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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Eternal God, the world and all that is in it belong to You. You lay its foundations in the ocean depths by the power of Your voice. Through Your redemptive work You brought peace on Earth and goodwill to humankind.

Lord, we need Your peace today on Capitol Hill. Release Your peace so that our lawmakers will find purity of motives, integrity of actions, and unity of purpose. Teach our Senators Your ways. Make yourself known to them today.

Lord, we place our reliance squarely on Your reliability as we pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WARNER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes.

We expect to consider the omnibus spending bill within the next 24 hours or 36 hours. We also continue to work on an agreement to consider the payroll tax compromise. The Senate will be notified when votes are scheduled.

As a reminder to all Senators, cloture was filed on the motion to proceed to H.R. 3630, the House Republican payroll tax bill. Unless an agreement is reached, that vote will occur tomorrow morning.

MEASURE PLACED ON THE CALENDAR—H.R. 3094

Mr. REID. Mr. President, H.R. 3094 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second time.

The assistant bill clerk read as follows:

A bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

Mr. REID. Would the Chair announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will be in a period of morning business until 12 p.m. with Senators permitted to speak therein up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

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

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

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

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

UNRESOLVED ISSUES

Mr. DURBIN. Mr. President, I hope we are drawing to a close. We are not certain; there are still some unresolved issues. But the Omnibus appropriations bill is moving forward, and it will fund our government for the remainder of this fiscal year. It has been a long and arduous process.

We started by passing three appropriations bills in the Senate, then when we tried to call the next three we ran

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

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into opposition. So the Appropriations Committee, on which I serve, had to sit down and try to craft nine separate spending bills and put them together into one. It was a long and involved and difficult process with the Financial Services Subcommittee which I chair.

Included in that committee jurisdiction are the Securities and Exchange Commission and the Commodity Futures Trading Commission. These are the two government agencies responsible for watching Wall Street and the major financial institutions markets across America. We are doing our best to not only restore America's confidence in some of these institutions that have been shaken by the recession but also to make certain it never happens again. There is resistance, primarily from the banking community and some financial institutions that don't want regulation even after the embarrassing failures of the last recession and the need for a Federal Government bailout.

We need to make certain that at the Securities and Exchange Commission and the Commodity Futures Trading Commission there are adequate funds for them to do the job. I will tell my colleagues honestly that the underfunding of the Commodity Futures Trading Commission is a serious mistake—serious. MFA Global has been the subject of repeated hearings on Capitol Hill as to what went wrong that led to the eighth largest bankruptcy in the history of the United States. Innocent people across America and the world have lost money. Some of them have lost their savings because of wrongdoing by someone—we still don't know who. But the agency responsible for monitoring this activity, the Commodity Futures Trading Commission, is facing a modest—almost immodest—increase in appropriations this year when they desperately need more.

This is an agency which had a budget of about $200 million in the last year. The administration had asked for $300 million for this year. We will be lucky to come up with anything in the range of $215 million. That is a 7- or 8-percent increase in an agency which desperately needs more not just for personnel—and they need the best professionals—but also for computer technology to keep up with the volume of trades taking place and to monitor activity so as to avoid embarrassment and exploitation.

This notion by many on the other side of the aisle that we can starve these agencies and somehow end up with a stronger economy is completely upside down. The strength of the American economy, whether we are talking about Wall Street or the Chicago Mercantile Exchange or the Chicago Board of Options Exchange, is in the fact that we are guided by the rule of law. We encourage and put into law standards of transparency, and we have oversight that is adequate to the job. This year's appropriations bill falls short of that mark.

I am also troubled by other provisions in this bill again this year considered by my subcommittee. Too many Members of Congress, especially in the House of Representatives, clearly have missed their real calling in life. What they wanted to be was not a Member of Congress but a mayor. So in their frustration they decided they will be a Congressman from their district back home and a surrogate mayor for the District of Columbia.

Over 800,000 American citizens and taxpayers live in this great city. They have nominally had home rule for decades. Yet time and again, year after year, they are subjected to those would-be mayors from all around America who impose standards on this city that they would never suggest in their own hometowns. It becomes a social experiment, primarily for the rightwing.

One of the programs each year that becomes a source of controversy is the needle exchange program. This program of exchanging needles and syringes is the bridge to those who are addicted to bring them out of their addiction into a healthy situation. Why would we do this in the District of Columbia? Because the incidence of HIV/AIDS infection in this city is the highest in the United States of America. That is the reality of life on the streets of Washington—a reality which those who have opposed this program refuse to acknowledge.

The medical professionals step forward and say: Do this. We can help make this a cleaner, healthier, safer city if you do it. Time and time again, some folks stand in the House and say: Oh, we are just going to get rid of this and show that we are opposed to intravenous drug use.

Well, I am opposed to it too, but I know that in addition to strong laws we need thoughtful, commonsense solutions such as the needle exchange program that is supported by medical organizations. The fact that this is not taking place in the way it should is an embarrassment, and I am sorry this will be included in one part of this appropriations bill.

Before we leave, we need to do two things in addition to funding our government. We need to make certain the payroll tax cut which benefits 160 million Americans continues after December 31. This is a lifeline to many struggling families, and it is a way to insert into our economy the spending power of 160 million families buying goods and services that plays out into even more economic activity—more jobs and profitability. That is a must. The President insists on it. He has crossed America making that case. We cannot leave town without doing it. We are working on the final details today, and we should close that as quickly as possible to make certain there is no gap in this coverage of this payroll tax cut.

Secondly, the maintaining of unemployment insurance benefits is absolutely essential for millions of Americans who are out of work.

The amount of money they receive in UI benefits will allow them to keep their families together not just during this holiday season but for the months to come, so that while they are searching for a job they are able to make basic payments so they do not lose their homes—at least have a roof over their heads—and provide for the basic necessities of life for their struggling families.

I cannot believe this has become a political football. I can still recall a time—not that long ago—when Republican and Democratic Presidents would renew unemployment benefits without question, without demand that it be paid for, because they knew it was essential. It was as caring and needy as disaster aid is, and now it has become a political football.

We need to extend these unemployment benefits before we leave town. We have to get that done. The President has insisted on it, and he is right. We know now, with our high unemployment rate coming down slowly, that we still need to provide this assistance to families. Were we to cut off these unemployment benefits, in my home State of Illinois, 148,000 people would lose their benefits—148,000 people. What a happy holiday they would have, knowing that on January 1, the benefits would no longer continue.

Let's get this job done. Let's go home at least with the clear mind that we have met our obligation to this economy and to the unemployed people across America, that we have funded our government, and that we will return next year and, I hope, find a more congenial and bipartisan environment to work in.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank the Presiding Officer for taking a few moments so I can make my statement. I also thank my friend, the Senator from Illinois, for his comments.

TRIBUTE TO FEDERAL WORKERS

JOHN MERLINO

Mr. WARNER. Mr. President, I was heartened to hear the comments the majority leader made, that we are close to an agreement to make sure we do not put the American people or the great Federal workers through another one of these eleventh-hour fire drills, where we get to the brink of the precipice of shutting down our Federal Government.

It is in that spirit that I rise because, as many know, over the last year and a half or so I have come regularly to the floor of the Senate to continue a tradition that was started by Senator Kaufman from Delaware, where we recognize the contributions of great Federal employees.

Today, I am pleased to honor another exceptional—exceptional—Federal worker, Mr. John Merlino.

Mr. Merlino is the Senate assistant legislative clerk, working on the legislative team of the Office of the Secretary of the Senate.

Mr. Merlino began his Senate career in 1994 as a Senate doorkeeper. He then joined the Secretary's legislative staff and has performed many of its functions, including the constitutional task—the constitutional task—of maintaining the Senate Journal.

Another of Mr. Merlino's main responsibilities is to call the roll during votes and quorum calls. More important, he is also one of those special workers on the dais who have been known at times to actually keep new Members, as they preside over the Senate, awake during long stretches in the chair.

He is always ready with a good sports quip and is known as a person who goes above and beyond the call of duty. As a matter of fact, I know it was his birthday yesterday and I have been planning this speech for some time and I wanted to make sure it coincided with that important date for him.

The Secretary of the Senate, Nancy Erickson, noted that in addition to his hard work and attention to detail—this is a quote—''It is his great sense of humor that helps many of us keep smiling, especially during the Senate's late [night] legislative sessions.''

A small cog in the greater legislative process, Mr. Merlino is a member of an often unrecognized but dedicated team that keeps the Senate running smoothly and one that is charged with ensuring continuity of operations no matter what the situation.

In fact, Mr. Merlino recently entered the history books. During a pro forma session held at the Postal Square Building immediately following the earthquake in August, Mr. Merlino, unknowingly, became one of only two people, along with Senator COONS, to have spoken during the only official session of the Senate convened outside the Capitol Building since 1814. The last time the Senate met outside the Capitol Building for such a session was when the British troops burned the Capitol during the War of 1812. So again, Mr. Merlino took his role in the history books of this great institution.

I hope my colleagues—and I know the Presiding Officer, again, by expelling me from the chair this morning to allow me to make this statement—will join me in honoring Mr. Merlino, a fellow Virginian, for the excellent work he and the legislative team do each and every day and for their commitment to public service.

It is in that sense of Mr. Merlino's commitment to public service that I know the Presiding Officer joins me in this and that we get our work done today, so we can give this team—and the literally couple other million Federal workers across the country—the sense that we are not going to shut down the government, that they are going to be able to go into the holiday season with the recognition that the government will continue operating, but, more important, that so many of us recognize the great work they do to keep this country moving forward.

With that, Mr. President, I yield the floor and again thank my good friend, Mr. Merlino, for his good work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk (Mr. Merlino) proceeded to call the roll.

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

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

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Could I ask my friend to yield for a colloquy between the Republican leader and myself?

Mr. GRASSLEY. I will yield and ask unanimous consent that I reclaim the floor when the leader is done.

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

The majority leader.

GOOD PROGRESS

Mr. REID. Mr. President, Senator MCCONNELL and I have just finished a meeting. We are making good progress on being able to handle the issues that everyone knows are outstanding. We are not there yet, but we are very close.

There will be votes tomorrow. There could be votes this afternoon also. I would also say, because this is a question that people will ask, the House is going to pass their bill around 3 o'clock—that is the omnibus, around 3 o'clock. Time is not always exact. There is a ruling from this White House and its predecessors that if one House passes a spending bill, as we are doing here, and there is a presumption that it will pass in the other body, the time is extended for 24 hours. So everyone does not have the worry about the government closing tonight.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. As he has indicated, the administration takes a view that if the final appropriations bills pass one House this afternoon—we could have that vote today or it could be tomorrow—but the administration, I am told by the majority leader, takes the view that it has passed one House, there would not be a government shutdown. So I think everybody should be reassured that that is not going to happen. The conference report has been signed and we are moving toward completing the basic work of government through next September 30 very shortly.

On the second issue, the majority leader and I are making significant progress in reaching an agreement on a package that will have bipartisan support, I hope. I think we are going to get to that place. And I share his view that good progress is being made.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

CHAPTER 12 BANKRUPTCIES

Mr. GRASSLEY. Mr. President, I wish to take a few minutes to discuss a case that was argued a few weeks ago before the Supreme Court, Hall v. the United States. This case involves a specific provision that I authored which is contained in the 2005 bankruptcy reform law. Throughout the litigation in this case, my statements supporting the provision—in other words, the statements that were said here on the floor of the Senate and in committee report were discussed in these cases at length.

I want to take a few minutes and walk through the history and intent of this provision so people hear it straight from this author's mouth, meaning from this Senator.

