Golden Valley is doing something right.

As a representative of the great people of Minnesota, I can see that it's cities like Golden Valley make my State the best place to live in the country. My colleagues here might get tired of hearing how our State consistently does things better, but I will never get tired of telling those stories. Congratulations to the residents of Golden Valley.

ADDITIONAL STATEMENTS

REMEMBERING GIL CHAVEZ

• Mr. BENNET. Mr. President, today I come before you with a heavy heart to honor the life of Gil Chavez. Mr. Chavez died on November 30, 2011, of injuries sustained in a car accident outside of West High School in Denver, CO. He was 63 years old.

Mr. Chavez was a true community leader in every sense of the word. After graduating from Denver's West High School in 1967, Mr. Chavez spent the next 30 years of his life giving back to the school through teaching, coaching, and counseling. He was always there for his students, so much so that after retiring, he came back to volunteer coach for the wrestling team beside his son, Gil Junior, the current head coach at West. Mr. Chavez's family continues his legacy of always striving for excellence in all that they endeavor.

Gil Chavez was a committed educator and coach who was a role model to the students he worked with. He was a sincere motivator, and he backed up his words with promises that he kept to his students. Mr. Chavez was always there for those who needed him with an ear to listen, with help figuring out classes or locating a tutor, and always believing in those who needed it most.

To Mr. Chavez's entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Gil's life and by your knowledge that his community will never forget him. His memory will live on in the team, the school, the community, and all those he has touched along the way.•

TRIBUTE TO COLONEL WILLIAM M. VOIGT

• Mr. SESSIONS. Mr. President, today I wish to praise an exceptional man, COL William M. Voigt.

Colonel Voigt has been one of the foremost civil and military leaders in Birmingham and in my State of Alabama for around a half century now. I was proud to join Colonel Voigt recently in Birmingham when he accepted his well-deserved award as the 2011 National Veteran of the Year.

I have had the pleasure to know Bill personally for many years and to observe his devotion to his country. His patriotism is unsurpassed.

Colonel Voigt served his country with 30 years in the Alabama Air National Guard and another 5 years of service with the U.S. Air Force Reserve. He has achieved not only a bachelor of science in business administration from Auburn University and a master's in business administration from the University of Alabama in Birmingham but has also graduated from the Air War College, the Industrial College of the Armed Forces, the Air Command and Staff College, and the Squadron Officer School.

In addition to his own education, COL Bill Voigt has given his time and efforts to an impressive and exhaustive list of nonprofits and service organizations. On top of this, he has served for over 20 years as the president of the National Veterans Day organization.

Birmingham is the birthplace of Veterans Day. The very first Veterans Day celebration was held in Birmingham by this very organization in 1947. It was only in 1954, 7 years later, that Congress agreed to the value of this wonderful event and made Veterans Day the national holiday it is today.

The Birmingham National Veterans Day celebration is believed to be not only the oldest but also the largest in the country. The day includes a parade and a large awards dinner. The entire effort is a monumental planning exercise. For 20 years Bill Voigt made it happen.

This year's dinner was a very special one. The organization's president, James A. Holt, Congressman Spencer Bachus, Congresswoman TERRI SEWELL, and others took part in the excellent program. I was honored to be a part of the program also. The superb keynote speaker was RADM Tom Steffens (retired), a U.S. Navy SEAL for 34 years. It was a special program indeed, but the remarks all revolved around Colonel Voigt. I know he and his wonderful family were most proud.

Colonel Voigt represents the model for the type of person we should push our youth to emulate. He is a man who has proven time and time again that he is willing to serve his country, his community, and his fellow veterans who have fought for the ideals and goals of the United States of America.

Mr. President, it is my honor to pay tribute to this great man and by extension this wonderful annual Veterans Day event.•

RECOGNIZING SOUTHCENTRAL FOUNDATION

• Mr. BEGICH. Mr. President, I wish to recognize Southcentral Foundation, an Alaska Native-owned, nonprofit health care organization serving nearly 60,000 Alaska Native and American Indian people. Southcentral Foundation received the 2011 Malcolm Baldrige National Quality Award, an award administered by the Baldrige Performance Excellence Program to honor the country's most innovative organizations. The Baldrige Award is the only formal recognition of the performance excellence of both public and private U.S. organizations given by the President of the United States. Southcentral Foundation is the Alaska's first health care organization to receive this award.

Southcentral Foundation was established in 1982 to improve the health and social conditions of Alaska Native and American Indian people, enhance culture, and empower individuals and families to take charge of their lives. They employ over 1,500 people, of which 53 percent are Alaska Natives or American Indians. As mayor of Anchorage and now as Senator, I watched the growth of this excellent nonprofit from a small outpatient facility to a beautiful, culturally designed campus encompassing many buildings to serve their customer-owners.

Southcentral Foundation's innovative Nuka system of care combines medical, dental, behavioral, and traditional practices and creates relationships that focus on supporting wellness instead of just treating illness. This system has received national and international attention for its successes in health outcomes, operational efficiencies, and customer and employee satisfaction. It is a truly exemplary health care system that is one of the best in the country.

The award will be presented by President Barack Obama in April, 2012.•

IN RECOGNITION OF MR. BILL VANDERWENDE AND MR. DAVE BAKER

• Mr. CARPER. Mr. President, today I wish to recognize Mr. William ''Bill'' Vanderwende and Mr. David ''Dave'' Baker for their leadership, vision and commitment to Delaware's agriculture

community through their roles as Chairman and Vice-Chairman, respectively, of the Delaware Nutrient Management Commission. Both have dedicated their lives to Delaware and its farming communities, benefitting and protecting the farming industry and the thousands of farmers and citizens who rely on our state's priceless natural resources.

As the Chairman and Vice-Chairman of the 19-member Delaware Nutrient Management Commission since its inception in 1999, Bill and Dave have led the Commission through years of development—made up of innovation, labor and compromise—that resulted in Delaware's premier Nutrient Management Program—one that serves as a model for other States. Moreover, Bill and Dave helped guide Delaware through U.S. Environmental Protection Agency approval of the State's controlled animal feeding operation regulations, helping to preserve our State's rich agricultural resources, while protecting farmers and their livelihood for generations to come. When I was Governor of the State of Delaware, I worked closely with both Bill and Dave on the development of the Delaware Nutrient Management Program and know well their passion and loyalty to doing what is right for the First State's agricultural community, as well as for our environment and our neighbors' environments.

The Delaware Nutrient Management Program was established in June 1999 as a result of the Delaware Nutrient Management Law. The mission of the Delaware Nutrient Management Program is to manage those activities involving the generation and application of nutrients in order to help maintain and improve the quality of Delaware's ground and surface waters and to help meet or exceed federally mandated water quality standards, in the interest of the overall public welfare. The responsibilities of the Delaware Nutrient Management Commission include: considering the establishment of critical areas for voluntary and regulatory programs; establishing Best Management Practices to reduce nutrients in the environment; developing educational and awareness programs; considering incentive programs to redistribute excess nutrients; establishing the elements and general direction of the State Nutrient Management Program; and, developing nutrient management regulations.

In 2001, under the team's leadership, the Delaware Nutrient Management Commission outlined a Memorandum of Understanding with the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control, and the chief executives of all poultry companies operating in Delaware—an agreement that was the first of its kind. This unique partnership between the agriculture and environmental sectors in Delaware has helped contribute to the progress Delaware has achieved in nutrient management. Currently, the First State leads the nation in nutrient management planning participation. Ninety-nine percent of all farmers who are required to have a nutrient management plan do, indeed, have one.

The Delaware Nutrient Management Commission's strong working relationships with the Delaware Department of Agriculture, the Delaware Department of Natural Resources and Environmental Control, the U.S. Environmental Protection Agency, Delaware's Congressional delegation, and with Delaware's Governor and the State's General Assembly has contributed to the implementation of on-the-ground solutions for nutrient management that encourage environmental stewardship and have positive benefits to agriculture and its farmers.

A native of Harrington, DE, Bill Vanderwende is a man of family, faith and farming and serves as a proud, lifelong member of Delaware's farming tradition. For over 40 years, Bill and Ellen—his wife of almost 60 years—along with their 4 children, 10 grandchildren and several employees, have run a dairy, grain and vegetable farming operation in Bridgeville with 700 head of dairy and 3,000 crop acres. Bill has represented Delaware's dairy industry for decades.

Bill's leadership in the agricultural community stretches beyond the Nutrient Management Commission. Bill has been a distinguished member of the Sussex County Conservation District Board of Supervisors for 20 years, serving as chairman since 1992. In addition, Bill served as a member of the Governor's Advisory Council on Agriculture, a member of the Governor's Advisory Council on Soil and Water, and as Vice-Chairman of Delaware Aglands Preservation Foundation Board of Trustees. Bill and the Vanderwende family have also received numerous awards recognizing their positive impact and influence on Delaware's farming tradition, including Bill's honor as the recipient of the 2009 Secretary's Award for Distinguished Service to Agriculture given by the Delaware Department of Agriculture and the Vanderwendes' 1993 Farm Bureau award for the Farm Family of the Year.

Over the years, Dave Baker has made a remarkable contribution to Delaware's agricultural community through his work, leadership and thoughtful attention to detail. His commitment to Delaware's and our nation's farmlands, as well as his commitment to his family and community is unmistakable. Since moving to Middletown, DE in 1952, Dave Baker has remained close to his roots. Today, just outside of his hometown, Dave lives with his wife Barbara. Together, they have a son Erik and two grandchildren. There, Dave is the President of Baker Farms, a 3,000-acre grain farm. He also founded Delaware Egg Farm—now Puglisi Egg Farms Delaware—Delaware's largest egg producing operation.

In addition to his role of Vice-Chairman of the Delaware Nutrient Management Commission, Dave is Chairman of the Commission's Planning and Personnel subcommittees. Moreover, Dave's agricultural acumen and outstanding leadership in the field of agriculture has been recognized in Delaware and well beyond our borders. Most recently, he received the 2010 Secretary's Award for Distinguished Service to Agriculture given by the Delaware Department of Agriculture. During my term as Governor, Dave was the Chairman of the Nutrient Management Advisory Committee, the organization responsible for drafting Delaware's ground breaking nutrient management statute. He is also a past president of the Delaware Council of Farm Organizations. Nationally, he has served on the American Egg Board and the Poultry Advisory Committee for the Farm Bureau, and regionally, he is a past chair of the Egg Clearinghouse and the Northeast United Egg Producers.