At its core, the case Hall v. the United States is about statutory interpretation. The statute at issue is 11 U.S.C. (a)(2)(A), which was a farm bankruptcy provision added to the Bankruptcy Code in 2005.

Before I get into the discussion about the case, I wish to explain what this particular provision does and why it needed to be added to the Bankruptcy Code. Congress enacted Chapter 12 of the Bankruptcy Code in 1986, which was subsequently made permanent in 2005. Chapter 12 allows family farmers to use a bankruptcy process to reorganize their finances and operations. It is a proven success as a leverage tool for farmers and their lenders. It helps a farmer and the banker sit down and work out alternatives for debt repayment. Not long after it became law in 1986, we began to hear about what worked and what did not work for farmers who were reorganizing in bankruptcy.

One problem we learned arose when a debtor farmer needed to sell assets in order to generate cash for reorganization. A farmer may need to sell portions of the farm to raise cash to fund a plan and pay off his creditors. However, in this situation, we are usually dealing with land that has been in the family's hands for a long time. This means the cost basis is probably very low. So once a farmer filed bankruptcy and then tried to sell a portion or all of the land, he would be hit with a substantial capital gains tax. This creates problems, because as originally drafted, Chapter 12 required full payment of all priority claims under Section 507 of the Bankruptcy Code. The only way to avoid this requirement was if the holder of the claim agreed that its claim could be treated differently.

Thus, when a farmer sold his land which resulted in large capital gains, the IRS would have a priority claim against the bankruptcy estate. I wish to take a moment to explain the concept of bankrupt estates, which may be

a bit confusing. When an individual or corporation files for bankruptcy, an estate is created. The estate consists of property that is liquidated for the purpose of paying creditors. So in the case of farmers filing a bankruptcy petition under Chapter 12, the farm assets are the property of the estate.

According to section 541(a)(6) of the Bankruptcy Code, the proceeds of the sales of those assets are also property of the estate. So the situation farmers faced was that the IRS held a large priority claim against the bankruptcy estate.

Let me take a minute to talk about claims against the estate to understand how we got to where we are today. In this situation, we are dealing with a claim that is based on taxes owed. The Bankruptcy Code says that taxes incurred by the estate are administrative expenses. An administrative expense essentially receives top priority when determining who gets paid what. Thus, the effect this had was that the IRS with its priority claim could object to any reorganization plan that did not provide for full payment of its tax claim. The IRS essentially held veto authority over a family farmer's plan confirmation. In some instances then, a farmer who sought to sell a portion of his farm to reorganize, pay creditors, and become profitable again was prohibited completely from doing so.

After learning of this problem, I started working on a way to fix it. Simply put, I wanted to make sure that family farmers in a Chapter 12 case could, in fact, sell portions of their farm to effectively reorganize without the capital gains taxes jeopardizing the reorganization. The very purpose of Chapter 12 and bankruptcy in general is to allow for a fresh start. Unfortunately, this was not happening because of the IRS priority.

In 1999, I introduced the Safeguarding America's Farms Entering the Year 2000 Act. This bill, among other things, sought to fix the capital gains tax issue. When I introduced the bill, I said it would ''help farmers to reorganize by keeping tax collectors at bay.'' I also explained:

> Under current law, farmers often face a crushing tax liability if they need to sell livestock or land in order to reorganize their business affairs . . . High taxes have caused farmers to lose their farms. Under the Bankruptcy Code, the IRS must be paid in full for any tax liabilities generated during a bankruptcy reorganization. If the farmer can't pay the IRS in full, then he can't keep his farm. This is not sound policy. Why should the IRS be allowed to veto a farmer's reorganization plan?

But let me go back to a portion of what I quoted, these words, ''then he can't keep his farm.'' Simply put, if you are a farmer in a farming operation, and you can continue to farm, and reorganization is keeping you from farming, well, obviously you do not have a business of farming and you cannot farm. Family farms are very important to the economic viability of rural America.

The language I proposed ultimately was enacted in the 2005 bankruptcy reform law. Since the Bankruptcy Code, the courts, and the IRS treated the tax liability as an administrative expense, the new provision created a very narrow exception to that administrative expense. Basically, only in Chapter 12 cases, if a farmer sold farmland that resulted in a capital gains liability, then the IRS's claim would not receive priority status. That is the benefit of the legislation I got passed to reorganization of a family farm. But it is what is in dispute in these particular cases I am referring to. Instead the government would have an unsecured claim, which means they may get paid something but not necessarily the entire amount. Also, the IRS would no longer be able to veto a plan's confirmation, thus the farmer debtor would be allowed to reorganize.

From a bankruptcy point of view, this approach makes complete sense. As I have discussed already, filing a petition creates a bankruptcy estate. The bankruptcy estate then sells the lands post petition, and that results in capital gains that are owed to the IRS. Those taxes incurred by the estate post petition are administrative expenses which receive priority status.

My language, enacted into law in 2005, stripped the priority claims owed to the government in this very specific instance and made them generally unsecured claims. However, since the passage of this legislation, the IRS has made an about-face. The government now argues, despite the way it treated this situation for all of these years, that the tax liability created is the responsibility of the individual and not the bankruptcy estate. Yet the entire reason we created this new provision was because of the way the IRS treated the tax liability.

The IRS's new position has been argued in Federal courts and has received mixed results, so now there is a dispute whether my provision accomplishes what it was designed to do. In 2009 the Eighth Circuit case Knudsen v. IRS held the provision applies to post-petition sales of farm assets, which is what we are discussing here. Specifically, the Eighth Circuit rejected the IRS's position that the Internal Revenue Code does not recognize a separate taxable entity being created when a debtor files a Chapter 12 petition.

Put another way, the IRS is claiming the individual debtor is responsible for tax liability that arises out of a bankruptcy estate action. The Eighth Circuit disagreed and said there is now an exception preventing the IRS from having a priority claim for capital gains.

But in the Ninth Circuit, the court there held that there was no exception for post-petition capital gains. In Hall v. the United States, now before the Supreme Court, the Ninth Circuit said the Halls were responsible for the capital gains tax from selling part of their farm during bankruptcy. This holding means that my provision did not create a narrow exception even though that is what I intended.

Unfortunately, the IRS, under the Obama administration, is taking a position today that is antifarmer and the exact opposite of what it said 6 years ago. This about-face on the part of the IRS came only after we made the change in the law, and it became clear that in very narrow circumstances the IRS would lose its priority position. I respect the IRS's interest in pursuing tax dollars, but it exhibited a heck of a lot of chutzpah in taking this position. Our policy reasons for this new exception were very simple. The farmers didn't have enough money to pay everyone. We decided it would be better to let them sell some assets, which would generate cash and help them to reorganize, keep farming, and pay their creditors.

In making this decision, we realized someone would have to make a sacrifice. We decided to give farmers a break from government taxes in a very narrow set of circumstances. Now, though, the government is trying to figure out a way to jump back ahead of other creditors and get more money. These creditors the IRS is trying to break in front of are small businesses, suppliers, and small local banks that extend credit and supplies to farmers. This is not what we expected would happen when we passed the 2005 bankruptcy law.

This is an important issue and an important case that the Supreme Court will decide in the coming months. The Supreme Court will decide whether this provision accomplishes my goal, which I have stated. I look forward to seeing how the case is resolved. Rest assured, I will work to ensure that this policy of protecting family farmers is followed as that was our clear intent in having this law enacted. Chapter 12 has proven successful as a leverage tool for farmers and their lenders. It helps the farmer and banker to sit down and work out alternatives for debt repayment. Should the Court rule that the Internal Revenue Code is inconsistent with the Bankruptcy Code and rule against my intent as the author, I will obviously have to work to remedy that inconsistency because what we did in 2005 is the right thing. I hope the Supreme Court realizes the history and intent behind the legislation and follows the congressional intent.

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

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

The legislative clerk proceeded to call the roll.

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

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

FEEDING THE HUNGRY

Mr. BOOZMAN. Mr. President, as Arkansans and all Americans do last

minute errands in preparation for Christmas, one stop on the list almost always includes the grocery store.

Like many other families our Christmas traditions include baking cookies. On Christmas Eve we get together with extended family for lunch. Many holiday memories are centered around the time spent sitting at the table with family and friends.

The unfortunate reality for more and more people, is that those memories are becoming more distant as more Americans than ever are having difficulty putting food on the table. In fact, recent studies show one in six Americans are food deprived.

Despite Arkansas's reputation as a leader in agriculture production, Arkansans are struggling to provide nutritious, healthy meals for their families.

What is most concerning is that nearly 25 percent of Arkansas kids go to bed hungry. That gives Arkansas the unfortunate distinction of having the worst rate of childhood hunger in the country.

While I believe Congress should be working identifying a range of legislative improvements or reforms that can be made in Federal policy to help fight hunger, Washington can't help solve this problem alone.

This requires community involvement. Fortunately, we are blessed to have help at the local level from a wide variety of organizations in Arkansas, and nationwide, that make it their mission to fight hunger.

As a co-chair of the Senate Hunger Caucus, Senators DURBIN, LUGAR, CASEY, MORAN, BROWN of Ohio, and myself put politics aside to raise awareness and recognize the great work underway in our states addressing food insecurity.

We call this effort the Hour for Hunger. Our initiative encourages all Members of Congress to dedicate one hour during this holiday season to highlight the commitments of national, state and local organizations to fight hunger.

Last Friday, I had the opportunity to visit the Samaritan Community Center in Rogers, Arkansas. For more than 20 years, this organization has lent a helping hand to the hungry through soup kitchens, food pantries, ''Snackpacks for Kids'' and a variety of other initiatives.

This help is needed now more than ever. The economy is forcing more people to rely on the services of Samaritan Community Center. In just three years, there has been more than a 50 percent increase in clients.

This is the story with similar organizations throughout Arkansas. In a segment that aired last month, CNN focused on the extent of the hunger problem in Arkansas's second largest city, Fort Smith. Ken Kupchick, marketing director for the River Valley Regional Food Bank in Fort Smith, told CNN some heart-wrenching stories encountered while helping those in need.

Ken spoke of a mother who used to volunteer at a food pantry and is now in need of the organization's services due to mounting medical bills for her children. He recounted a story of an elderly lady who went from financial security to sorting through the dumpster garbage at the local grocery store after her husband passed away and her monthly income disappeared.

Unfortunately, similar stories can be heard throughout our State. Community-based efforts like those in Fort Smith are making a difference to address hunger and malnourishment.

We are seeing it across the state of Arkansas. Last week, the NBC affiliate KARK in Little Rock spent the week urging viewers to donate to the Arkansas Food Bank. The Greater Good Week of Giving donation drive will undoubtedly provide many blessings to many families this holiday season.

It's painfully clear that our current economic environment is intensifying our hunger issues in Arkansas and across the country. The fact is, we don't have to look far to see how hunger hurts.

I believe hunger is a solvable problem but it requires us all working together. Please consider what you can do to help neighbors in need, not just during this holiday season, but all year long.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

THE ECONOMY

Mr. SESSIONS. Mr. President, we are, as a nation, facing difficult financial times, and I for one believe it is true that the middle class in America is suffering economically to a degree that is unusual. It needs to be thought about, it needs to be addressed.

I have a number of ideas about what we should do, and they don't include raising taxes and spreading the money around. I don't believe that is the right direction for the country to go. That is essentially the view of President Obama. As he says he is for the middle class, he taxes people at even higher levels and would do those kinds of government programs that he believes will work.

At a most fundamental level, I am convinced the greatest thing we can do to strengthen America—strengthen us financially, strengthen job creation for the middle class—would be to do the things that allow growth in the private sector. There are a lot of things we can do that will not cost this Treasury a dime.