Delaware is fortunate to have such an outstanding team led by Bill Vanderwende and Dave Baker to carry on a legacy of farming values that shape, honor and preserve our State's treasured agricultural heritage. Bill and Dave's leadership on the Nutrient Management Commission reaches those not just in our agricultural community, not just in our State, but the millions of Americans who are impacted by Delaware's decisions on nutrient management. The continued leadership of these two men will keep our farming industry prosperous, while protecting our natural resources for generations to come. It is with a genuine sense of honor and pride that I rise today to extend the heartfelt congratulations and thanks of our entire Congressional delegation to our friends and outstanding Delaware residents, Bill Vanderwende and Dave Baker.●

RECOGNIZING ORONO MIDDLE SCHOOL

● Ms. COLLINS. Mr. President, today, I commend Orono Middle School of Orono, ME, on being named a 2011 National Blue Ribbon School of Excellence. This prestigious recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

Created in 1982, the Blue Ribbon Schools award is considered the highest honor an American school can obtain. Schools singled out for this national recognition reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

This award recognizes that Orono Middle School students achieve at the highest level academically. Orono Middle School is a top-performing school

on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction. The school also involves students in extracurricular activities, which helps forge a strong school community where students are connected and encouraged to pursue their interests.

I applaud not only the students but also the teachers, staff, administrators, and parents of Orono Middle School. Together, they are succeeding in their mission to generate confidence and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I am pleased that the U.S. Department of Education has selected Orono Middle School for this well-deserved honor, and I congratulate the entire community for this outstanding achievement.●

RECOGNIZING COOL AS A MOOSE

● Ms. SNOWE. Mr. President, across the country the holiday shopping season is in full swing. For many, holiday shopping can be a stressful time, as picking out the ideal gift can often be overwhelming. Luckily, my home State of Maine has several small businesses which offer gift solutions in a fun and festive setting. Today I wish to commend and recognize one of these small businesses, Cool As A Moose, whose retail stores offer unique and creative gifts for the holiday season and throughout the year.

Cool As A Moose first opened its doors in 1986 in the coastal town of Bar Harbor. Whether a customer longs for a moose hat or an adorable stuffed animal lobster, this small business offers customers an array of clever products and creative apparel. The company, now owned by Maine resident Kip Stone, has expanded to include stores in Freeport, Portland, and most recently Brunswick. The retailer also has an online presence and two licensed locations in Halifax and Quebec City, Canada.

The establishment of a store and headquarters in Brunswick this past May was critical, as it brought jobs to an area of Maine that recently struggled after the closure of the Brunswick Naval Air Station. Kip's tireless search for an ideal location lasted 2 years, as he sought to find an environment that would allow him to open both a store and have space for his other company, Artforms, which supplies many of the designs for the retail store. Kip selected the Old Grand City restaurant and storefront for the flagship store. With this purchase and renovation, Kip furthered a critical mission by helping to revitalize the Brunswick downtown area.

As can be seen from this small company's expansion, since its founding, this store's friendly customer service and engaging atmosphere have led to tremendous success. Most recently, Cool As A Moose was honored as the 2011 Merchant of the Year by the Maine Merchants Association. This honor is richly deserved as this small business consistently strives to improve each community it serves through volunteering and supporting area non-profits.

Small businesses such as Cool As A Moose are the heart of the economy, and this holiday season I hope Americans will gather with me in supporting these retailers. In these tough economic times, this small firm's willingness to expand and continually strive to put local communities first is especially refreshing. I am proud to extend my congratulations to Kip Stone and everyone at Cool As A Moose for their tremendous efforts and offer my best wishes for continued success.●

TRIBUTE TO OFFICER JAMES BONNEAU

● Ms. STABENOW. Mr. President, on behalf of myself and Senator LEVIN, I wish to pay tribute to James ''Jim'' Bonneau, a member of the Jackson Police Department in Jackson, MI, who has been posthumously awarded the Congressional Badge of Bravery.

Officer Bonneau was born in Canton, MI to Marc and Amy Bonneau. Growing up he always wanted to help others and become a police officer. After graduating from Canton High in 2002, he earned a degree in criminal justice from Eastern Michigan University. In 2007, he followed his dream and joined the Jackson Police Department, which put him through Lansing Community College's Mid-Michigan Police Academy.

Bonneau excelled at the academy and graduated at the top of his class. He was well liked by the faculty and his fellow classmates. Even though he was with the department for two short years, his excellence on the job and connection with the community he served made a difference and touched many lives.

On March 9, 2010, Officer Bonneau and Blackman Township Public Safety Officer Darin McIntosh responded to a domestic disturbance call. The suspect fired multiple shots at both officers wounding Officer Bonneau in the chest and Officer McIntosh in the leg. Though mortally wounded, Officer Bonneau showed bravery and determination while he relayed critical information to central dispatch regarding the incident. His actions ensured that the responding officers knew what to expect upon entering the home. Tragically, he later died from his injuries.

Officer Bonneau's exceptional acts of bravery and presence of mind while in the line of duty earned him a well-deserved nomination and award of the State and Local Law Enforcement Congressional Badge of Bravery.

On behalf of the City of Jackson and the State of Michigan, we express our gratitude to Officer Bonneau and his family for his bravery and commitment to law enforcement. He made the ultimate sacrifice so that others may live in safety.●

MESSAGES FROM THE HOUSE

At 10:35 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 bill, in which it requests the concurrence of the Senate:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

At 2:38 p.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 bill, without amendment:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 313. An act to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

H.R. 3246. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

At 7:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 7:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1905. An act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

H.R. 2105. An act to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes.

H.R. 3421. An act to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2011.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 313. An act to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 1905. An act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; to the Committee on Foreign Relations.

H.R. 2105. An act to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes; to the Committee on Foreign Relations.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

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–4291. 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: Utilization of Domestic Photovoltaic Devices'' ((RIN0750–AH43)(DFARS Case 2011–D046)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Armed Services.

EC–4292. 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 in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4293. 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 in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4294. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Statements of Legal Authority to Reflect Continuation of Emergency Declared in Executive Order 12938'' (RIN0694–AF44) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4295. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC–4296. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, (15) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC–4297. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Secretarial Emergency Action'' (RIN0648–BB32) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4298. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program'' (RIN0648–AX47) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4299. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 15B'' (RIN0648–BB55) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4300. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 46'' (RIN0648–BB08) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4301. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas'' (RIN0648–BA90) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4302. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''List of Fisheries for 2012'' (RIN0648–BA76) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4303. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Export Administration Regulations: Facilitating Enhanced Public Understanding of the Provisions That Implement the Comprehensive U.S. Sanctions Against Syria Pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003'' (RIN0694–AF29) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4304. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Shipping and Transportation; Technical, Organizational, and Conforming Amendments'' ((RIN1625–AB77)(Docket No. USCG–2011–0618)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4305. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''Five-Year Program Plan for Fiscal Years 2008 to 2012 for Electric Transmission and Distribution Programs''; to the Committee on Energy and Natural Resources.

EC–4306. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2008 and 2009''; to the Committee on Energy and Natural Resources.

EC–4307. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–4308. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's fiscal year 2011 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4309. A communication from the Acting District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Fiscal Year 2010 Small Business Enterprise Expenditure Goals''; to the Committee on

Homeland Security and Governmental Affairs.

EC–4310. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4311. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4312. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of 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–4313. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Chemical Mixtures Containing Listed Forms of Phosphorous and Change in Application Process'' (RIN1117–AA66) received in the Office of the President of the Senate on December 12, 2011; to the Committee on the Judiciary.

EC–4314. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, a report relative to the national financial statement of the organization, and national staff and convention minutes for the year ending July 31, 2011; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

National Oceanic and Atmospheric Administration nominations beginning with Benjamin M. Lacour and ending with Brian D. Prestcott, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2011.

By Mrs. BOXER for the Committee on Environment and Public Works:

Rebecca R. Wodder, of Virginia, to be Assistant Secretary for Fish and Wildlife.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions:

*Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2016;

*Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016;

*Stephanie Orlando, of New York, to be a Member of the National Council on Disability for the remainder of the term expiring September 17, 2011;

*Stephanie Orlando, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2014;

*Gary Blumenthal, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2013; and

*Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service.

Mr. HARKIN. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Public Health Service nominations beginning with Jose G. Bal and ending with Kendra J. Vieira, which nominations were received by the Senate and appeared in the Congressional Record on November 8, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. BLUNT (for himself, Mrs. MCCASKILL, Mr. INHOFE, Mr. COBURN, and Mr. ENZI):

S. 1988. A bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to consider private landownership and private use of land in issuing hydropower licenses, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. KERRY, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. CRAPO, Mr. BROWN of Massachusetts, and Ms. COLLINS):

S. 1989. A bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Ms. COLLINS, Mr. BURR, Mr. AKAKA, Mr. TESTER, and Ms. LANDRIEU):

S. 1990. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 1991. A bill to establish the National Endowment for the Oceans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN of Ohio (for himself, Mr. WYDEN, and Mrs. SHAHEEN):

S. 1992. A bill to provide flexibility of certain transit functions to local entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 1993. A bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. CARDIN, and Mr. LEAHY):

S. 1994. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. BLUMENTHAL):

S. 1995. A bill to enhance Food and Drug Administration oversight of medical device recalls, to provide for the conditional clearance of certain medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 431

At the request of Mr. PRYOR, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Delaware (Mr. COONS), the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from West Virginia (Mr. MANCHIN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Nebraska (Mr. NELSON) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 506

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 534

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 587

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 707

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Delaware (Mr. CARPER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 1355

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1544

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1746

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1746, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New Jersey (Mr. MENENDEZ) 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 name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1927

At the request of Mr. PAUL, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1927, a bill to modify the criteria used by the Corps of Engineers to dredge small ports.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

S. 1961

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. RES. 347

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 347, a resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment.

At the request of Mr. BROWN of Ohio, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 347, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BLUMENTHAL, Ms. COLLINS, Mr. BURR, Mr. AKAKA, Mr. TESTER, and Ms. LANDRIEU):

S. 1990. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise to introduce legislation that would guarantee the jobs of Transportation Service Officers, TSO, who are called to active military duty, putting them on the same playing field as every other civilian employee called up to serve their nation in the uniformed services in times of need.

I want to thank my cosponsors for their support of this measure, including my colleague from Connecticut, Senator RICHARD BLUMENTHAL, and the Ranking Member of the Homeland Security and Governmental Affairs Committee, Senator SUSAN COLLINS. Other cosponsors include Senators BURR, AKAKA, TESTER and LANDRIEU.

This is a very simple and straightforward bill that would close a loophole in the law that leaves Transportation Security Officers called to full time military service vulnerable to dismissal from their jobs upon return to civilian life.