Indeed, one of the greatest threats to the American economy is the debt that hangs over us like a cloud. It is inhibiting growth and investment and prosperity. We have to get this Nation on a sustainable path, not the unsustainable path we are on. I have been disappointed, frankly, at the leadership of the President. He has not understood this. He believes that the way to do it is through governmental borrowing, taxing, and spending. That is not the way to get out of this fix.

One of the most dramatic things that are coming up before us today is the Keystone Pipeline. This is precisely the kind of project this Congress could take action on to ensure that it occurs because it will create lots of jobs, create wealth, make us more secure as a nation, and help bring down the cost of energy. Low-cost energy is the best possible way to create even more jobs in America. We compete in a global marketplace, and the extent to which our industries can have cheaper energy, they can hire more people, make more widgets, and pay more taxes to the U.S. Government and to States, cities, and counties.

The construction of the Keystone Pipeline would run from Alberta, Canada, to Texas refineries along the gulf coast. It adds a number of miles of pipeline, although it will also use existing pipelines that are in place now. We have thousands of miles of pipelines around the United States. Building a pipeline is not unusual. We build them over and over again. Many pipelines run through our State, and they provide the low-cost energy that helps us to be competitive and create jobs.

This construction project alone would add 20,000 American workers, high-paid American workers, jobs not funded by additional debt that we borrow to try to artificially create jobs. They are real construction jobs. Experts tell us it would likely lead to the creation of more than 100,000 jobs overall. This is a significant number.

In addition, as I said, it would make us more energy secure and make us more able to contain the growth in the price of fuel because it would provide a large, competitive source of fuel for America. When fully operational, the pipeline will transport 700,000 barrels a day. That is almost half of the amount of oil the United States currently imports from the entire Middle East. Mr. President, 700,000 barrels a day is almost exactly the amount of oil we import from Venezuela, and that is not a friendly country to us. Hugo Chavez and his team there are a dangerous threat to the hemisphere. Much of their wealth comes from the oil they sell to the United States. I am not saying that we cannot buy on the world market and that we should not buy from Venezuela, but why in the world would we deny ourselves the right to purchase 700,000 barrels a day from our friend, our fine trading partner, Canada, our neighbor?

There is a strategic political interest of significance here too. How will the Canadians feel if we reject this pipeline when great effort, time, and years of investment and study have gone into it?

This plan to build a pipeline is supported by a bipartisan coalition, Democrats and Republicans, including many Democratic Governors, such as Montana Governor Brian Schweitzer, along with a number of Democratic Senators

and Congressmen. It is not a partisan issue. Seven Governors of States that will house the pipeline have come out to voice their support. Each State through which the pipeline will pass is supportive of the pipeline. Those encouraging the pipeline also include labor unions, such as the Teamsters, that together represent about 25 million workers. Remember, this is a jobs program that will create high-paying jobs, and many will be for union workers. Yet the President has blocked the pipeline construction for some time, deferring a decision now until after the next election. Many argue that it is not hard to conclude that this is a political decision and an attempt to avoid alienating the liberal anti-energy environmentalists or those who favor the pipeline, such as his union supporters.

I don't know the politics of it. All I know is that I cannot find a single sound reason not to proceed. I know it would be tremendously economically beneficial to America. We must address the true, structural, long-term problems that are hammering our economy and middle-class workers in America, robbing them of opportunity.

We had before the environmental committee a couple of days ago a witness from Alabama—Van Richey, the CEO at ACIPCO. This is a 100-year-old company where the CEO/owner a number of years ago turned it over to the employees. Mr. Richey testified their number of employees has gone from 4,600 to 2,900, and that the pipe industry in America is down 30 percent—the entire pipe industry. Think about that. These are real jobs. These are people who built their lives around good-paying work at ACIPCO, and over a thousand of them are now not working. I don't know what they are doing. Hopefully, they found something, but it is unlikely to be the kind of solid manufacturing job they had. We must pursue reforms that make our economy stronger and more productive, restoring confidence and allowing for sustained economic job growth.

Consider a few of the biggest challenges we face. One of them is the health care law. Promises were made. The President insisted it would reduce health care costs, but health insurance premiums have increased $2,200 per family since 2008. The Congressional Budget Office warned us this health care bill was not going to bring down costs, and, in fact, the bill has brought costs up. That is money out of the pockets of American families that they do not have now to spend in the marketplace because it has to be spent on their health insurance. We need to get the government out of dominating and regulating areas of the economy for which they have no experience or ability to operate in an effective way.

Instead of allowing the production of American energy—energy from this country—the President has blocked commonsense energy production while sending stimulus dollars to favored green corporations that are not producing and are going bankrupt in serious numbers. A recent study found that almost 190,000 new jobs could be created next year if energy production in the Gulf of Mexico, where I live, returned to pre-moratorium levels. Think about that. If we went back to the pre-moratorium levels on production, it would add 190,000 jobs and bring in more American wealth. Instead of having to buy our oil from Canada or Venezuela, it would be our own, keeping our wealth at home and creating jobs at home.

The moratorium was imposed after the oil spill. We had expert testimony in the environment committee there is a new device that has been prepared and is now ready to go that could be put over a blown-out well, such as the one we had, so that in a matter of days it would stop the leak. They eventually did that, using a cap. Instead of 90 or 100 days, within a few days you could cut off a leak like that. It should have been there to begin with, in my opinion. It was a very significant failure of management not to have such a safety device. But it is now available.

I also believe the permitorium—the inability to get permits—has cost us a lot of jobs. Now that the complete ban is over, you can get permits, but they have been slowed down dramatically, and huge rigs, capable of drilling in the deep gulf, have been moved to other places in the world and are not producing. It would have cost United States taxpayers virtually nothing to put an intensive effort into reviewing the dangers in the gulf, doing it quickly, and putting this industry back on track before so many of those production rigs moved abroad.

Also burdensome, intrusive regulations have undermined job creation and hurt small businesses. The average number of rules costing the economy over $100 million pending during 2001 to 2006 was about 72. Under this administration, the average number is 130. In fact, over 180,000 jobs will be lost each year from 2012 to 2020 as a result of four EPA rules that impact the regulatory structure of the electric industry. These are dramatic events.

It would cost the Treasury of the United States not a dime to not follow through on these dramatic rules, one of which is the boiler MACT rule. I have never heard so much concern from my constituents over that rule. Hopefully, it will be part of the legislation that moves the payroll tax holiday. That legislation would also change the boiler MACT rule. That would be a tremendous relief for the American economy.

The point is, these rules cost the economy, cost jobs, drive up our cost of production, and make it more difficult to be competitive in the world marketplace. We don't need that. Every single rule that is effective needs to be maintained; every single rule that is unnecessary and drives up cost should be eliminated. Yet we are still adding rule after rule, and it is costing jobs.

President Obama has continued to ignore China's abusive currency devaluation process which undermines the rule of law and is decimating American manufacturing. I was pleased to work with my Democratic colleagues in the Senate to pass legislation that would require the government to respond to legitimate complaints of businesses that can prove they have been damaged by the deliberate manipulation of China's currency. You can't have a good trading relationship with a country that is cheating you; that is not playing by the rules. Are we going to sit by year after year and allow factory after factory to be closed because we are unwilling to confront this on some sort of religious, economic, free-trade theory because they sell us cheaper products? If they cause our businesses to lay off thousands of workers or to close down, should we thank them because we get a cheaper product? But how long will it be cheaper?

I don't go for that. I think we need real leadership here. It wouldn't cost the Treasury a dime if we stood up and protected our workers on the world competitive stage; if we backed them up and ensured our businesses have fair trade. We would create jobs without adding to the debt. We would create jobs that pay more taxes and reduce the debt. This trade manipulation and unfairness does enormous damage to the middle class.

The number of U.S. manufacturing sites fell from 397,000 in 2001 to 344,000 in June of 2010. That is a real manufacturing decline. It is not inevitable. In fact, I am convinced we have a chance to have a renaissance in manufacturing in America. If we keep our energy costs down, if we don't have unnecessary regulations, and we create a tax policy that is good, I think we might surprise ourselves on how well we can bounce back. Because the cost of manufacturing in other countries is going up dramatically—and we now have, with our technology, our infrastructure, and our high machinery utilization—we can be competitive in areas we haven't been competitive in before.

Manufacturing employment peaked at 19 million in 1979, with 11.7 million in February of 2011. I don't think this country can be healthy and strong economically, I don't think it can have an effective presence strategically and militarily around the world if we don't have a manufacturing base. I don't see how it can happen. What are people going to do?

They say we will go into the service industry. Well, how many people can make a computer? As a matter of fact, most of these technological advancements, such as our super TVs and computers, are made abroad. It is a competitive world, but we can be more competitive. We can take back some of that manufacturing, I am convinced.

I also believe at a time of high unemployment we need to be sure the immigration laws of this country are enforced. The very idea we should relax

our laws and shouldn't insist they be enforced at a time when we have almost 9 percent unemployment makes no sense to me. We need to get American workers working, not imported workers taking jobs from Americans. It is that simple.

We have to protect our legitimate national interest. If you want to have open borders, I am willing to discuss that and say we should have totally open borders. But if you don't—and no nation in the world does, to my knowledge—then you must create an immigration system that serves your national interest and creates jobs for American citizens wherever possible.

America's $15 trillion debt is destroying jobs and confidence in the economy. The debt itself is the largest we have ever seen. The annual deficit is the largest we have ever seen. It dwarfs any deficits we have ever had before, and it is continuing year after year.

President Bush, in his last year in office, had the biggest deficit he ever had—$450 billion. It was one of the largest deficits in the history of the Republic. President Obama's first year in office saw a $1.4 trillion deficit. It has been $1.3 trillion or more for the last 3 years.

This year, CBO was predicting the deficit would come in at a tad under $1 trillion—$970 billion. But if we pass this tax holiday, we will add $200 billion to the debt just like that. So next year, we will be at $1.1-plus trillion, if the Congressional Budget Office's projections are true.

This is a serious matter. The debt is a threat to us. We have to quit running up the debt. We have to quit borrowing so we can spend. That is all this tax holiday is—the government borrowing the money so people don't pay into their pension plan—Social Security. I am uneasy about that. It weakens the moral component of Social Security and it clearly adds to our debt. Social Security is on an unsustainable course. This bill would do nothing to fix the unsustainable course of Social Security. It says we don't put in the money we have been putting in every year for the last 60 years, I suppose. How can that do anything but weaken Social Security? And it absolutely increases our debt and will show up on the score by the Congressional Budget Office.

I am the ranking Republican on the Budget Committee. It is so painful; I would love to be able to support—and I won't say I won't support—this tax holiday. But it is not sound policy in the long run for America. We can't keep chasing after and borrowing money to spend, because the debt is so large. We now have a debt equal to 100 percent of GDP, our gross debt. We have never had anything like this before.

So it is time, indeed, for a middle-class agenda, an agenda that helps and strengthens this country. We don't need more dishonest spending, politicians promising favor, promising to give people something the government doesn't have to give, spending money we don't have, to try to buy votes with it. We don't need any more of that. The net beneficiary of all this seems to have been the political class, not the middle class.

So what do we need to do? A good, sound program means creating jobs through the private sector, putting a stop to crony capitalism and favoritism, producing more American energy, and making our government leaner and more productive. That is good for the economy: creating a long-term debt reduction plan so that every investor and businessperson and American citizen will say, well, we are on a path now that is sustainable, not on a path that is unsustainable—as every economist has told us; adopting a globally competitive Tax Code, a Tax Code that enhances investment in America, enhances expansion in job creation, not one that inhibits growth and job creation.

We need to confront illegal immigration at the border and at the workplace and serve the national interests. We need to uphold the rules of law in trade and quit acquiescing to those who cheat and manipulate trade rules to their advantage. I don't believe we can sustain that over a long period of time. I do believe that has hammered jobs and manufacturing in America.

We need to eliminate unwise and damaging regulations. Any burden placed on individual Americans or businesses in America that does not pay for itself in benefits should never be imposed. We have too much in that category. Finally, delivering to the good people of this country the honest and responsible government and budget they deserve.

The sad fact is, we have now gone 961 days without a budget. I think that shows the irresponsibility of this Congress. I was disappointed when the Democratic leader in the Senate said it would be foolish to even attempt to bring up a budget this year, and he was not going to do it for the second year. This is really, really dangerous; a country that is suffering the greatest debt and deficits we have ever had, to not have a budget is utterly and totally unacceptable.

I can't imagine a party wanting to be the leader of the Senate that will not even bring to the floor a budget, as required by statute, required by law. The House passed one. They passed a historic budget, a budget that would have altered the debt course of America, put us on a sound path. The Republican leadership in the House summoned their courage and produced a budget that would reduce spending, alter the taxes in America in a way that would create more growth, and brought it forward.

So Senator REID thought he was clever. He knew Democrats wouldn't vote for it because it would actually cut spending, and he brought it up so it could be voted down. But over 40 people voted for it.

I brought up at the same time President Obama's budget—the most irresponsible budget ever submitted, one that would increase taxes but increase spending more and increase debt more than if we didn't have that budget. So I brought it up and said: Well, let's vote on the President's budget. Zero votes, 97 to 0, against that budget.

We need to be sure the people who run this country understand that the American people are not happy with us. How can they be happy? We are borrowing 40 cents of every dollar we spend. We are on an unsustainable debt course, and we don't even have a budget and refuse to bring up one. It is just unthinkable.

We will end up in the last of this session heading into Christmas with some conglomerated-together, massive omnibus bill, a last-minute tax holiday bill, and somehow we will muddle forward and continue spending for the government so it will not close down. But all of this should have been done months ago. There is no reason it has to be held to the last minute except it gives the leader more power to manipulate, and it gives Members of Congress less opportunity to know what is in it. It gives the American people less opportunity to know what is in it.

So I am not happy. I don't think the American people are. I think they are rightfully disappointed with us. Somehow we have to get this country on the right track. It will require tightening our belts. We cannot continue to borrow and spend at this rate.

A lot of people are going to be disappointed that things they hoped to receive they will no longer be able to receive. But the country will not sink into the ocean. It will not. This country is strong. All we have to do is do what they are doing in New Jersey and doing in Alabama, beginning to do in some of the other States that have been deeply in debt, do what Senator WARNER did as Governor of Virginia: manage the economy and balance the budget. I appreciate his leadership in the Senate to try to produce something worthwhile for the Nation.

So we can do better, and we have to do better, and the American people are entitled to it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AGRICULTURE

Mr. MORAN. Mr. President, I know we are all anxious to reach a conclusion on significant legislation that is pending. It determines many things important to Americans and it creates the opportunity for Members of the Senate and the House to spend a little

time at home during the holiday season. I am reminded how blessed I am this holiday season to return home to a rural State, where family values and community traditions run deep. There is no tradition more important to us than how we pass on, from one generation to the next, the workings on a family farm.

I am worried these rural traditions are under attack by Washington, DC. In September, our Department of Labor proposed new rules that would ban youth under the age of 16 from participating in what are many common farm-related tasks such as rounding up cattle on horseback, operating a tractor or cleaning out stalls with a shovel and wheelbarrow. I am sure there are many 15- and 16-year-olds who would be happy not to do that work, but it is important work, and it is a way fathers and sons, mothers and daughters, grandparents, work side by side with family members.

One of the things I care a lot about is agriculture. That matters to us in places such as Kansas because that is the economy of our communities. But I also know it is important for other reasons as well, not just dollars and cents. It is important because it is how, historically, in this country, we passed on our values from one generation to the next. Working side by side with moms and dads and grandparents is the way we pass on character and values and integrity from one generation to the next. It is something that throughout the history of our country has been important across our Nation when every place was a rural part of our Nation.

To most young people growing up on that family farm, jobs are routine, it is a part of their lives. These Department of Labor regulations are going to intrude significantly in that ability. According to the American Farm Bureau Federation, about 98 percent of our country's 2 million farms are family owned. By working alongside those parents and grandparents, important skills and values are learned. The problem we face now is that agriculture is a way of life and the Department of Labor wants to change that.

Until recently, farms jointly owned and operated by multiple family members had discretion over the responsibilities they gave their children on the farm. But this new rule would do away with that freedom. The Department of Labor is proposing to tell farmers and ranchers: We know what is best for your children and what they should and should not be doing.

The Department of Labor is also trying to do away with successful farm safety and training certification programs. In our part of the country and around the Nation, 4–H and FFA county extension offices are very important. They play a critical role in training and certifying young people to safely carry on farm activities. That happens today. But the Department has ignored research that shows such programs improve safety habits of young people and instead criticizes these training programs for being too locally driven and lacking Federal direction.

One would assume, before making such a drastic change to farm labor rules, the Department would identify reliable evidence and data that show the need for changes, but it is quite the opposite. In fact, the Department of Labor admits it lacks data to justify many of its suggested changes. Furthermore, according to the National Farm Medicine Center, youth-related injuries from farm accidents have declined by nearly 60 percent from 1998 to 2009.

If you ask any farmer or rancher about the importance of safety, they would tell you safety is at the top of their list. It is their children. It is their neighbor's children. They care greatly. But they would also tell you it is critical for the rural way of life to be able to train and encourage the next generation to safely and successfully begin careers in agriculture. If today's young people are not given the chance to learn at a young age what it takes to operate a farm, we put at risk the future of agriculture in our Nation.

If these changes go into effect, not only will the shrinking rural workforce be further reduced and our Nation's youth be deprived of valuable career training opportunities but, most important, a way of life begins to disappear. Our country cannot afford to lose the next generation of farmers and ranchers.

I shared my concerns with the Secretary of Labor several weeks ago, in which we asked for a delay, a longer comment period. The comment period was running through fall harvest across most of the country. The Department of Labor granted a 30-day extension, but that expired December 1, about 2 weeks ago. Parents and communities should be allowed to look after the best interests of their families and citizens. Now that comment period has run. I hope the Department of Labor will take into account the serious concerns by farmers and ranchers, their families, and agribusiness across the country. But just a delay and longer comment period is insufficient. In fact, I am circulating a letter among my colleagues in the Senate that I am asking them to sign, requesting the Department of Labor not proceed to implement these rules. I ask my colleagues to take a look at that letter and please join me.

Local experts should be the ones conducting safety training programs to educate our Nation's young people. The future of agriculture depends on stopping this vast overreach of Executive authority, protecting individual rights.

We know rural America's values are not always the values held in Washington, DC. In the weeks ahead, I will continue to work with my colleagues to make certain this destructive rule does not move forward so we can protect and preserve our values for the next generation of American farmers and ranchers, values our country so desperately needs.

TRIBUTE TO AARON POPELKA

Mr. MORAN. One of the beneficiaries of growing up on a family farm in Kansas is somebody I would also like to mention briefly this morning. As Members of Congress, we surround ourselves with bright minds and fellow natives of our home States. I have had the privilege of working alongside a young man, Aaron Popelka, as a member of my staff for 6 years. In those years, Aaron has proven himself to be a thoughtful voice in a chaotic Capitol Hill culture. With a bright policy mind, Aaron has advised me on agriculture and energy and trade policy while also serving as my chief council.

A native of Munden, KS, Aaron brought with him a commonsense approach to the way he conducted his duties on behalf of our State. Aaron will continue his duties on behalf of Kansans but in a different fashion. Aaron has accepted a position back home in Kansas and will leave my staff at end of the year. The lure of returning home to Kansas is powerful. Over the years, I have lost valued members of my staff, much like the rest of you. However, I appreciate the fact that while their departure from Washington DC is not pleasing to me, more often than not they return home to Kansas and the result is a benefit to our home State.

I am thankful for having had Aaron as a member of my staff. I am thankful for the faithful service he has provided to my fellow citizens in our home State. But I am most thankful for his friendship and I look forward to our paths crossing again back home.

Aaron, best of luck to you and God bless you and your family.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

HINDERING JOB CREATION

Mr. COATS. Mr. President, the holiday season is coming upon us, a period of celebration and joy. But as we prepare to spend time with our friends and our families in the coming weeks, it is important to remember during this holiday season there are many families out there across this country who are hurting.

As I visit with Hoosiers, I hear concern in the voices of parents trying to

make their mortgage payment, the manufacturer trying to find work, and a business owner trying to make payroll. Too many Hoosier families have a parent unemployed or underemployed, some working two or three jobs just to scrape by. For nearly 3 years we have been hearing the President talk about how this Nation needs good-paying jobs for people. The President has spoken on this on numerous occasions. In his inaugural address in 2009, he said:

There is work to be done. The state of our economy calls for action, bold and swift. And we will act, not only to create new jobs, but to lay a new foundation for growth.

More than a year later in June 2010, the President said: ''Our top priority is to recover and rebuild from a recession that has touched the lives of nearly every American.'' Two months ago, the President said: ''Everywhere I go, they tell me they want action on jobs.''

Despite the rhetoric, what we have and what we are dealing with is a series of regulations and policies coming out of the White House that are denying Americans the opportunity to have jobs and preventing job creators from hiring. This is a result of regulations that are hampering businesses as well as policies here that we have or have not enacted that would encourage job growth and economic opportunities.

For nearly 34 consecutive months unemployment has been hovering around the 9-percent level although we all know the real unemployment number is much higher than that. There are people who have given up looking and they're no longer counted. There are people who are working at pay levels and talent levels far below their abilities. And so the underemployment number, combined with the unemployment number, is very significant and much higher than the official number reflects.

For months I have been on this floor talking about a whole number of initiatives I thought was necessary to spur our economy and get us moving forward again. Comprehensive tax reform is something Senator WYDEN and I have engaged in on a bipartisan basis and we've been talking about it all year, yet here we are at the end of the session and we are not going to be able to accomplish that this year. We'll give it a run next year, and hopefully we can make some progress on that. There is almost a unanimous consensus that comprehensive tax reform needs to take place. Yet we have now spent a year talking about it but not doing it. We also know that issues such as entitlement reform and reducing the out-of-control spending here are necessary to put us on more solid footing, and despite the valiant efforts and hard work of many in this Chamber, Republicans and Democrats, we've been unable to accomplish and succeed. Much of this difficulty, frankly, has been because the White House refusing to demonstrate leadership. The President has not stepped up and engaged in fulfilling the very things he said are the most important things we need to do.

Let me cite two examples. The first one is still under discussion and, hopefully, will be part of what we are able to accomplish before we finish here either late this weekend or into next week, and that is the Keystone XL Pipeline. By delaying a decision for a year, the President essentially is saying we are denying 20,000 or more individuals from gaining work. The president is blocking jobs and preventing Americans from building this much-needed pipeline which is so important for the future of this country. We talk about our dependence on Middle East oil and the blood and treasure we have had to spend to keep those sea lanes open and that oil flowing to the United States, and yet the President denies us the opportunity to mine our own domestic energy sources and to use sources that come from Canada or off our shores.

The Keystone XL Pipeline is a project that if constructed will bring a minimum of about 750 million barrels of oil to this country for refining purposes. It will provide an estimated 20,000 new jobs directly and support hundreds of thousands of jobs in coming years indirectly. My State alone, Indiana, has indicated that at least 100 Indiana companies would benefit from the pipeline. This project has bipartisan support as well.