The jobs of all other non-military public and private sector employees called up to active duty are protected under the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA. USERRA entitles a reservist, a member of the National Guard, or a veteran who is called to duty to return to their civilian jobs once their service is complete. The service member must meet certain, basic requirements, such as providing advance notice to their employer of their impending service and missing no more than 5 years of work under any one employer due to their service.

According to the law itself, the purpose of USERRA is to ''encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service.''

The law also minimizes the disruption to those who are called up to service by providing for their prompt reemployment when they return to civilian life and protects them from discrimination based on their active duty in the uniformed services.

This is simple fairness to those with the courage, determination, and love of country to serve in the uniformed services beyond any required service or normal tour of duty, and certainly at an age older than most soldiers.

TSOs, however, are not statutorily protected against dismissal from their jobs upon return from military service. In the aftermath of 9/11, when Congress moved with lightening speed to strengthen the safety of air travel, we provided the Transportation Security Administration with the broad authority it would need to hire and deploy

tens of thousands of new workers in a matter of weeks. TSOs became a select category of federal employees who were considered vital to the national security, and because of the unusual circumstances and broad authority given to TSA, they were exempted from many labor laws.

The Aviation and Transportation Security Act, ATSA, passed in November 2001, gives the TSA Administrator authority over all terms and conditions of a TSO's employment. Specifically, Section 111(d) of ATSA states: ''notwithstanding any other provision of law, the Undersecretary for Transportation Security may employ, appoint, discipline, terminate, and fix terms and conditions of employment . . . as the Undersecretary determines to be necessary.''

The Transportation Security Administration employs 3,500 reservists and another 15,000 veterans. The agency frequently recruits veterans, reservists, and members of the National Guard and benefits from their employment. We should make it easier for TSA to attract the best and brightest to its ranks, by ensuring these men and women have the job protections they need and deserve.

TSA has said that it complies administratively and voluntarily with USERRA. But without the force of law, reservists and National Guard members cannot count on redress if they believe TSA has violated USERRA.

According to The Veterans of Foreign Wars, at least two TSOs so far have tried to appeal TSA actions based on perceived violations of USERRA. Both were thwarted in their efforts when the Office of Special Counsel and the Merit System Protection Board ruled that Section 111(d) of ATSA bars TSOs from USERRA coverage.

TSOs find themselves in a clearly unjust and inadvertent position. Therefore, the legislation my colleagues and I are introducing today would simply require TSA to comply with USERRA, providing TSOs the statutory protection of reemployment to which every other type of worker, in the private or public sectors, is eligible.

I ask my colleagues for their support to right this unintentional wrong.

Mr. President, I ask unanimous consent that the text of the bill be printed into the Record.

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

S. 1990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT TO THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note; Public Law 107–71) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), and notwithstanding''; and

(2) by adding at the end the following:

''(2) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 270 days after the date of the enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1462. Mr. REID (for Mr. KERRY (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 515, to reauthorize the Belarus Democracy Act of 2004.

SA 1463. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

TEXT OF AMENDMENTS

SA 1462. Mr. REID (for Mr. KERRY (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 515, to reauthorize the Belarus Democracy Act of 2004; as follows:

On page 6, line 19, strike ''and'' and insert ''expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The''.

On page 10, line 9, strike ''continue to''.

SA 1463. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 1892, to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; Table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Annual report on hiring of National Security Education Program participants.
Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.
Sec. 305. Preparation of nuclear proliferation assessment statements.
Sec. 306. Cost estimates.
Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 309. Enhanced procurement authority to manage supply chain risk.
Sec. 310. Burial allowance.
Sec. 311. Modification of certain reporting requirements.
Sec. 312. Review of strategic and competitive analysis conducted by the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Intelligence community assistance to counter drug trafficking organizations using public lands.
Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.
Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.
Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.
Sec. 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 411. Acceptance of gifts.
Sec. 412. Foreign language proficiency requirements for Central Intelligence Agency officers.
Sec. 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency.
Sec. 414. Creating an official record of the Osama bin Laden operation.
Sec. 415. Recruitment of personnel in the Office of the Inspector General.

Subtitle C—National Security Agency

Sec. 421. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.
Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.
Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.
Sec. 434. Report on training standards of defense intelligence workforce.

TITLE V—OTHER MATTERS

Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.
Sec. 502. Sense of Congress regarding integration of fusion centers.
Sec. 503. Strategy to counter improvised explosive devices.
Sec. 504. Sense of Congress regarding the priority of railway transportation security.
Sec. 505. Technical amendments to the National Security Act of 1947.
Sec. 506. Technical amendments to title 18, United States Code.
Sec. 507. Budgetary effects.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2012, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1892 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

(c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE CLASSIFIED ANNEX.—In addition to any other purpose authorized by law, the Director of the Federal Bureau of Investigation may expend funds authorized in this Act as specified in the Federal Bureau of Investigation Policy Implementation section of the classified annex accompanying this Act.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2012 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary for the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment—

(1) in a student program, trainee program, or similar program;

(2) in a reserve corps or as a reemployed annuitant; or

(3) in details, joint duty, or long-term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2012 the sum of $576,393,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2013.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 777 full-time or full-time equivalent personnel as of September 30, 2012. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2012 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2013.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2012, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2012 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECURITY EDUCATION PROGRAM PARTICIPANTS.

Not later than 90 days after the end of each of fiscal years 2012, 2013, and 2014, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report, which may be in classified form, containing the number of personnel hired by such element during such fiscal year that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.).

SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(v) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

''(A) convert competitive service positions, and the incumbents of such positions, within

an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

''(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

''(3) In this subsection, the term 'covered department' means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.''.

SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

''(w) NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.''.

SEC. 306. COST ESTIMATES.

(a) IN GENERAL.—Section 506A of the National Security Act of 1947 (50 U.S.C. 415a–1) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''(A)'' after ''(2)''; and

(B) by adding at the end the following new subparagraph:

''(B) For major system acquisitions requiring a service or capability from another acquisition or program to deliver the end-to-end functionality for the intelligence community end users, independent cost estimates shall include, to the maximum extent practicable, all estimated costs across all pertinent elements of the intelligence community. For collection programs, such cost estimates shall include the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program. If such costs for processing, exploitation, dissemination, and storage are scheduled to be executed in other elements of the intelligence community, the independent cost estimate shall identify and annotate such costs for such other elements accordingly.''; and

(2) in subsection (e)(2)—

(A) by inserting ''(A)'' after ''(2)'';

(B) in subparagraph (A), as so designated, by striking ''associated with the acquisition of a major system,'' and inserting ''associated with the development, acquisition, procurement, operation, and sustainment of a major system across its proposed life cycle,''; and

(C) by adding at the end the following:

''(B) In accordance with subsection (a)(2)(B), each independent cost estimate shall include all costs required across elements of the intelligence community to develop, acquire, procure, operate, and sustain the system to provide the end-to-end intelligence functionality of the system, including—

''(i) for collection programs, the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program; and

''(ii) costs for processing, exploitation, dissemination, and storage scheduled to be executed in other elements of the intelligence community.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506H the following new section:

''SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

''SEC. 506I. (a) IN GENERAL.—The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

''(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

''(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

''(b) UPDATES.—Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.''.

(2) INITIAL UPDATE.—The initial update required by section 506I(b) of such Act, as added by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 10 U.S.C. 801 note).

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506H the following new item:

''Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.''.

SEC. 308. NOTIFICATION OF TRANSFER OF A DETAINEE HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REQUIREMENT FOR NOTIFICATION.—The President shall submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other foreign country or to a freely associated State the following information:

(1) The name of the individual to be transferred or released.

(2) The country or the freely associated State to which such individual is to be transferred or released.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(4) The agencies or departments of the United States responsible for ensuring that the agreement described in paragraph (3) is carried out.

(b) DEFINITION.—In this section, the term ''freely associated States'' means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(c) CONSTRUCTION WITH OTHER REQUIREMENTS.—Nothing in this section shall be construed to supersede or otherwise affect the following provisions of law:

(1) Section 1028 of the National Defense Authorization Act for Fiscal Year 2012.

(2) Section 8120 of the Department of Defense Appropriations Act, 2012.

SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term ''covered agency'' means any element of the intelligence community other than an element within the Department of Defense.

(2) COVERED ITEM OF SUPPLY.—The term ''covered item of supply'' means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(3) COVERED PROCUREMENT.—The term ''covered procurement'' means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, United States Code, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) COVERED PROCUREMENT ACTION.—The term ''covered procurement action'' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualifications standards established in

accordance with the requirements of section 3311 of title 41, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) COVERED SYSTEM.—The term ''covered system'' means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) SUPPLY CHAIN RISK.—The term ''supply chain risk'' means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) AUTHORITY.—Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(d) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) SAVINGS.—The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) EFFECTIVE DATE.—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to contracts that are awarded on or after such date.

(g) SUNSET.—The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note) expires.

SEC. 310. BURIAL ALLOWANCE.

(a) AUTHORIZATION TO PROVIDE.—

(1) IN GENERAL.—The head of an agency or department containing an element of the intelligence community may pay to the estate of a decedent described in paragraph (2) a burial allowance at the request of a representative of such estate, as determined in accordance with the laws of a State.

(2) DESCRIPTION.—A decedent described in this paragraph is an individual—

(A) who served as a civilian officer or employee of such an agency or department;

(B) who died as a result of an injury incurred during such service; and

(C) whose death—

(i) resulted from hostile or terrorist activities; or

(ii) occurred in connection with an intelligence activity having a substantial element of risk.

(b) USE OF BURIAL ALLOWANCE.—A burial allowance paid under subsection (a) may be used to reimburse such estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation by common carrier to the place selected for final disposition of the decedent.

(c) AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP TO OTHER PROVISIONS.—A burial allowance paid under subsection (a) shall be—

(1) in an amount not greater than—

(A) the maximum reimbursable amount allowed under Department of Defense Instruction 1344.08 or successor instruction; plus

(B) the actual costs of transportation referred to in subsection (b); and

(2) in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions section of the classified annex accompanying this Act.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Labor, and the Secretary of Defense, shall submit to Congress a report on the feasibility of implementing legislation to provide for burial allowances at a level which adequately addresses the cost of burial expenses and provides for equitable treatment when an officer or employee of a Federal agency or department dies as the result of an injury sustained in the performance of duty.

SEC. 311. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 1041(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 403–1b(b)) is amended by striking paragraphs (3) and (4).

(b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 904(d)(1) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 402c(d)(1)) is amended by striking ''on an annual basis''.