Twenty-two House Democrats wrote a letter to President Obama and said that it is in our national interests to have a Presidential permit issued for Keystone as soon as possible. That's supported by Republicans, but the President has said that if we send him a yearend bill that includes this, he plans to veto it. It makes no sense what-so-ever. It is irrational—to say that the No. 1 priority for this country is to get people back to work and to provide jobs, and here we have a ready-made job creator that is being postponed to pacify some extreme environmentalists who don't want one drop of oil or one piece of coal mined in this country or used in this country to provide energy resources. They think all we need to do is switch to electric—which, by the way, is only produced through burning coal and oil—to provide electricity to plug in our cars and make them work or they want wind and solar. Well, if we look outside the window here in Washington and across most of the country the last few days you are going to see a lot of clouds and very little sun. And you are not going to see much wind. We cannot run factories, we cannot run businesses, we can't even light this Senate based solely on this alternative energy as it currently exists, and it is costing the taxpayer a lot of money.

The Keystone XL Pipeline also has the support of labor groups and unions. These are the entities that will be providing jobs for the project.

Mark Ayers of the AFL–CIO wrote:

For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: Jobs . . . Throughout America's heartland, the Keystone Pipeline represents the prospect for 20,000 immediate jobs, and as many as 500,000 indirect jobs via a strong economic multiplier effect . . . without one single dollar of government assistance.

That is right. This is totally paid for by the private sector. We can provide 20,000 jobs immediately without taxpayer dollars. That is why this is supported by Republicans, supported by Democrats, supported by Unions, supported by right-to-work States, supported across the board by those who feel we need more energy independence. Yet, after assuring us that his top priority is creating jobs, the President says, no. Instead, he chooses to yield to some extreme voices on the environmental left who basically say, no more oil, no more pipelines, no more coal, fossil fuels are out. It is wind, solar, batteries, or nothing—despite how many jobs it costs.

So I am asking the President of the United States to reconsider his decision especially at a time when people are struggling in this country. The commonsense solution to one of our problems is right here before us. Yet we hear from the President, no, he is going to postpone the decision for a year to get past the 2012 election. This is political decision is denying a lot of people work at a time when it is desperately needed. At the same time the President is asking the Congress to extend unemployment benefits, primarily because of his own failed economic policies, the White House is blocking this incredible job creating opportunity.

Another immediate action the administration can take would be to accept a modest provision to provide a reasonable delay on two costly Environmental Protection Agency regulations that will deal another devastating blow to our already fragile economy. In the next few days, the Environmental Protection Agency is expected to finalize a rule that could threaten over 20 percent of the coal-fired powerplant generation in the Midwest and in the Southeast. We've now learned it also has a dramatic adverse effect on powerplants in the States of Kansas, Oklahoma, and Texas. So a major part of our country will be affected by this rule. Known as Utility MACT, this regulation will force most of our country's 1,100 coal-fired plants to retrofit their facilities or close their doors. The Partnership for Affordable Clean Energy reported that closures of U.S. coal-fired powerplants will accelerate sharply during the next 10 years because of this utility rule.

The EPA's expected announcement on the utility rule comes just after they issued another major rule that will cost additional American jobs because starting on January 1 the EPA will begin requiring utilities to reduce powerplant emissions that may cause air quality complications in neighboring States. That regulation, called the Cross State Air Pollution Rule, is

also one of the most expensive policies ever imposed on coal-fired plants. Under this rule, the EPA will require plants to install costly control technologies in exchange for minimal environmental gains.

The combined economic impact of the two regulations I have just mentioned is alarming. The Indiana Energy Association estimates that the cost of these rules will be between $6.5 billion and $7.3 billion just in my home State of Indiana. And when we add the entire eastern half of the country, from Mississippi River on to the Atlantic Ocean, that number goes up exponentially.

The National Economic Research Associates estimates employment losses of 1.4 million across the country as a result of the current EPA rules and deadlines. By 2016, NERA reports that American ratepayers will see an average increase of up to 23.5 percent—and in some places rates will be even higher.

Now, I want to say this: Cleaning our air is a worthy goal. Hundreds of billions of dollars have been spent under the Clean Air Act, which I supported in the 1980s and early 1990s because, as Americans, we all want to clean our air. Hundreds of billions of dollars have been spent by our utilities on clean air, consumers have been paying for it through our electricity bills to clean the air. The progress we have made has been astounding.

Provisions that were offered in a bill Senator JOE MANCHIN—a Democrat from West Virginia—and I offered together on a bipartisan basis do not turn back or unwind the progress we have made. They simply extend the compliance date for a 3-year period of time and coordinate that compliance date so that utilities can accomplish both of these goals laid out by the EPA in a reasonable time frame. This rule will take effect on January 1 of 2012. So we're asking for a little more time.

Earlier this year I voted to eliminate these rules. That vote, led by Senator RAND PAUL, was defeated. So we move now to the next stage which is to give utilities more time to meet EPA deadlines.

I urge the President to consider the Manchin-Coats legislation called the Fair Compliance Act, which is bipartisan legislation to delay the implementation of these harmful EPA rules. Otherwise, our utilities will not have the time needed to adequately prepare. The EPA will be shutting them down. Without extra compliance time, there are predictions of blackouts or rolling blackouts and substantial increases in utility rates at a time when the economy is struggling and our manufacturers need every competitive advantage they can get in order to compete around the world and get people back to work.

Having said that, let me just say one more thing. It is disappointing from my perspective in the lack of progress in addressing our dire fiscal situation. We've tried just about everything and every process and every procedure people can think up, and each one of those has achieved either minimal results or failed completely. So after evaluating and looking at the extraordinary effort, energy and time put into the process this year, there have been very few results. It has become clear to me and reaffirmed something I believed from day one when I first got into politics—that unless we put in place a balanced budget amendment to the Constitution that will require Members to come down to this well and, before the President of the Senate, put their left hand on the Bible and their right hand in the air and swear to uphold a Constitution that incorporates a balanced budget requirement, we are never going to get there.

There is always a reason why something statutorily—all the efforts of the Gang of 6, the committee of 12; the rush to prevent crises by raising the debt limit; the cliff hangers: are we going to pass this or not, and are we going to extend the debt limit or not extend it—all the provisions through the appropriations process to cut spending and reduce government involvement and so forth have essentially failed.

What we need to do is what most States in this country do, what every business has to do, what every family has to do; that is, commit to balancing our budget, not spending more than we take in, and having a sworn, constitutional agreement that this is what we will do before we adjourn during every session. My State of Indiana has to do this, and many States across the country have to do this. They do because it produces transparency and honesty and Members going before their constituents and saying: That program is a great idea, but we can't afford it. Unless you're willing to support Congress raising your taxes or cuts in other places, we can't put that new program in place.

I think my time is running out. I ask unanimous consent for 2 more minutes, and I will wrap it up.

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

Mr. COATS. Thank you, Mr. President. I thank my colleagues.

If we don't have this ultimate enforcement mechanism, I fear we will just continue to do what we have been doing for years and years and years; that is, falling far short of where we need to go. I think where most of us know we need to make the tough decisions, to be honest with our constituents, to go forward and basically say this is what our sworn obligation is, and we are going to have to fulfill this obligation. Nothing else has succeeded in forcing this body to come together and in a bipartisan way—or even on a partisan basis—do what is necessary to get our fiscal house in order.

During this holiday season, the people who are without work and struggling to pay their mortgages or struggling to save money so their kids can go to school, struggling to pay bills, wondering what the future is going to hold, those working two or three jobs, they are all out there saying we have to get this together, we have to get this country moving again. We cannot do that if we are plunging into debt or the policies coming out of this administration are denying our citizens the right to work in jobs that are available, such as the Keystone Pipeline. I can't even pay the utility cost now they say and if you are going to raise my rates 20 to 30 percent because of these regulations it is not going to be the kind of joyful, happy celebration at Christmas we would all wish for all our families across America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I have a number of consents I will offer.

EXTENSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

INSULAR AREAS ACT OF 2011

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2009, introduced earlier today.

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

The bill clerk read as follows:

A bill (S. 2009) to improve the administration of programs in the insular areas, and for other purposes.

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

Mr. BINGAMAN. Mr. President, I am pleased to be joined by my colleague from Alaska, and the ranking member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in urging passage of the Insular Areas Act of 2011. This legislation would enact three time-sensitive provisions needed to improve the operation of certain Federal programs in the U.S. territory of American Samoa and in the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

First, section 2 of the bill would amend the Compact of Free Association Amendments Act of 2003 to direct the Secretary of Energy, as a part of

the Department's Marshall Islands radiation monitoring program, to also periodically monitor the containment structure on Runit Island where nuclear cleanup wastes are buried. This new monitoring would include a visual inspection of the containment structure and a radiochemical analysis of groundwater surrounding and in the structure. This section of the bill further requires the Secretary to submit a report to Congress with the results of the monitoring. Finally, the section requires that the Secretary of the Interior shall make available to DOE, from existing technical assistance funds, the funding needed to conduct the chemical analysis of groundwater.

This section was requested by the Government of the Marshall Islands because of continuing concerns about radiation contamination among the people living and fishing near Runit Island. Officials from the Department of Energy regularly visit the islands near Runit as a part of DOE's ongoing Marshall Islands monitoring activities, and it is reasonable to direct that those officials periodically monitor the Runit Island containment structure to assure the community that the surrounding waters are not being contaminated and do not pose a health risk to persons living and fishing nearby.

Second, section 3 of the bill would amend current law which authorizes U.S. judges to serve temporarily, on a reimbursable basis, on the courts of the freely associated states. These island nations were formerly administered by the United States under a U.N. trusteeship, and the practice of providing temporary judges on a reimbursable and time-available basis to assist local courts has existed for several decades. This section was requested by the Government of the Republic of the Marshall Islands, which has few judges of its own and seeks to have additional U.S. judges available to assist, particularly when multijudge panels are needed to hear appeals. This authority is used by the Ninth Circuit Court only a few days per year when such temporary assignments do not interfere with the caseload of the assigned judges. The section would expand the pool of eligible judges from circuit and district judges, to include magistrate and territorial judges. On March 31, 2011, I received a letter from the Judicial Conference of the United States stating its support for this provision.

Finally, section 4 of this bill would amend the Fair Minimum Wage Act of 2007 to delay the 50-cent increase in the minimum wage of American Samoa that is scheduled for September 30, 2011, until September 30, 2015. It would also delay future periodic minimum wage increases and the periodic GAO report on the impact of prior wage increases from a 2-year to a 3-year, cycle.

American Samoa is a small, remote, unincorporated and unorganized U.S. territory—the only U.S. territory in the Southern Hemisphere. Its economy more closely resembles that of the nearby island-nation of Samoa than it does the U.S. economy. It has a large subsistence sector, as indicated by a 30 percent unemployment rate, and an average per capita income of about $7,000 year—less than a quarter of the poorest State. The wage economy is concentrated in the government sector and fish processing. In recent years, however, trade globalization and rising costs have contributed to a severe economic downturn. GAO recently reported—GAO–11–427—that one of two tuna canneries closed in 2009 and the other cannery significantly reduced operations. Employment in this key sector fell by 55 percent from 2009 to 2010. The U.S. minimum wage was extended to American Samoa in 2007, with annual increases of 50 cents starting in 2008. But, because of the severe downturn, Congress delayed the 2010 wage increase until 2012. The Government of American Samoa is requesting this further delay because of the unique and continuing challenges it faces along with other South Pacific island economies.

Mr. President, there are no authorizations in the bill, and any additional costs associated with its enactment would be funded from existing sources. These are time-sensitive provisions of interest to these remote U.S.-affiliated island communities, and I urge the support of my colleagues in passing this bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The bill (S. 2009) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Insular Areas Act of 2011''.