(c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking ''reports referred to in subsections (a) and (b)'' and inserting ''report referred to in subsection (a)''.

(d) REPORT ON TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.—Paragraph (3)(D) of section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)), as amended by section 306 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2661), is amended by striking ''The'' and inserting ''For each of the fiscal years 2010, 2011, and 2012, the''.

SEC. 312. REVIEW OF STRATEGIC AND COMPETITIVE ANALYSIS CONDUCTED BY THE INTELLIGENCE COMMUNITY.

(a) REVIEW.—The Director of National Intelligence shall direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the intelligence community during the 12 month period beginning on the date of the enactment of this Act.

(b) RECOMMENDATIONS.—Not later than 15 months after the date of the enactment of this Act, the Director of the National Intelligence shall submit to the congressional intelligence committees—

(1) a report on the results of the review conducted under subsection (a); and

(2) any actions taken by the Director to implement the recommendations, if any, of the Director's Senior Advisory Group based on such results.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.

(a) CONSULTATION.—The Director of National Intelligence shall consult with the heads of the Federal land management agencies on the appropriate actions the intelligence community can take to assist such agencies in responding to the threat from covered entities that are currently or have previously used public lands in the United States to further the operations of such entities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the consultation under subsection (a). Such report shall include—

(1) an assessment of the intelligence community collection efforts dedicated to covered entities, including any collection gaps or inefficiencies; and

(2) an assessment of the ability of the intelligence community to assist Federal land management agencies in identifying and protecting public lands from illegal drug grows and other activities and threats of covered entities, including through the sharing of intelligence information.

(c) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means an international drug trafficking organization or other actor involved in drug trafficking generally.

(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' includes—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior; and

(E) the Bureau of Reclamation of the Department of the Interior.

(3) PUBLIC LANDS.—The term ''public lands'' means land under the management of a Federal land management agency.

SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORTING REQUIREMENTS TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

For each of the fiscal years 2010, 2011, and 2012, the requirements of section 3515 of title 31, United States Code, to submit an audited financial statement shall not apply to the Office of the Director of National Intelligence if the Director of National Intelligence determines and notifies Congress that audited financial statements for such years for such Office cannot be produced on a cost-effective basis.

SEC. 403. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

Section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h) is amended by adding at the end the following new subsection:

''(o) INFORMATION ON WEBSITE.—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

''(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.''.

SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMATION OFFICER IN THE EXECUTIVE SCHEDULE.

Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Chief Information Officer, Small Business Administration the following new item:

''Chief Information Officer of the Intelligence Community.''.

SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES WITHIN OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) TEMPORARY FILLING OF VACANCIES.—With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

''(1) in the matter preceding subparagraph (A), by substituting 'an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),' for 'such Executive agency'; and

''(2) in subparagraph (A), by substituting 'the intelligence community' for 'such agency'.''.

Subtitle B—Central Intelligence Agency

SEC. 411. ACCEPTANCE OF GIFTS.

Section 12 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403l(a)) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by striking the second and third sentences and inserting the following:

''(2) Any gift accepted under this section (and any income produced by any such gift)—

''(A) may be used only for—''

''(i) artistic display;

''(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

''(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

''(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

''(3) An individual described in this paragraph is an individual who—

''(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

''(i) resulted from hostile or terrorist activities;

''(ii) occurred in connection with an intelligence activity having a significant element of risk; or

''(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

''(B) is a family member of such an employee or former employee; or

''(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

''(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

''(5) The Director may, in the Director's discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).''; and

(2) by adding at the end the following new subsection:

''(f) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

''(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

''(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.''.

SEC. 412. FOREIGN LANGUAGE PROFICIENCY REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY OFFICERS.

(a) IN GENERAL.—Section 104A(g) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ''in the Directorate of Intelligence career service or the National Clandestine Service career service'' after ''an individual'';

(ii) by inserting ''or promoted'' after ''appointed''; and

(iii) by striking ''individual—'' and inserting ''individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.'';

(B) by striking subparagraphs (A) and (B); and

(2) in paragraph (2), by striking ''position or category of positions'' both places that term appears and inserting ''position, category of positions, or occupation''.

(b) EFFECTIVE DATE.—Section 611(b) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 50 U.S.C. 403–4a note) is amended—

(1) by inserting ''or promotions'' after ''appointments''; and

(2) by striking ''that is one year after the date''.

(c) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence—

(A) by striking ''positions'' and inserting ''individual waivers''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service''; and

(2) in the second sentence, by striking ''position or category of positions'' and inserting ''position, category of positions, or occupation''.

(d) REPORT ON TRANSFERS.—Not later than 45 days after the date of the enactment of this Act, and on an annual basis for each of the following 3 years, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the number of Senior Intelligence Service employees of the Agency who—

(1) were transferred during the reporting period to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine Service career service; and

(2) did not meet the foreign language requirements specified in section 104A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)(1)) at the time of such transfer.

SEC. 413. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended by adding at the end the following new subsection:

''(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency's publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

''(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.''.

SEC. 414. CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION.

(a) FINDINGS.—Congress finds the following:

(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks

against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ''the central front in our enduring struggle against terrorism and extremism''.

(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ''Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.''.

(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

(11) President Obama said, ''For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat al Qaeda.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community's capabilities and teamwork;

(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve any records, including intelligence information and assessments, used to generate the report described in subsection (c).

SEC. 415. RECRUITMENT OF PERSONNEL IN THE OFFICE OF THE INSPECTOR GENERAL.

(a) STUDY.—The Inspector General of the Office of Personnel Management, in consultation with the Inspector General of the Central Intelligence Agency, shall carry out a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the Central Intelligence Agency. Such study shall include—

(1) identification of any barriers or disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the Central Intelligence Agency; and

(2) a comparison of the personnel authorities of the Inspector General of the Central Intelligence Agency with personnel authorities of Inspectors General of other agencies and departments of the United States, including a comparison of the benefits available to experienced investigators within the Office of the Inspector General of the Central Intelligence Agency with similar benefits available within the offices of Inspectors General of such other agencies or departments.

(b) RECOMMENDATIONS.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Office of Personnel Management shall submit to the congressional intelligence committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(1) a report on the results of the study conducted under subsection (a); and

(2) any recommendations for legislative action based on such results.

(c) FUNDING.—Of the funds authorized to be appropriated by this Act, the Director of National Intelligence shall transfer to the Inspector General of the Office of Personnel Management such sums as may be necessary to carry out this section.

Subtitle C—National Security Agency

SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECURITY AGENCY SECURITY PERSONNEL.

(a) AUTHORITY TO TRANSPORT APPREHENDED PERSONS.—Paragraph (5) of section 11(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

''(5) Agency personnel authorized by the Director under paragraph (1) may transport an individual apprehended under the authority of this section from the premises at which the individual was apprehended, as described in subparagraph (A) or (B) of paragraph (1), for the purpose of transferring such individual to the custody of law enforcement officials. Such transportation may be provided only to make a transfer of custody at a location within 30 miles of the premises described in subparagraphs (A) and (B) of paragraph (1).''.

(b) CONFORMING AMENDMENT RELATING TO TORT LIABILITY.—Paragraph (1) of section 11(d) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) transport an individual pursuant to subsection (a)(2).''.

Subtitle D—Other Elements

SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY AS ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(K) of the National Security Act of 1947 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

''(K) The Office of Intelligence and Analysis of the Department of Homeland Security.''.

SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICIPATION IN THE DEPARTMENT OF JUSTICE LEAVE BANK.

Subsection (b) of section 6372 of title 5, United States Code, is amended to read as follows:

''(b)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave bank program established under any of the preceding provisions of this subchapter.

''(2) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation may authorize an individual employed by the Bureau to participate in a leave bank program administered by the Department of Justice under this subchapter if in the Director's judgment such participation will not adversely affect the protection of intelligence sources and methods.''.

SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR APPROPRIATIONS AND OTHER AMOUNTS FOR INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended by inserting after section 428 the following new section:

''§ 429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority

''(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.—The Secretary of Defense may transfer appropriations of the Department of Defense which are available for the activities of Defense intelligence elements to an account or accounts established for receipt of such transfers. Each such account may also receive transfers from the Director of National Intelligence if made pursuant to Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), and transfers and reimbursements arising from transactions, as authorized by law, between a Defense intelligence element and another entity. Appropriation balances in each such account may be transferred back to the account or accounts from which such appropriations originated as appropriation refunds.

''(b) RECORDATION OF TRANSFERS.—Transfers made pursuant to subsection (a) shall be recorded as expenditure transfers.

''(c) AVAILABILITY OF FUNDS.—Funds transferred pursuant to subsection (a) shall remain available for the same time period and for the same purpose as the appropriation from which transferred, and shall remain subject to the same limitations provided in the act making the appropriation.

''(d) OBLIGATION AND EXPENDITURE OF FUNDS.—Unless otherwise specifically authorized by law, funds transferred pursuant to subsection (a) shall only be obligated and expended in accordance with chapter 15 of title 31 and all other applicable provisions of law.

''(e) DEFENSE INTELLIGENCE ELEMENT DEFINED.—In this section, the term 'Defense intelligence element' means any of the Department of Defense agencies, offices, and elements included within the definition of 'intelligence community' under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

''429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority.''.

SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE INTELLIGENCE WORKFORCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and the Select Committee on Intelligence and the Committee on Armed Services of the Senate a report on the training standards of the defense intelligence workforce. Such report shall include—

(1) a description of existing training, education, and professional development standards applied to personnel of defense intelligence components; and

(2) an assessment of the ability to implement a certification program for personnel of the defense intelligence components based on achievement of required training, education, and professional development standards.

(b) DEFINITIONS.—In this section:

(1) DEFENSE INTELLIGENCE COMPONENTS.—The term ''defense intelligence components'' means—

(A) the National Security Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office;

(E) the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps; and

(F) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(2) DEFENSE INTELLIGENCE WORKFORCE.—The term ''defense intelligence workforce'' means the personnel of the defense intelligence components.

TITLE V—OTHER MATTERS

SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE OF UNMANNED AERIAL VEHICLES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION OF FUSION CENTERS.

It is the sense of Congress that ten years after the terrorist attacks upon the United States on September 11, 2001, the Secretary of Homeland Security, in consultation with the Director of National Intelligence, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) STRATEGY.—

(1) ESTABLISHMENT.—The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices.

(2) CONTENTS.—The strategy established under paragraph (1) shall identify—

(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

(b) REPORT AND IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall—

(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

(2) implement such strategy.

SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.

It is the sense of Congress that—

(1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;

(2) the Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and

(3) railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis and included in threat assessment budgets of the intelligence community.

SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(6) (50 U.S.C. 401a(6)), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(2) in section 506(b) (50 U.S.C. 415a(b)), by striking ''Director of Central Intelligence.'' and inserting ''Director of National Intelligence.''; and

(3) in section 506A(c)(2)(C) (50 U.S.C. 415a–1(c)(2)(C), by striking ''National Foreign Intelligence Program'' both places that term appears and inserting ''National Intelligence Program''.

SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 351(a) of title 18, United States Code, is amended—

(1) by inserting ''the Director (or a person nominated to be Director during the pendency of such nomination) or Principal Deputy Director of National Intelligence,'' after ''in such department,''; and

(2) by striking ''Central Intelligence,'' and inserting ''the Central Intelligence Agency,''.

SEC. 507. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 14, 2011.

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

COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 14, 2011, at 9:45 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Alternative Energy Tax Incentives: The Effect of Short-Term Extensions on Alternative Technology Investment, Domestic Manufacturing, and Jobs.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., to hold a European Affairs subcommittee hearing entitled, ''The State of Human Rights and the Rule of Law in Russia: U.S. Policy Options.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 14, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on December 14, 2011, at 9:30 a.m., to conduct a hearing entitled ''Examining Investor Risks in Capital Raising.''

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

PRIVILEGES OF THE FLOOR

Mr. BARRASSO. Mr. President, I ask unanimous consent that Clay Robbins, who is an intern serving in the office of Senator MERKLEY, the Presiding Officer, have the privilege of the floor for the remainder of the day.

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

Mr. FRANKEN. Mr. President, I ask unanimous consent that my legislative fellows, Erin Boyd and Sharon Hessney, be given the privileges of the floor for the duration of today's session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 380, 411, 458, and 459; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Barry L. Bruner
Rear Adm. (lh) Jerry K. Burroughs
Rear Adm. (lh) James D. Cloyd
Rear Adm. (lh) Michael T. Franken
Rear Adm. (lh) Bradley R. Gehrke
Rear Adm. (lh) Robert P. Girrier
Rear Adm. (lh) Paul A. Grosklags
Rear Adm. (lh) Sinclair M. Harris
Rear Adm. (lh) Margaret D. Klein
Rear Adm. (lh) Richard B. Landolt
Rear Adm. (lh) Brian L. Losey
Rear Adm. (lh) William F. Moran
Rear Adm. (lh) Troy M. Shoemaker
Rear Adm. (lh) Dixon R. Smith
Rear Adm. (lh) Robert L. Thomas, Jr.

IN THE COAST GUARD

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

RDML David R. Callahan

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Kurt B. Hinrichs

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Captain Mark E. Butt
Captain Linda L. Fagan
Captain Thomas W. Jones
Captain Steven D. Poulin
Captain James E. Rendon
Captain Joseph A. Servidio

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—CALENDAR NO. 337

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow morning, Thursday, December 15, the Senate proceed to executive session to consider Calendar No. 337; that there be 30 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate resume legislative session, and at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate return to executive session, resume consideration of the nomination, and there be an additional 2 minutes for debate, equally divided in the usual form prior to a vote on Calendar No. 337; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. As the Chair knows, Calendar No. 337 is Morgan Christen of Alaska.

REAUTHORIZING THE BELARUS DEMOCRACY ACT OF 2004

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 515 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

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

AMENDMENT NO. 1462

Mr. REID. Mr. President, I ask unanimous consent that the Kerry amendment No. 1462 be agreed to.

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

The amendment (No. 1462) was agreed to, as follows:

On page 6, line 19, strike ''and'' and insert ''expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The''.

On page 10, line 9, strike ''continue to''.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 515), as amended, was passed, as follows:

H.R. 515

Resolved, That the bill from the House of Representatives (H.R. 515) entitled ''An Act to reauthorize the Belarus Democracy Act of 2004.'', do pass with the following amendments:

[1]On page 6, line 19, strike ''and'' and insert ''*expanded its visa ban list, imposed additional financial sanctions on certain state-owned enterprises, and initiated preparations to freeze the assets of several individuals in Belarus. The*''.

[2]On page 10, line 9, strike ''continue to''.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 161.

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

The bill clerk read as follows:

A bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise today in support of the Senate's passage of the Intelligence Authorization Act of Fiscal Year 2012. I understand that the House of Representatives intends to consider this legislation on the suspension calendar later this week, so it should be enacted prior to the end of this session.

This will be the third time in less than 15 months that the Congress will enact an intelligence authorization bill—including bills for fiscal years 2010, 2011, and 2012—after a 6 year hiatus in passing such legislation. What this means is that Congress, through the Senate and House Intelligence Committees, is restoring oversight over the intelligence community and fulfilling our responsibility to thoroughly examine intelligence policies and budgets.

Unlike the last two authorization bills, this bill was completed contemporaneously with, instead of after, the appropriations process that funds intelligence efforts. The classified annex to this legislation authorizes appropriations for intelligence activities and has helped guide the work of the appropriations committees as they considered intelligence spending. The days when the intelligence community can bypass the intelligence committees and deal solely with the appropriations committees are over.

Since receiving the President's budget request for the intelligence community in February, the Intelligence Committee has recognized that the massive increase in intelligence spending over the past decade has come to an end. Our original bill, reported to the Senate in August of this year, reduced intelligence spending below the President's request. Since then, we have worked closely with the House Intelligence Committee, the Senate Appropriations Committee, and the executive branch to reflect the spending reductions set in the Budget Control Act of 2011. The legislation we are approving today keeps funding for intelligence essentially flat from fiscal year 2011, representing the a meaningful reduction from the President's request.

As we look to 2013, many more difficult decisions will need to be made to make further reductions to intelligence spending. It is my belief that real reductions in intelligence spending can be accomplished without sacrificing capability, but this will require a rigorous review and the executive branch being more forthcoming than it has been to date about where it believes cuts are possible.

Of course, the bill also provides significant legislative provisions to give the intelligence community the authorities and flexibilities it needs to continue protecting our national security and providing policymakers the information they need to make foreign policy and security decisions; and other provisions for the effective and appropriate functioning of our intelligence apparatus.

I note that passage of the last intelligence authorization bill occurred shortly after the strike leading to the death of Usama bin Laden in Abbottabad, Pakistan. Since then, the intelligence community has had continued success in tracking and removing terrorist threats to the United States. Senior leaders and commanders of al-Qaida, including all of its affiliate groups as well as militant organizations involved in the Afghan war, have been removed from the fight, and terrorist plots and plotting have been disrupted. Among them, a plot to kill the Saudi Ambassador to the United States was thwarted due to the skillful and cooperative efforts of the FBI, DEA, CIA, and others.

Intelligence has factored into significant policy decisions and U.S. actions, including with respect to interdicting the proliferation of weapons, setting economic sanctions, protecting ISAF forces in Afghanistan, blocking cyber attacks against our government and certain critical infrastructure companies, and contributing to the NATO effort in Libya.

It is my hope that the provisions in this bill will continue to aid the intelligence community as it conducts its missions; ensure better stewardship of taxpayer dollars; and support its thousands of civilians and military employees.

Among other things, this bill includes: A section that provides for burial allowances for intelligence employees killed in the line of duty, similar to those for members of the U.S. military; New procurement authorities that enable intelligence agencies to protect against supply chain risk to information technologies; a measure authorizing new accounts at the Department of Treasury that will enable defense intelligence agencies to become financially auditable; Provisions that strengthen congressional oversight of the transfer of detainees from Guantanamo Bay; a section that will improve the accuracy of intelligence community cost estimates; and Provisions that provide the Director of National Intelligence with needed personnel management authorities.

As I noted, the bill contains a 275-page classified schedule and annex that authorizes intelligence funding and implements the committee's oversight findings over the past year. That annex is available to all Senators in the intelligence committee's offices.

Mr. President, let me note my sincere appreciation for the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, throughout the legislative process. He and his staff—in particular Martha Scott Poindexter and Jacqueline Russell—have continued the bipartisan approach that the committee followed in the last Congress, and we have together agreed to every provision in the bill.

As can be imagined, it has taken enormous effort to produce a third bill in such a short time frame. I sincerely thank the efforts of the staff to review the President's requested funding levels and legislative provisions, to draft legislation, and to negotiate a final product. In particular, I thank Lorenzo Goco, the Deputy Staff Director who has overseen the legislative efforts, Michael Davidson, the general counsel of the Senate Intelligence Committee until this past Labor Day, and Christine Healey, who has carried the load of the legislative work throughout and who replaced Mr. Davidson as general counsel. I also extend my appreciation for the work of Eric Losick and Mike Buchwald, majority counsel on the Committee, and Jack Livingston and Kathleen Rice, the minority counsel.

Similarly, the Committee's budget staff has worked diligently and expertly in their preparation of the classified annex to this bill and in working with intelligence agencies to understand and guide their efforts. I thank the committee's budget director, Peggy Evans, and the budget staff through this period: Hayden Milberg, Randy Bookout, Andrew Kerr, John Dickas, Paul Matulic, Matt Pollard, Amy Hopkins, Jamal Ware, Iram Ali, Jeffrey Howard, Andy Grotto, Jim Smythers, Brian Miller, Eric Chapman, John Maguire, Tyler Stephens, Evan Gottesman, Brian Walsh, Ryan Tully, and Christian Cook.

I also appreciate the work and relationship with Chairman ROGERS and Ranking Member RUPPERSBERGER of the House Permanent Select Committee on Intelligence. The version of the legislation approved today builds on the House legislation, and our two committees have consulted closely throughout this process. We held a joint open hearing on the tenth anniversary of the September 11, 2011, attacks and I look forward to continuing to work together next year to enact the fiscal year 2013 intelligence authorization bill.

Let me also note my appreciation for two other Senate committees. The Senate Appropriations Subcommittee on Defense has closely followed our authorizations as it drafted its appropriations bill. This underscores the work done in our bill, and limits to a minimum the cases where the authorization and appropriations levels do not match.

We have also worked over the past week with the Senate Armed Services Committee to include language in the classified annex to this bill concerning the Military Intelligence Program and a military construction program authorized for the National Security

Agency. The Armed Services Committee and the Intelligence Committee both exercise jurisdiction over military construction projects with intelligence funding; in this instance, the two committees have both included authorizations for the High Performance Computing Center II, and have jointly agreed to the language included in this annex.