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(B) CONTINUED MONITORING ON RUNIT ISLAND.—

''(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2012, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

''(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

''(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

''(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

''(I) a description of—

''(aa) the results of each visual survey conducted under clause (i)(I); and

''(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

''(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

''(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause(i)(II).''.

SEC. 3. CLARIFYING THE TEMPORARY ASSIGNMENT OF JUDGES TO COURTS OF THE FREELY ASSOCIATED STATES.

Section 297(a) of title 28, United States Code, is amended by striking ''circuit or district judge'' and inserting ''circuit, district, magistrate, or territorial judge of a court''.

SEC. 4. DELAY OF SCHEDULED MINIMUM WAGE INCREASE IN AMERICAN SAMOA.

(a) DELAYED INCREASE PENDING GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110–28) is amended—

(1) by striking ''each year thereafter until'' and inserting ''on September 30 of every third year thereafter until''; and

(2) by striking ''except that'' and all that follows through ''September 30'' and inserting ''except that there shall be no such increase in 2012, 2013, and 2014 pending the triennial report required under section 8104(a)''.

(b) TRIENNIAL GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8104(a) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110–28) is amended by striking ''April 1, 2013, and every 2 years'' and inserting ''April 1, 2014, and every 3 years''.

Mr. CASEY. Mr. President, I ask unanimous consent that following my remarks, Senator HUTCHISON be recognized for floor remarks.

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

PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the payroll tax cut we have been debating and considering these many weeks and which we seem to be making some progress on today. I know we will hear more about that later today. I wish to make a couple points—first about the issue itself and then a few points about what is happening in Pennsylvania. I wish to highlight some of the constituent mail we have received about this issue and about the state of the economy and people's lives.

But first and foremost, by way of review, we have had a number of weeks now of debate about the payroll tax and putting in place an agreement where both parties can come together to make sure we put in place the payroll tax cut we agreed to last year.

Many who have been watching this debate know what that means. Instead of having an individual worker or employee pay 6.2 percent as a payroll tax, we reduced that last year to 4.2 percent. I think it is vital, at a minimum, we do that, we extend it.

I had two pieces of legislation—two different versions—to reduce that even more, to cut it in half and also to do the same for businesses. I think that is a good idea, but for whatever reason we have not reached agreement on that. But we seem to have made progress in the last couple days—even in the last couple hours—coming together on an agreement on the payroll tax. We do not have an agreement yet. But we are all working very hard because we all know both the benefits of it and the consequences of not extending the payroll tax cut.

The benefits are plainly evident. If we put in place this payroll tax cut, we can jump-start, kick-start job creation and move the economy forward. I say that in light of some recent numbers we have in Pennsylvania. Pennsylvania's unemployment rate has hovered around 8 percent for a long time. The number of people unemployed in our State, the 8 percent, does not sound as high as in some places, but that meant over half a million people were out of work. It was not too long ago—just a few months ago—when we had roughly 525,000 people out of work. That number reduced to about 513,000. Fortunately, just yesterday, we got news that the number has fallen below 500,000 for the first time in a long time. We are at 499,000—not much below half a million, but that is good news for Pennsylvania. What that meant is, our unemployment rate went from 8.1 percent down to 7.9 percent. So we are below 8 percent.

As many people know, the national rate went below 9 percent to 8.6 percent. So we are seeing the unemployment rate nationally and in a number of States, including Pennsylvania, going in the right direction, meaning it is going down. The unemployment rate is going down. The number of people out of work, fortunately, is shrinking a little bit.

We have a long way to go to completely dig out of this economic ditch our economy has been in for a long time. One of the best ways to continue that progress is to pass a cut in the payroll tax again, as we did last year. It was the right thing to do last year. It is the right thing to do this year, to continue the progress. We want to make sure we are doing everything possible so our month-to-month job creation number is much higher than it has been.

We have been averaging in the roughly 150,000 range of private sector job growth. That is not enough. We need that above 200,000, and we need it even above 250,000. If we take this step—it is not the only step—there is no magic wand to any policy we pass. Cutting the payroll tax will not solve all our economic challenges. But it is one of the most constructive, one of the most effective steps we can take.

If we do not do it, here is the consequence, at least as it relates to Pennsylvania—a big State that has a lot of the economic challenges many States have. Mark Zandi, a respected economist, did some analysis just on Pennsylvania. If we do not extend the payroll tax cut, which, as we know, has the potential to benefit 160 million American workers—in my home State of Pennsylvania last year that meant more than 6.5 million workers had a cut in their payroll tax, a tremendous benefit for a State such as Pennsylvania. We grew in the last year about 50,000 jobs. That is the good news. The bad news could be, if we do not pass a payroll tax cut, for Pennsylvania—for the country, which, obviously, would have an impact in Pennsylvania—the job loss number, according to Mark Zandi, would be just shy of 20,000 jobs lost in the State of Pennsylvania in 2012.

So it is vitally important for the Commonwealth of Pennsylvania. I think that applies for the Nation as a whole. It is one of the steps, and, frankly, one of the few steps Congress can take that will have a direct impact not just on the economy overall but to directly put dollars in people's pockets—take-home pay. That is what this whole issue is about for employees—what is going to be their take-home pay in 2012. If we pass the tax cut, it will be about $1,000. If we do not pass a tax cut, it will be zero in terms of an extra benefit.

Working Americans who have been struggling through this economy and suffering should have the right to expect we take the action they are telling us to take to cut the payroll tax.

Let me cite two examples of what people are asking us to do, from two constituents, and then I will conclude my remarks.

Here is a letter from a woman in Pennsylvania, central Pennsylvania. I will not give her name. We do not have the authority to do that. But I wish to read some of her words. Here is what she says about how she perceives Washington and what is happening here. I will just read about two sentences from her letter:

> Please make sure something is done in Washington before the end of the year. I feel that no one should be able to have a break—

Talking about us in Congress—

> before taking action on the tax breaks that will expire at the end of this year. If you all cannot do this then you should all leave office and let someone in there who can work together and get things done. Stay and do your job. Period!!

She has two exclamation points after the word ''period.'' What she is telling us is what so many Americans are telling us: that we have work to do here, to come together, to agree not just on a budget for the next year but especially on something as fundamental as this payroll tax cut. So she said it very well, and she encapsulated a lot of what people are feeling.

I am going to read an excerpt from a second letter, one from a woman from the eastern side of our State, in the so-called Lehigh Valley of Pennsylvania. I will not read the whole letter. It is about her family and some of the economic challenges they have had. I wish to read just two excerpts. She says:

> Now I find myself questioning whether or not anyone has an answer and if they do, will it be too late.
>
> You see, over the last 2 years, all four members of my family, myself included, have lost our jobs.

This is a woman from one family in one part of Pennsylvania talking about how many members of her family have lost their jobs. She expects us to get our job done—to come together and to work together to pass a cut in the payroll tax.

Later in the letter she says this—and I will conclude with this quotation:

> We need to put people back to work. Only then can the economy get turned around. I don't care who comes up with the plan, but the parties need to work together if this country is going to survive. My family is only one example. I know of SO many others who are struggling and in an even worse position than we are.

She is talking about other people being in a worse circumstance, and she has all four members, including herself, of her family who have lost their jobs in the course of the last year or so. So if she can demonstrate—this woman from the Lehigh Valley in Pennsylvania—if she can demonstrate that kind of empathy and compassion and understanding of what others are going through, when she herself and her family have suffered so substantially in this economy, the least we can do in the Senate, in Washington—the very least we can do—is come together and work together to get this job done.

The leading indicator of that, I would argue, is making sure we put in place a cut in the payroll tax so at a minimum—as people are still doing holiday shopping and still wanting to have a bright and happy holiday and want to have some measure of peace of mind, some measure of security about next year—at least know we came together and made sure this payroll tax cut was in place.

It is vital for the people of Pennsylvania, and I think it is essential for economic growth across the country. We need to come together and get this done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

APPROPRIATIONS

Mrs. HUTCHISON. Mr. President, we seem to be heading to an agreement

today. At this point, the House appears to be ready to vote on the conference report on the appropriations bills for the rest of the fiscal year, which would be until the end of September of next year. I think this is good. We came to an agreement in August called the Budget Control Act. It was a 10-year commitment to lower spending, lower our deficits. It required a cap in each of the next 10 years that would be a down payment on our debt, would lower the deficit and lower the debt.

The Omnibus appropriations bill, obviously, because it has so many different agencies in it, rather than each separate agency bill going forward as we have done normally in the past in the Senate—because it has so many, there are people who are going to disagree with parts of it. There is no getting around that. The military construction, of which I am on the subcommittee and have chaired it in the past, is part of this bill. So are many of the other bills that are very important for the functioning of our government.

However, the appropriations bill sticks with the agreement we all made. In August, there was a lot of negotiation on how we deal with the debt. To be honest, I did not think it was enough. Many of us did not think it was enough. But we have not been able to come to terms between the two Houses of Congress and with the President on how we can do more and get the votes to do it and get the President to sign the bill.

So I am not saying we are going to agree with everything in this Omnibus appropriations bill. But every one of these bills did go through the committee, and they have been vetted. They did keep the agreement. We have lowered the spending across the board. We set the final fiscal year 2012 funding at $1.043 trillion. This is $7 billion less than last year's level, and it is almost $100 billion less than the President's request.

Now, it is not enough for many people in this body, but we all voted in the majority; 74 separate Members voted in favor of the Budget Control Act, and the appropriations bills all have met those caps. That is something I do not hear said very often in this body, that we have met the caps.

I was vice chairman, the ranking member, of one of the very important appropriations committees that funded NASA, the Department of Commerce, the Department of Justice. We met these caps. It was hard. Each one of the subcommittees of the Appropriations Committees on the Senate side met the caps, even though we had to cut and balance and set priorities and not fund some of the important areas that we would like to have funded. But that is what choosing and prioritizing are about. That is why we made the agreement, and we stuck to it. So when all of these appropriations bills are complete, we will have cut discretionary spending for 2 years in a row for the first time in modern history, frankly, really cut.

So now we are working toward cutting the deficits over a 10-year period as we agreed we would do. In the next few days, I hope we are going to take fiscal year 2012 off the books and immediately focus our attention on long-term deficit reduction and, hopefully, comprehensive tax reform because the real issue is how we are going to get the debt down more.

We are talking about a $15 trillion debt. If we cut the debt $1 trillion, it is a down payment. But I think we need to do more in a responsible way. But we cannot do it all in discretionary spending. If we are going to do what the taxpayers elected us to do, then we are going to have to deal with entitlements. We are going to have to deal with Social Security reform and Medicare reform.

Everyone knows, common sense tells us, Social Security has changed since the time it was passed and today when people are living longer and retiring later. But we have not accommodated those changes. We have not set the actuarial tables that would sustain Social Security for the next 75 years. We could do it by just very gradually, 3 months a year only, increasing the age of retirement; put a cap on it at 68 or 69. We could bring Social Security into balance.

We would also have to make adjustments in the cost of living increases. But we would not have to raise taxes, and we would not have to cut the core benefits in any reduction. So we can do this and make significant deficit reductions so the $15 trillion starts coming down. That is our debt.

We have to deal with Social Security reform. I have introduced legislation, the Defend and Save Social Security Act, with Senator KYL as my cosponsor that has done exactly that. Other Senators have introduced legislation. Senator PAUL introduced legislation that would gradually bring down the Social Security deficit, which would also bring down the debt of our country. This is responsible. I am going to push next year to try to get this Social Security reform.