Finally, Mr. President, I note that while there is no committee report or conference report associated with the text that we are approving today, the Intelligence Committee issued a report to accompany the bill it reported to the Senate in August. As the legislation has changed since House passage of its authorization bill and consideration today of this amendment, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of the legislation so as to provide for the legislative history needed to explain the authors' intent and better clarify the effects of the provisions included.

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

For purposes of the legislative history of the Intelligence Authorization Act for Fiscal Year 2012, the Managers Amendment we will pass today is an amendment in the nature of a substitute to H.R. 1892. In large measure, the legislative text of H.R. 1892 and this Managers Amendment follows the legislative text of S. 1458, reported from the Select Committee on Intelligence on August 1, 2011, Report No. 112–43. The Managers Amendment also includes a classified Schedule of Authorizations and annex; this is a modified version of the classified Schedule and annex that were passed by the House of Representatives. They have been made available to the Executive Branch and appropriate congressional committees. The report language in the annex should be understood to represent congressional intent where reference is made to the Committee.

SECTION-BY-SECTION ANALYSIS AND EXPLANATION

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2012.

Section 102. Classified Schedule of Authorizations

Section 102(a) provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels for Fiscal Year 2012 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. Section 102(b) provides that the President shall not publicly disclose the classified Schedule except as provided in Section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the extent necessary to implement the budget; or as otherwise required by law. Section 102(c) authorizes the Director of the Federal Bureau of Investigation (FBI) to expend funds authorized in the Act for a purpose further described in the classified annex.

Section 103. Personnel Ceiling Adjustments

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian personnel of the Intelligence Community. Section 103(a) provides that the DNI may authorize employment of civilian personnel (expressed as full-time equivalent positions) in Fiscal Year 2012 in excess of the number of authorized full-time equivalent positions by an amount not exceeding 3 percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 103(b) provides additional flexibility when the heads of Intelligence Community elements determine that work currently performed by contract personnel should be performed by government employees. It does so by authorizing the DNI to authorize employment of additional full-time equivalent personnel in a number equal to the number of full-time equivalent contract personnel currently performing that work. Under this section, any exercise of this authority should be implemented in accordance with a plan that includes adequate support for personnel. It is intended that the exercise of this authority should result in an actual reduction of the number of contract personnel and not a shift of resources to hire other contract personnel.

The DNI must report the decision to allow an Intelligence Community element to exceed the personnel ceiling or to convert contract personnel under Section 103(a) and (b) in advance to the congressional intelligence committees.

During consideration of the Fiscal Year 2008 request, the congressional intelligence committees learned that practices within different elements of the Intelligence Community on the counting of personnel with respect to legislatively-fixed ceilings were inconsistent, and included not counting certain personnel at all against personnel ceilings. The committees requested that the Intelligence Community Chief Human Capital Officer ensure that by the beginning of Fiscal Year 2010 there would be a uniform and accurate method of counting all Intelligence Community employees under a system of personnel levels expressed as full-time equivalents. The committees also expressed their view that the DNI express the personnel levels for civilian employees of the Intelligence Community as full-time equivalent positions in the congressional budget justifications for Fiscal Year 2010. The DNI has done so. In addition, the DNI has issued a policy to ensure a uniform method for counting Intelligence Community employees. Subsection (c) confirms in statute the obligation of the DNI to establish these guidelines.

Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized full-time equivalent personnel levels for the elements within the ICMA for Fiscal Year 2012.

Subsection (a) authorizes appropriations of $576,393,000 for Fiscal Year 2012 for the activities of the ICMA. Subsection (b) authorizes 777 full-time or full-time equivalent personnel for elements within the ICMA for Fiscal Year 2012 and provides that such personnel may be permanent employees of the Office of the Director of National Intelligence (ODNI) or detailed from other elements of the United States Government.

Subsection (c) authorizes additional appropriations and full-time equivalent personnel for the classified Community Management Account as specified in the classified Schedule of Authorizations and permits the funding for advanced research and development to remain available through September 30, 2013.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of $514,000,000 for Fiscal Year 2012 for the Central Intelligence Agency (CIA) Retirement and Disability Fund. For Fiscal Year 2011, Congress authorized $292,000,000. While that level was consistent with prior authorizations, it did not fully fund, as prior authorizations had not fully funded, the obligations of the Fund. The Fiscal Year 2012 increase is based on the Administration's determination, which the congressional intelligence committees support, that the obligations of this retirement and disability system should be fully funded.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 301. Increase in employee compensation and benefits authorized by law

Section 301 provides that funds authorized to be appropriated by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 302. Restriction on conduct of intelligence activities

Section 302 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 303. Annual report on hiring of National Security Education Program participants

Section 303 requires a report not later than 90 days after the end of the fiscal years 2012, 2013, and 2014, by the head of each element of the Intelligence Community on the number of personnel hired by such element during such fiscal year who were at any time recipients of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 USC 1901 et seq.). The report may be in classified form.

Section 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community

Section 304 adds a subsection to Section 102A of the National Security Act of 1947 to promote the ability to manage all the elements of the Intelligence Community as a single cohesive community. The new Subsection 102A(v) enables the DNI, with the concurrence of the head of the covered department concerned and in coordination with the Director of the Office of Personnel Management (OPM), to convert competitive service positions within an Intelligence Community element of the covered department to excepted positions and to establish new positions in the excepted service within an Intelligence Community element of a covered department. Under Section 304, an incumbent occupying a position on the date of enactment selected to be converted to the excepted service shall have the right to refuse the conversion. Once such individual no longer occupies the position, the position may be converted.

Because of their unique intelligence, investigative and national security missions, most Intelligence Community elements are in the excepted civil service. However, civilian employees in several smaller Intelligence Community elements are still covered under competitive service rules. The ability to convert those positions to the excepted service

will enable the Intelligence Community to maintain a system throughout the Intelligence Community that is responsive to the needs of the Intelligence Community both for secrecy and the ability to quickly respond to personnel requirements. The DNI has requested a similar authority in the past. Under Section 304, the covered departments are the Department of Energy, the Department of Homeland Security, the Department of State, and the Department of the Treasury.

Although new positions in the excepted service may be created within an element of the Intelligence Community within the covered departments under this authority, the personnel ceilings referred to in Section 102(a) still apply to the number of personnel in an element. It is not intended for this conversion authority to be used to increase the number of full-time equivalent personnel in an intelligence element above the applicable personnel ceilings.

Section 305. Preparation of nuclear proliferation assessment statements

As set forth in the Atomic Energy Act, the United States may enter into a Civilian Nuclear Agreement (or ''123 Agreement'') with another nation or multinational organization. After negotiating the terms of the 123 Agreement, the Administration submits the terms to Congress for review along with a Nuclear Proliferation Assessment Statement (NPAS). Under current law, the NPAS is drafted by the State Department, in consultation with the Director of Central Intelligence; the Act has not been amended to reflect the establishment of the Director of National Intelligence. In multiple reports, the Government Accountability Office has identified various problems with this process, including insufficient time for consultation with the Intelligence Community, a lack of adequate formal interagency guidance for NPAS development, and ambiguity as to whether Intelligence Community comments were fully incorporated into the final NPAS. Section 305 is a modification of Section 305 of S. 1458 as reported from the Senate Intelligence Committee and is intended to clarify the role of the DNI and the Intelligence Community in the NPAS process.

Section 305 amends the National Security Act of 1947 to require the DNI, in consultation with the heads of the appropriate elements of the Intelligence Community and the Secretary of State, to provide an addendum to each NPAS accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country's export control system with respect to nuclear-related matters. The DNI is to provide the addendum to the President, the congressional intelligence committees and the congressional foreign relations committees.

Section 306. Cost estimates

Section 306 amends Section 506A of the National Security Act of 1947 to require that independent cost estimates include all costs associated with a major system acquisition even when a service or capability to deliver end-to-end functionality will be provided by another Intelligence Community agency or element. This additional requirement in the preparation of the independent cost estimate will assist Congress and the Executive Branch in evaluating the full cost of an acquisition, including the costs to process, exploit, disseminate, and store the information such major systems collect. The amendments made by Section 306 become effective 180 days after enactment.

Section 307. Updates of intelligence relating to terrorism recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba

Section 307 provides for a regular unclassified summary of intelligence relating to recidivism of detainees formerly held at Guantanamo Bay to be made public by the DNI. Section 334 of the Intelligence Authorization Act for Fiscal Year 2010, Public Law 111–259, required the DNI, along with the Director of the CIA and the Director of the Defense Intelligence Agency, to make publicly available, on a one-time basis, an unclassified summary that includes the intelligence relating to former Guantanamo detainees. Under Section 319 of the Supplemental Appropriations Act of 2009, Public Law 111–32, the President is required to submit classified quarterly reports to Congress that include classified information about detainees' recidivist activities.

Section 307 amends the National Security Act of 1947 to require the semiannual updating of the Section 334 report, which is to include an unclassified summary of intelligence relating to recidivism of detainees currently or formerly held at Guantanamo Bay and an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations. The initial update shall be made publicly available not later than 10 days after the date that the first report following enactment is submitted to members and committees pursuant to Section 319 of the Supplemental Appropriations Act, 2009. The summary will be prepared by the DNI, in consultation with the Director of the CIA and the Director of the Defense Intelligence Agency, and will include the number of confirmed or suspected recidivists.

Section 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba

Section 308 requires the President to submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, the following information: (1) the name of the individual to be transferred or released; (2) the country or freely associated state to which the individual is to be transferred; (3) the terms of any agreement with the country or state for the acceptance of such individual, including the amount of any financial assistance related to such agreement; and (4) the agencies or departments of the United States responsible for ensuring the agreement is carried out.

Section 308 is a modification of Section 306 of S. 1458, which amended similar notification requirements found in Public Law 111–83, 123 Stat. 2178, and Public Law 111–88, 123 Stat. 2963. Section 308 requires the notification be at least 30 days, rather than 15 days, prior to transfer and requires information be provided concerning what agencies or departments of the United States, if any, are responsible for ensuring any agreement with the receiving country or state is carried out. Nothing in this section is to be construed to supersede or otherwise affect Section 1028 of the National Defense Authorization Act for Fiscal Year 2012 or Section 8120 of the Department of Defense Appropriations Act, 2012.

Section 309. Enhanced procurement authority to manage supply chain risk

Section 309 authorizes the heads of those elements of the Intelligence Community outside the Department of Defense to take certain procurement actions under certain circumstances to reduce the risk that an adversary may sabotage, maliciously introduce unwanted functions, or otherwise subvert information systems so as to surveil, deny, disrupt or otherwise degrade them. Section 309 is based on Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

Section 309(a) defines the following terms: covered agency, covered item of supply, covered procurement, covered procurement action, covered system, and supply chain risk. The definitions of these terms are modifications of the definitions of these terms as found in Section 309 of S. 1458, to include specific references to appropriate provisions of existing law.

Under subsection (b), the head of a covered agency, in consultation with the DNI, is authorized to carry out a covered procurement action and limit the disclosure of information concerning the basis for such action. Covered procurement actions are subject to the conditions in subsection (c), including appropriate consultation with procurement officials within the covered agency and a determination made in writing that the use of the authority is necessary to protect national security. In addition, there must be a determination that less intrusive measures are not reasonably available. Where the head of the covered agency plans to limit disclosure of information relating to the basis for carrying out a covered procurement action, the risk to national security due to disclosing such information must outweigh the risk of not disclosing such information.

The head of the covered agency must give notice to the congressional intelligence committees of a determination to exercise this authority. Subsection (d) limits delegation of the authority to take a covered procurement action to no lower than the level of the service acquisition executive for the agency concerned. Subsection (e) provides that the authority under the section is in addition to any other authority under any other provision of law. The authority provided in Section 309 is not intended to alter or effect the exercise of any other provision of law, including other procurement authorities available to an intelligence agency head to protect the national security.

The requirements of Section 309 take effect 180 days after enactment and expire on the date that Section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 expires, which will occur in January 2014.

Section 310. Burial allowances

Section 310 authorizes the head of a department or agency that contains an element of the Intelligence Community to pay a burial allowance to the estate of a civilian officer or employee of such department or agency who dies as the result of hostile or terrorist activities or intelligence activities having a substantial element of risk. The burial allowance is to reimburse the estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation. The amount of the burial allowance is not to be greater than the maximum reimbursable amount available to the uniformed services under Department of Defense Instruction 1344.08 or its successor, now set at $8,800, plus actual transportation costs, and is in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions of the classified annex accompanying this Act.

In addition, Section 310 requires the Director of the OPM, in consultation with the DNI and the Secretaries of Labor and Defense, to submit a report to Congress no later than 180 days after enactment on the feasibility of implementing legislation to provide for burial allowances at a level that adequately addresses the cost of burial expenses and provides for equitable treatment when any officer or employee of the federal government dies as the result of an injury sustained in the performance of official duties.

Section 311. Modification of certain reporting requirements

The Congress frequently requests information from the Intelligence Community in the

form of reports, the contents of which are specifically defined by statute. The reports prepared pursuant to these statutory requirements provide Congress with an invaluable source of information about specific matters of concern.

Congressional reporting requirements, and particularly recurring reporting requirements, however, can place a significant burden on the resources of the Intelligence Community. The congressional intelligence committees are therefore reconsidering these reporting requirements on a periodic basis to ensure that the reports that have been requested are the best mechanism for the Congress to receive the information it seeks. In some cases, annual reports can be replaced with briefings or notifications that provide the Congress with more timely information and offer the Intelligence Community a direct line of communication to respond to congressional concerns.

In response to a request from the DNI, the congressional intelligence committees examined a set of recurring reporting requirements nominated by the Intelligence Community. Because the majority of recurring reports provide critical information relevant to challenges facing the Intelligence Community today, Section 311 eliminates or modifies only four statutory reporting requirements, all from past intelligence authorization acts or the Intelligence Reform and Terrorism Prevention Act of 2004.

Section 312. Review of strategic and competitive analysis conducted by the intelligence community

Section 312 requires the DNI to direct the Director's Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the Intelligence Community during the 12 month period following enactment. Within 15 months of enactment, the Director shall submit to the congressional intelligence committees a report on the results of the review and any actions taken by the Director to implement the recommendations, if any, of the Senior Advisory Group based on such results.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Section 401. Intelligence community assistance to counter drug trafficking organizations using public lands

Section 401 requires the DNI to consult with the heads of the federal land management agencies on the appropriate actions the Intelligence Community can take to assist such agencies in responding to the threat from international drug trafficking organizations or other drug traffickers that are currently or have previously used public lands in the United States to further their operations. The DNI is to submit a report to the congressional intelligence and judiciary committees within 180 days of enactment on the results of this consultation.

Section 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence

Section 402 provides a limited grace period for the ODNI in meeting the requirements of 31 USC 3515 until Fiscal Year 2013. The DNI, in requesting this legislative provision, stated that the grace period will allow time for the implementation of system improvements as well as process changes in the financial management system currently supporting the ODNI. Together these efforts are intended to yield financial statements that meet the prescribed legal and audit standards.

Although the ODNI, under 31 USC 3515, is required to prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for the preceding fiscal year by March 1st, Section 369 of the Intelligence Authorization Act for Fiscal Year 2010, enacted on October 7, 2010, directs the DNI ''to develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.'' Section 402 will align the statutory requirement for auditability with the plan for achieving auditability set forth in the Fiscal Year 2010 Act.

Section 403. Public availability of information regarding the Inspector General of the Intelligence Community

Section 403 requires the DNI to establish and maintain on the publicly accessible ODNI website information relating to the Inspector General for the Intelligence Community including methods to contact the Inspector General. Section 403 is based on a similar requirement in Section 8L of the Inspector General Act, as added by the Inspector General Reform Act of 2008, 5 USC App., and is similar to Section 413, applicable to the CIA Inspector General. The information about the Inspector General is to be obvious and facilitate access to the Inspector General. Given that most of the Inspector General's reports will be classified, Section 403 does not require that Inspector General reports and audits be posted on the publicly accessible website.

Section 404. Clarification of Status of Chief Information Officer in the Executive Schedule

Section 404 amends 5 USC 5315 to establish the salary level of the Chief Information Officer of the Intelligence Community at Level IV of the Executive Schedule, the level of other chief information officers in the federal government with comparable duties and responsibilities. The Chief Information Officer of the Intelligence Community is a position established in Section 103G of the National Security Act, added by Section 303 of Public Law 108–487, the Intelligence Authorization Act for Fiscal Year 2005, and amended by Section 404 of Public Law 111–259, the Intelligence Authorization Act for Fiscal Year 2010.

Section 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence

Section 405 permits the President to make temporary appointments to fill vacancies in offices within the ODNI that require Senate confirmation (except the DNI, for whom by Section 103A(a)(6) of the National Security Act of 1947 the Principal Deputy DNI is next in line) with an individual who serves in another element of the Intelligence Community. A similar provision was requested by the DNI.

The Vacancies Act (5 USC 3345(a)(1)) provides that upon a vacancy in a Senate-confirmed position (1) the first assistant of the office may begin serving as the acting officer immediately and automatically upon the occurrence of the vacancy; (2) another officer who has already received Senate confirmation may be directed by the President to serve as the acting officer; and (3) certain other senior agency officials may be designated by the President to serve in an acting capacity. Given the relatively small size of the ODNI, the fact that a significant number of the personnel within the ODNI are on detail to the office from other elements of the Intelligence Community, and the fact that positions in the ODNI to which the Vacancy Act applies serve the entire Intelligence Community (such as the Director of the National Counterterrorism Center or the Inspector General for the Intelligence Community), an individual employed within the Intelligence Community but outside the ODNI may be best suited to fill a key leadership position temporarily.

Section 405 addresses this issue by expanding the President's choice for appointment under the third category of the Vacancies Act to include senior officials from any element of the Intelligence Community. Nothing in Section 401 modifies or precludes the utilization of sections 3345(a)(1) or (2) of title 5 to fill vacancies.

Subtitle B—Central Intelligence Agency

Section 411. Acceptance of gifts

Section 411 is a provision that arose out of the CIA's review of benefits available to the survivors of CIA employees killed in the line of duty following the December 2009 attack at Khowst, Afghanistan. The CIA concluded that the Director of the CIA did not have the authority under Section 12 of the CIA Act to accept and use gifts for purposes related to the welfare, education and recreation of those survivors. Under current law, the Director of the CIA may ''accept, hold, administer, and use gifts of money, securities and other property whenever the Director determines it would be in the interest of the United States . . . for purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes. . . .''

Section 411 amends Section 12 of the CIA Act to authorize the Director (or the Director's designee) both to accept gifts and to use them for the welfare of employees injured in the line of duty without legal concern whether those actions are for the general welfare of the CIA employee population as a whole. It also provides that gifts may be used for the assistance of the family of CIA officers who were injured or who died from hostile or terrorist activities or in connection with other intelligence activities having a substantial element of risk. Gifts for injured employees and their families or survivors are to be accepted by the CIA on behalf of the CIA employees concerned, and not directly by such employees or their family members. The Director is authorized to assign the gifts accepted under the new authority provided by this section to the CIA officers and their surviving family members.

Section 411 provides that any exercise of authority under Section 12, including the acceptance of gifts to provide for the general welfare, education, or recreation of the CIA employee population as a whole, shall be made according to regulations developed by the Director of the CIA in consultation with the Director of the Office of Government Ethics, consistent with all relevant ethical constraints and principles.

Section 412. Foreign language proficiency requirements for Central Intelligence Agency officers

Section 412 makes amendments in Section 104A(g) of the National Security Act of 1947 which imposes foreign language requirements on certain personnel within the CIA. Section 412 is intended to tie the need for foreign language skills to officers in occupations where foreign language ability is most important, rather than to specific positions, within the Directorate of Intelligence career service or the National Clandestine Service career service. It is intended to eliminate the need for the Director of the CIA to approve waivers for the promotion, appointment, or transfer of personnel such as attorneys or human resources officers for whom the requirement is not intended to apply. Section 412 sets the language proficiency at the objective level of level 3 on the Interagency Language Roundtable Language

Skills Level or a commensurate proficiency level.

Section 412 requires the Director of the CIA to provide a report within 45 days of enactment, and three subsequent annual reports, to the congressional intelligence committees on the number of personnel transferred to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine career service who did not meet the foreign language requirements of Section 104A(g). Section 412 also makes technical corrections to delete outdated references to the Directorate of Operations.

Section 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency

Section 413 requires the Director of the CIA to establish and maintain on the publicly accessible CIA website information relating to the CIA Inspector General including methods to contact the Inspector General. Section 413 is based on a similar requirement in the Inspector General Reform Act, 5 USC App. 8L, and is similar to Section 403. The information about the Inspector General is to be obvious and facilitate access to the Inspector General. Given that most of the Inspector General's reports will be classified, Section 413 does not require that Inspector General reports and audits be posted on the publicly accessible website. Section 413 is based upon a request of the CIA Inspector General.