But in the next 2 days we are going to deal with discretionary spending because that is all we have on the table to deal with, and we are going to keep the agreements we made in the Budget Control Act, which 74 Members of the Senate supported. The appropriators have kept their word. Every single bill has had a cap on spending. Where we have the capability to deal with discretionary spending—and that is all we have, we cannot deal with entitlements until we have entitlement reform. But in discretionary spending, the appropriators have kept their word. That is what we will be voting on, to keep the word that 74 Senators agreed was the right approach.

We are going to vote on a bill that will be passed by the House today and, hopefully, be passed by the Senate tonight or tomorrow as our leader has said we will. I hope we can pass that bill.

We also have to deal with the long term. We are not going to be able to do it in the next 2 days, but surely when we come back next year we can pick up tax reform. We can put our Tax Code in a better structure so our corporations will bring their businesses that are now overseas back to America. Those are going to be jobs in America. That is how we want to create revenue in this country, not by taxing the people who would hire people but by having an equitable Tax Code that will make corporations do their business here so people will have jobs, and they will increase their revenue and the economy of our country.

That is the way we need to deal with the long term. We need to deal with entitlement reform and Tax Code reform. We do not have a revenue problem in this country. We do not have a problem with people paying too little in taxes. We have a spending problem that has given us a $15 trillion debt.

So I hope as all of those families in America are settling in for the holidays that we would be doing the work in Washington that would assure a long-term future for these families, which means we are going to have to cut spending from the government, that we are not going to increase taxes on the working people of our country, and that we would have regulatory reform that would allow our small businesses to grow without the heavy hand of government putting a blanket on their ability to grow.

When there is a blanket on the ability to grow, they are not going to hire more people. That is the problem we have in this country right now. So we are making, in the next 2 days, I hope—I hope my colleagues will support the agreement we made in August to start the down payment on the spending in this country, lowering it, lowering it from what the President sent over, a budget from which we have cut almost $100 billion.

Even in the face of this crisis in this country on spending, the President sent us a budget that was almost $100 billion more than we are going to pass in the House and Senate because we made an agreement in August to cut spending. The House is also going to send disaster relief, which I will certainly support, and they are going to send a bill that would pay for it with a 1.83-percent across-the-board cut in discretionary base spending, excluding the Department of Defense, military construction, and veterans affairs. I think that is a responsible approach.

I think with the budget that we are putting forward with the appropriations, with a 1.83-percent across-the-board cut to fund disaster relief that we know is going to happen and be necessary in the next 9 months of next year, that we should pay for that. We should have disaster relief in our budgets in the future, and we should try to accommodate it right now.

We are not going to withhold it for people who are in need. We do not

know if it is going to be wildfires or droughts or hurricanes or tornados. We are not going to deny that help. But it should be budgeted just like everything we do. We should have some sense that we have prepared for it. Preparing for disasters should be part of our budget. There is not a business in this country that does not prepare for disasters. The government should do it too.

I hope we will be on a trajectory to lower the spending, keeping our agreement of August with the Omnibus appropriations bill that is going to be passed by the House this afternoon and will come to the Senate. I hope we will be able to act by tomorrow on that piece of legislation that keeps the agreements we made.

It is a down payment. It is not what all of us wanted, but I think we ought to put in disaster relief. I think we ought to pay for that with another 1.83-percent cut across the board. I think that would be the responsible approach, and then we can start next year on the long term. That would be regulatory reform, Social Security reform—to make it solvent for 75 years, at least—and Medicare reform. Those are the things that will give us a long-term, hopefully, solvent government that will be the model for the world because, is there any question that we need a model in the world right now for fiscal discipline and responsible governing? I hope America can provide it.

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

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

KEYSTONE XL PIPELINE

Mr. MCCONNELL. Mr. President, I rise to make some observations about the Keystone Pipeline. President Obama has said his first priority is jobs. Here is an opportunity for the President to show it, a pipeline provision that, according to some estimates, would create thousands of jobs right away. In fact, those are all the estimates I have seen, that this is a project that is ready to go.

Here is an opportunity for the President to say he is not going to let a few radical environmentalists stand in the way of a project that will create thousands of jobs and make America more secure at the same time. The labor unions support the pipeline, the Chamber of Commerce supports the pipeline, out-of-work Americans support it, and a growing number of Democrats are expressing their support as well.

Here are a few of the comments we heard from Democrats just this very week. Senator KENT CONRAD of North Dakota said:

> I personally think the pipeline is absolutely in the national interest. It'll help us reduce our dependence on foreign energy, at least foreign sources that are hostile to our interests.

Senator CONRAD further said:

> I, for one, on this side hope that this could be part of a final package and I hope that this is something we could work through in the coming hours.

Senator MCCASKILL:

> If States rights are being protected and if this is going to be something maybe, that we can try to jump start the approval process, make it go more quickly.

Representative CLYBURN, one of the leaders of the Democratic conference in the House:

> I'm very much for the pipeline. There is no question about that.

Congress should do something, not just assist people who are struggling in a down economy or out of work, but help incentivize job creation for them at the same time. In other words, let's not just pass a bill that helps people on the benefits side; let's also include something that actually helps the private sector create the jobs Americans need for the long term. This is the balanced approach Americans want, one that extends help but also offers hope.

This is just the kind of thing we should be doing around here. Both parties like it, the labor unions like it, why in the world wouldn't we want to put it in the package?

The only reason the White House has given for opposing the pipeline provision is they would rather vote on it alone, which makes absolutely no sense. You are either for the provision or you are not. So I suggest here is a rare opportunity to do something truly positive together on a bipartisan basis at the end of the year. Let's finish this year on a truly cooperative, bipartisan note. Let's strengthen our Nation's energy security, decrease the energy we import from overseas, create American jobs right now, and let's do it all on a bipartisan basis.

As I said, there is bipartisan support for this project. We need to get it done, and we need to get it done now. The House of Representatives has been quite clear that they are not going to support a package that does not include the pipeline. Frankly, I would not be able to support a package that doesn't include the pipeline. I think this is something we could all be proud of at the end of the year, demonstrating to the American people that we can work together not only to help those who are struggling, through a continuation of the payroll tax holiday and an unemployment benefits package, but also create jobs at the same time in the private sector without a penny of the Federal Government's money by moving this pipeline along.

After all, it has undergone years of environmental studies. It is ready to go. The company is ready to hire the people just as soon as we give them the signoff.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. RUBIO. I ask unanimous consent that I be recognized to speak in morning business for up to 15 minutes.

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

CONFRONTING THE ISSUES

Mr. RUBIO. Mr. President, I thank those who have listened to our e-mails back in Florida that we just sent out alerting them I will be speaking on the Senate floor, maybe the last time I will speak this year.

I want to take a few minutes to update everyone on what this first year in the Senate has been like. First of all, it has been a tremendous privilege and honor. There is not a day goes by that I do not come to this building early in the morning, when I can get to the gym—I probably should do that more than I do—and see this building lit up in the darkness. It takes my breath away that I actually get to work here in this building on behalf of the people of the State of Florida.

I recognize what an honor and privilege it is to have this position, not just in this unique institution—which is different, perhaps, than any legislative body in all of history—but this Republic that stands out in the history of mankind. As Americans, we should always take a moment to recognize that in America, on this floor, we debate and sometimes solve issues other countries fight wars with each other about. That is a real blessing and a real opportunity to be an example for the world. I am grateful and feel blessed to be a part of it, and I thank the people of Florida for the opportunity to do it.

I want to share two observations as this year comes to an end—and, hopefully, today or tomorrow, sometime this week, we will wrap up our work in this body for 2011—observations I have after my first year. I think I am 3 weeks from having been sworn in for the first time. There are a couple of things that concern me.

First is a real lack of urgency. There are some major issues that confront America. These have to be confronted. We need look no further than Europe to see what our future holds, unfortunately, if some of the issues that now confront us are not confronted. That is not hyperbole, it is not partisanship, it is reality—it is math. This country borrows more money than it needs to or should. This is a country that is now spending more money than it takes in at an alarming pace, and there is no plan in place to prevent that.

That is not a partisan observation; that is not a Republican concern or a Democratic concern; that is the concern of every person who is grounded in

reality, that we cannot continue doing what we are doing now.

There are specific programs that are in trouble that we should be very concerned about. Medicare is one example. I have a very special place in my heart for Medicare. No. 1, there are a lot of people in Florida who are on Medicare; and, No. 2, in my own life, both in my father's illness last year before he passed away and this year when my mother suffered some setbacks in her health, I have seen firsthand how important Medicare is.

There are two things that worry me about Medicare. The first is that it will not be there when my generation and future generations retire. The other is just as important: that somehow, if we fail to act in a timely manner, people like my mother, who are currently on Medicare, may at some point in their lifetime see their benefits change dramatically or see the program and quality of access decline.

We need to do everything we can to save Medicare. We know for a fact, and no one can dispute, if we leave Medicare the way it is right now, that program is going to be in a lot of trouble. I hope there is a sense of urgency about that. Also, the fact that our economy is now smaller than our debt—$15 trillion is a lot of money we owe, that our children and our grandchildren will owe. That is a lot of money. That is a big deal. The national security threats we face are significant and have to be confronted.

The sense that somehow the major issues can wait until another election or another moment concern me because these issues have a tendency to sneak up on us and a problem becomes a crisis. It is a lot harder to solve a crisis than it is to solve a problem, so I hope we have a sense of urgency with regard to these issues in the coming year.

There is another issue I would like to talk about, which is a troubling emergence in the last year in politics. It is this rhetoric that, in my opinion, seeks to divide Americans against each other, basically pits Americans against each other.

The way the rhetoric basically goes is, there is a reason there are Americans who are struggling, hurting; a reason that people have lost their jobs; that people are working twice as hard and are making half as much; that people have lost their homes, and people have graduated from college but cannot find a job. And there is a theme by some, including, frankly, many in our political leadership and from time to time even the White House, saying to people the reason they are doing worse is because there is a handful of people out there doing too well. The reason they have lost their jobs is because someone else is being too greedy. The reason they are losing their homes is because someone else owns too many homes. The reason they are making less money is because someone else is making too much money.

I am troubled by that rhetoric that pits people against each other because the second part of that argument is give the government more power; give us, government, more power so we can step in and right this wrong, so we can take away from the people who have too much and give to the people who do not have enough.

Let me tell you why I am troubled by that. The first reason I am troubled by that is because it is absolutely not the kind of country we have been for 220-some-odd years. It is not in our nature. Americans have never been a people to drive through a nice neighborhood and say: Oh, I hate the people who live in these nice houses. Americans are people who drive through a nice neighborhood and say: Congratulations on your nice house. Guess what. We will be joining you soon.

We have never been people who go around and confront people or look at people who have been financially successful and say: We hate you. We envy you because of how well you are doing. Americans have celebrated their success, and they say: Guess what. We are going to be successful soon as well.

I remember growing up, I always tell people I am a child of privilege because I have the privilege and the honor of being born in the greatest country in human history and of having a mother and a father who were married, loved each other and lived in our home. These are two of the most important benefits anyone could have. But my parents were working-class folks. My dad was a bartender for most of his life. My mom was a maid and cashier and stock clerk at K-Mart. We were not people of financial means in terms of significant financial wealth.

I tell them I always had what I needed. I didn't always have what I wanted, but I always had what I needed. My parents always provided that. I don't remember them telling us or teaching us the only way we could be more successful was if other people were less successful. They never inculcated in us the belief that somehow in order for us to climb the ladder, other people had to come down from the ladder.

On the contrary, they would hold up these examples of success to inspire in us the hope that someday we could be there as well—financially, in our careers, what have you. We are people who have always celebrated other people's success so long as we always had the opportunity to meet that success ourselves. That is the American nature. That is the American character. That is what makes us different from the rest of the world.