Section 414. Creating an official record of the Osama bin Laden operation

Section 414 makes findings concerning the raid of May 1, 2011, that killed terrorist leader Osama bin Laden in his compound in Abbottabad, Pakistan. Section 414 includes a statement of the sense of Congress that the events that transpired before, during, and as a result of the raid be memorialized to allow the United States to have an accurate account of these events in the future. Section 414 requires the Director of the CIA to provide to the congressional intelligence committees the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid not later than 90 days after its completion and to preserve any records, including intelligence information and assessments, used to generate this report.

Section 415. Recruitment of personnel in the Office of the Inspector General

Section 415 requires the Inspector General of the OPM, in consultation with the Inspector General of the CIA, to conduct a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the CIA. The study shall include identification of any barriers and disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the CIA. The study shall compare the personnel authorities of the CIA Inspector General with the personnel authorities of other federal Inspectors General, including a comparison of the benefits available to experienced investigators within the offices of other federal Inspectors General with those available to investigators within the Office of the CIA Inspector General. The OPM Inspector General is to submit the report to the congressional intelligence and homeland security committees not later than 120 days after enactment.

Subtitle C—National Security Agency

Section 421. Additional authorities for National Security Agency security personnel

Section 421 amends Section 11 of the National Security Agency Act of 1959 to authorize NSA security personnel to transport apprehended individuals from NSA premises to the custody of law enforcement officials. Under current law, when NSA security personnel apprehend an individual, they must wait with the individual until local law enforcement personnel arrive to complete the transfer of custody. This can require NSA personnel to wait, frequently for hours, often with the apprehended individual in a security vehicle, for the transfer to local law enforcement. According to the DNI, from 2004 to 2009, on 448 occasions, the apprehension of an individual engaged NSA personnel and transportation resources for over 2 hours.

Section 421 provides a limited expansion of authority for NSA security personnel to transport apprehended individuals to the custody of local law enforcement within 30 miles of NSA premises. This authority is to be used sparingly by NSA security personnel under a well-established regime of administrative controls and management oversight, and only with prior consent from the accepting jurisdiction.

Subtitle D—Other Elements

Section 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as an element of the intelligence community

Section 431 amends Section 3(4)(K) of the National Security Act of 1947 in order to include the Office of Intelligence and Analysis of the Department of Homeland Security within the term ''intelligence community'' for purposes of the Act. This provides for a more specific reference to the Office of Intelligence and Analysis, in addition to the intelligence element of the Coast Guard, that is part of the Intelligence Community, in the same manner as Congress has done in Section 3(4)(I) and (J) for the State and Treasury Department elements of the Intelligence Community.

Section 432. Federal Bureau of Investigation participation in the Department of Justice leave bank

Section 432 provides for participation of employees of the FBI in the Department of Justice's Voluntary Leave Bank Program. The Voluntary Leave Bank Program allows federal employees to donate to and to receive donations from a leave ''bank'' to cover absences necessitated by extraordinary medical conditions. Current law does not allow participation by FBI employees in the Department's program, although the FBI is part of the Department. While 5 USC 6372(c) would allow FBI to establish its own voluntary leave bank program, the Director of the FBI has determined that it would be more cost effective and efficient to allow FBI employees to participate in the larger Department of Justice program and has requested a legislative provision to accomplish this objective for the overall benefit of the Bureau and its personnel.

Under Section 432, the Director is to consider the protection of sources and methods in allowing for participation in the leave bank program. In providing for leave bank opportunities to cover absences necessitated by extraordinary medical conditions, it is intended that the Director consider any impact on operations of the Bureau when making a decision on whether to allow FBI employees to take part in the program.

Section 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense

Section 433 authorizes the Secretary of Defense to transfer defense appropriations available for the activities of the defense intelligence elements into an account or accounts established for receipt of such funds. These accounts may receive transfers and reimbursement from transactions, authorized by law, between the defense intelligence elements and other entities, and the DNI may also transfer funds into these accounts. Appropriations transferred pursuant to this section shall remain available for the same time period, and for the same purposes, as the appropriations from which funds were transferred. This section is intended to ensure improved auditing of defense intelligence appropriations.

Section 434. Report on training standards of defense intelligence workforce

Section 434 requires not later than 180 days after enactment the DNI and the Under Secretary of Defense for Intelligence to submit to the congressional intelligence and armed services committees a report on the training standards of the defense intelligence workforce. The report is to include a description of existing training, education, and professional development standards applied to the personnel of defense intelligence components, and an assessment of the ability to implement a certification program based on achievement of required training, education, and professional development standards.

TITLE V—OTHER MATTERS

Section 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico

Section 501 requires the Secretary of Homeland Security not later than 90 days after enactment to submit to the congressional intelligence and homeland security committees a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

Section 502. Sense of Congress regarding integration of fusion centers

Section 502 states that it is the sense of Congress that the Secretary of Homeland Security, in consultation with the DNI, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

Section 503. Strategy to counter improvised explosive devices

Section 503 requires the DNI and the Secretary of Defense to establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices. Not later than 120 days after enactment, the DNI and the Secretary of Defense are to submit a report containing the strategy to the congressional intelligence and armed services committees and implement such strategy.

Section 504. Sense of Congress regarding the priority of railway transportation security

Section 504 states that it is the sense of Congress that railway transportation security, including subway transit security, should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis of the Department of Homeland Security and included in threat assessment budgets of the Intelligence Community.

Section 505. Technical amendments to the National Security Act of 1947

Section 505 updates certain references in sections 3(6), 506(b) and 506A of the National Security Act of 1947 from the ''Director of Central Intelligence'' and the ''National Foreign Intelligence Program'' to the ''Director

of National Intelligence'' and the ''National Intelligence Program.''

Section 506. Technical amendments to Title 18, United States Code

Section 506 updates references in 18 USC 351(a) to the Director and Deputy Director of Central Intelligence and provides that the amended section includes the DNI, the Principal Deputy DNI, and the Director and Deputy Director of the CIA among officials covered by the provision.

Section 507. Budgetary effects

Section 507 states that the budget effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to join Chairman FEINSTEIN in thanking my colleagues for their support of the fiscal year 2012 Intelligence Authorization Act. Over the past several months, the committee has worked hard to resolve the final details of the bill and concerns raised by other committees and individual Members. The end result of this effort is a solid bill that ensures vigorous congressional oversight and provides needed authorities to the intelligence community.

Of course, the vast majority of what the committee authorized is classified, so I cannot discuss specifics. I can say that the classified annex is designed to improve the operations of the intelligence community—from counterterrorism and counterproliferation to the wars in Afghanistan and Iraq and everything in between.

This bill also implements fiscal discipline. Difficult economic times demand austerity, but cuts in this bill are specific and targeted to eliminate waste while preserving the critical work the intelligence community does to protect our country.

In the unclassified area—and one of great importance to me—we reached an agreeable compromise with the Administration that gives the committee the information we need about the transfer of Guantanamo Bay detainees. As the recidivism rate among former detainees rises over 27 percent, it is critical that the committee have full insight into the transfer and resettlement process. The vast majority of detainees are free when they are transferred, and this committee needs to know whether the countries charged with monitoring them are capable and willing to do so. Several provisions in this bill will help the committee do that.

The bill also addresses concerns from other committees with national security interests and from the House. As we go forward, I hope the committees of the Senate will do a better job of making sure that committees with oversight of national security issues get the information they need, without automatic objections based on perceived jurisdictional lines. Too often, the intelligence committee includes other committees on receipt of reports or other products, but does not get the same treatment in return. That's just not good for oversight or for fulfilling our responsibility to the American people.

I am also pleased that we were able to reach reasonable solutions for authorities requested by the intelligence community. The bill allows for the reimbursement of burial expenses for certain government employees who are killed as the result of hostile or terrorist activities or die in connection with a risky intelligence activity. In these difficult financial times, we worked hard to make sure that the provision is in line with benefits for the families of fallen soldiers and with the funeral costs generally paid by ordinary Americans. We also ensured that individuals in the same agency, like the FBI, are entitled to receive the same reimbursement. The bill also refines the administration of the CIA's foreign language proficiency requirements and allows for more flexible personnel management by the Director of National Intelligence.

I thank Chairman FEINSTEIN for her hard work and leadership in getting this bill through the Senate. I also thank the committee staff for once again showing their dedication and commitment to protecting the national security of this country.

Mr. REID. Mr. President, I ask unanimous consent that the Feinstein substitute amendment, which is at the desk, be agreed to; the bill, as amended, be agreed to; the motions to reconsider be laid upon the table, with no further intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 1463) was agreed to.

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

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

The bill (H.R. 1892), as amended, was read the third time and passed.

APPOINTMENT

THE PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110–315, the appointment of the following to be a member of the National Advisory Committee on Institutional Quality and Integrity: Ms. Jill Derby of Nevada, vice Daniel Klaich of Nevada.

ORDERS FOR THURSDAY, DECEMBER 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 15, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, 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 for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session, under the previous order.

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

MEASURE PLACED ON THE CALENDAR—H.R. 3630

Mr. REID. Mr. President, I understand that H.R. 3630 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

Mr. REID. I now object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

PROGRAM

Mr. REID. Mr. President, we expect to consider the DOD authorization conference report tomorrow. We also expect to consider the House Republican payroll tax cut bill or some version thereof.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:10 p.m., adjourned until Thursday, December 15, 2011, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 2011:

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) BARRY L. BRUNER
REAR ADM. (LH) JERRY K. BURROUGHS
REAR ADM. (LH) JAMES D. CLOYD
REAR ADM. (LH) MICHAEL T. FRANKEN
REAR ADM. (LH) BRADLEY R. GEHRKE
REAR ADM. (LH) ROBERT P. GIRRIER
REAR ADM. (LH) PAUL A. GROSKLAGS
REAR ADM. (LH) SINCLAIR M. HARRIS
REAR ADM. (LH) MARGARET D. KLEIN
REAR ADM. (LH) RICHARD B. LANDOLT

REAR ADM. (LH) BRIAN L. LOSEY
REAR ADM. (LH) WILLIAM F. MORAN
REAR ADM. (LH) TROY M. SHOEMAKER
REAR ADM. (LH) DIXON R. SMITH
REAR ADM. (LH) ROBERT L. THOMAS, JR.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RDML DAVID R. CALLAHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KURT B. HINRICHS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C, SECTION 271:

To be rear admiral (lower half)

CAPTAIN MARK E. BUTT
CAPTAIN LINDA L. FAGAN
CAPTAIN THOMAS W. JONES
CAPTAIN STEVEN D. POULIN
CAPTAIN JAMES E. RENDON
CAPTAIN JOSEPH A. SERVIDIO