I am afraid we could lose that or are on the verge of losing that. I am concerned that there are those in America's political leadership who are advocating that we abandon that in favor of something else. I think it is wrong because it does not work. That thought process that somehow other people have to be worse off in order for us to be better off does not work. People get on boats, people jump fences to get away from that kind of thought process. People flee countries that do that because it does not work. It never has.

It will not work here. The proof is in the numbers. Let's put aside partisan political rhetoric for a moment and look at the numbers. In January of 2009, when the President was sworn in, he inherited a very bad economy. He inherited a bad economy. He inherited an economy, for example, that had 12 million people out of a job, an economy where gas was $1.85 a gallon, where the debt was at $10.6 trillion, where we were 39 million Americans living in poverty in January of 2009. He inherited a bad economy.

But for the first years of his Presidency, at least one of the first 2 years, he had 60 votes in the Senate which I quickly learned is the way everything seems to happen around here, by 60 votes. He had a majority in the House. He could have anything he wanted, and he said: This is what I want. This is what the President said: He wanted a stimulus package, and he got it. He wanted his health care package, and he got it. He wanted financial services reform, and he got it. So what happened? Let's look at the numbers.

He became President, bad economy, got everything he wanted. What has happened since? Now there are 13.3 million people unemployed, gas is now at $3.27 a gallon on average, the debt is now up to $15 trillion, and people in poverty—39 million when he took office, 46 million people now.

Put aside the partisan rhetoric for a moment—just the numbers. He became President, got everything he wanted, and everything got worse. Those are the facts.

Is that because he is a bad person? Of course not. It is ridiculous. It is because his view of government and politics is wrong and those who share it are wrong. They are not un-American, they are not bad people, but the proof is it doesn't work. It has not worked anywhere else in the world to approach it this way, and it is not going to work here. I hope in this new year we will reverse course on these things and instead embrace and take up that which does work in America.

What makes America become more prosperous? It is not that complicated. It is not Fortune 500 companies or big corporations. Every country in the world has rich people. Every country in the world has billionaires and millionaires. What makes us different is that here a worker can become an owner, an employee can become an employer. It happens all the time. You cannot walk two blocks anywhere in this country and not bump into somebody who didn't start a business out of the spare bedroom of their home, who didn't take their credit card or their lifesavings and risked it all behind a great idea and today 20 people work for them. That is 20 families being fed, 20 families sending kids to college because somebody had the audacity to take

their lifesavings and pursue their dream. So they opened a business out of the spare bedroom of their home; they opened a business out of a corner in their garage; and nowadays you can start a business with a laptop and an empty table at a Starbucks, and it works. We have to get back to that.

What stands in the way of that are three things, above everything else. The first is a Tax Code that is crazy. It is not complicated, it is not burdensome, it is crazy. It is the craziest thing you have ever seen in your life. First of all, it is full of loopholes and exemptions built in. That doesn't hurt the big guys. It doesn't hurt billionaires and millionaires and big corporations. These guys can handle this stuff. They may not like it, but they can hire lawyers, accountants, and lobbyists. They can figure this stuff out. You know who a complicated Tax Code kills? The guy or gal trying to start a business out of the spare bedroom of their home. We have to simplify our Tax Code. It has to be reformed. If there is stuff in it that is the result of good lobbying as opposed to good policy, take it out. I hope we will work on that. Everybody here says they are for tax reform, so do it. Let's have urgency. Let's have some urgency behind that.

The second is regulations. Look, we need to have regulations. Here is a glass of water. I don't want this to have poison in it. I want our air to be clean. Government has a role to play in those things. Let me tell you what happens when regulations go too far, when they seem to exist only for the purpose of justifying the existence of a regulator. You don't hurt the guys who have made it; you don't hurt the big corporations or the billionaires. These guys can hire lawyers to deal with that stuff, and they can hire lobbyists to change all that stuff. It kills the people trying to start a business out of the spare bedroom of their home. So we have to simplify the regulatory system we have in this country as well.

Finally, this debt. The debt is a problem. There is no plan in place to do anything about it. People are afraid, concerned, worried—and rightfully so—about investing money in an economy that doesn't have a plan to pay its bills. I hope we reverse course on all of these issues. If we do, it will lead to prosperity.

Let me tell you what prosperity will lead to. It will lead to more jobs, more jobs will lead to more taxpayers, more taxpayers will lead to more revenue, and more revenue means we will have money to pay down our debt and do what government should do, such as our national defense, invest in infrastructure and in our people, and provide a safety net to help those who cannot help themselves.

To do that, it all starts with embracing the fundamental principle of America's prosperity. We have never been a nation of haves and have-nots. We are a nation of haves and soon-to-haves, of people who have made it and people who will make it. That is who we need to remain if we desire to provide our children with what we had, an American century, which is what the 21st century can be, should be, and will be. If in 2012 this body and our leadership reverse course from the direction we are headed, it will place us on a path that is true to our heritage as a people and embrace for our children and grandchildren a future they deserve, a prosperous and growing America where all things are possible, where anyone from anywhere can accomplish anything, where the son of a bartender and a maid can be a U.S. Senator, and where anyone watching, no matter where you start out in life, can accomplish and be anything you want to accomplish if you are willing to work hard, play by the rules and have the ability to do it.

With that, I want to wish all of my colleagues and the people of Florida and the people of the United States a merry Christmas, a happy Hanukkah, and a happy New Year. May God always bless our country and may 2012 bring us the safety and prosperity for our Nation and for the world.

I thank the Chair.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

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

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

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

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

DISASTERS IN 2011

Ms. LANDRIEU. Mr. President, I will take the opportunity while the floor is relatively quiet to come and explain one of the votes we are going to be asked to cast tomorrow. In fact, it is very timely that I am here on the Senate floor at 2 o'clock in the afternoon because the House, I understand, just passed H. Con. Res. 94, and I am going to ask the Senate to reject that resolution when it comes here tomorrow for our vote. I am asking Democrats and Republicans to join with me in voting no on that resolution. I would like to take a few minutes to explain why. I think pictures are worth a thousand words, so let me just use four to save time.

This is about disasters in 2011. This whole issue is about how we should budget for disasters. It is an important debate that has been one of the many debates Congress has had over this last year, and we are wrapping up that debate in the next 48 hours. So this is a part of that debate.

I think pictures speak louder than words. This is a picture of Joplin, MO, a town that was virtually wrecked by a massive and monster tornado and tornadoes.

This is a picture of the Mississippi River flooding in Cairo, IL. This year, the Mississippi River was at one of its highest levels in some places in over a century. We received our own share of that flooding in Louisiana, which sits at the base of this great Mississippi River basin. So our people, as well as people along the entire Mississippi River Valley, experienced unprecedented flooding.

The lonely and distraught couple sitting in what looks like the middle of an ocean is actually in Nags Head, NC. This is what happened to their beach home as water virtually surrounded them and destroyed that community. Again, this happened this year with Hurricane Irene.

Down here on the far right is a picture of the fires that raged and devastated parts of Texas, which experienced one of the worst droughts in the recorded history of Texas.

What is sad about this debate is I could show picture after picture after picture of communities in our country devastated by tornadoes, fires, hurricanes—disasters that strike without warning and whose impact is virtually impossible to measure until months afterward because of the extraordinary damage. In fact, the Weather Service just this month did a recalculation of 2011 and declared it to be one of the worst disaster years since records have been kept, saying they have now concluded, as enough evidence has come in, that we had over 12 disasters in 1 year—in this year of 2011—over $1 billion each.

So this year was a real outlier, but sadly—and the Presiding Officer has heard it in his State, and we have heard it in my State of Louisiana, and we have heard it around the world—these pictures may not be an aberration. These pictures may show what is to come. And while 2011 was a very bad year, people are starting to think that as a result of the changes in temperature and climate change—and whatever people think the reasons are for that, no one should disagree with the consequences of changing temperature, which are violent weather episodes. The question is, What are we going to do about it and what is the right way to move forward? Let me show my colleagues what the wrong way is before I explain the right way.

This picture depicts the wrong way to respond. This has been suggested by some of my Republican colleagues. They suggest that when the water rises on your home or when the tornado rips you out of your bed and the roof falls on you and your family or when the river water rises and you look out of your second-floor window over your 100- or 200-acre farm and you can't see anything and your cows are swimming and your horses are swimming as well, that what you should do is climb on your roof, call Washington, call the hotline, and identify the offset in the

Federal budget to provide the cost of your rescue. It is laughable. It is supposed to be funny. It is a funny cartoon. But when we think about it, it is really not funny to tell the American people that in order to be rescued, you need to call the budget office of the Federal Government, identify an offset, and then we will send a rescue unit to respond to your emergency. It is not funny. The American people aren't laughing.

So I am going to ask my colleagues to vote no on H. Con. Res. 94 tomorrow because that is exactly what H. Con. Res. 94 does. I should get a big pen and write, ''If you think that grandma here with a cat and the phone is what you want your constituents to look like, then you just go right on and vote for H. Con. Res. 94.''

But I am not going to vote for that concurrent resolution because our leaders wisely—both Republican and Democratic leaders, wisely—in August, in anticipation of this issue, already provided for disaster funding in the Budget Control Act. They already provided for it. We don't have to tell our constituents that before we can send money to help them in Joplin or in Nags Head, NC, or Cairo, IL, or San Antonio or Dallas, TX, they have to identify an offset, because we wisely said within the Budget Control Act, within our efforts to close the budget gap, that we are providing for disaster funding, and that is what we have done. But some Members of the House will continue to want to adhere to trying to identify an offset before disasters can be responded to. They say things such as, we should pay for disasters in the year we respond to them.

I am going to present a chart in just a minute, but first I want to try to explain the second reason this is a faulty way forward.

In 2005, which wasn't that many years ago, the Federal Government allocated $45 billion—actually, I think this number is about $68 billion, and I will show the chart in a minute—in 1 year, and that year was the year of Katrina and Rita, which were the No. 1 and No. 3 most violent and disastrous and costly hurricanes in the history of our country. They happened in the same year to the same State—or to the same area, which was Mississippi, Louisiana, and Texas. We got the brunt of two of the worst storms that literally flooded a metropolitan area or flooded an area greater than the size of Great Britain. And that amount was $68 billion.

If we followed the poor logic of some on the Republican side that we had to pay for this disaster in that year in the budget, I think we would have probably had to eliminate half of the discretionary budget of the United States of America. I am going to get that exact number. But it is ludicrous to think we would be able to find $68 billion in the budget in that one year. In fact, the whole homeland security budget—it wouldn't be half—the whole homeland security budget is $42 billion. So let me repeat: Instead of half, we would have had to completely eliminate the entire homeland security budget of the United States of America, plus another couple of smaller budgets, to meet the $68 billion requirement. It doesn't make any sense, and it is not right. It is not the right way to budget. It violates the Budget Control Act, and it is so hypocritical that some on the other side are requiring this for domestic expenses when they don't require the same thing for foreign expenses or international expenses.

I would like to put up the next chart. To pour salt on the wound—and I don't quite understand the politics. I don't understand the math. I don't understand the budgetary consequences, and I don't understand the politics. They are wrong on all three counts because this is what those who voted for H. Con. Res. 94 have to go home and explain to their constituents. They are going to have to go home and say: When I was in Congress, I allocated $823 billion for the war in Iraq and required no pay-for. Then I went back to Congress and spent $557 billion in Afghanistan and didn't say a word about that. Then I went back and added a Medicare drug benefit for $180 billion, and we didn't pay for that. Then I went back and sent checks to everyone when George Bush was the President, and those checks cost $124 billion, and we didn't require any offset or budget implication for that. But when Americans had their homes destroyed, their farms flooded, their businesses ruined by disasters, I can't send a dime unless we take it out of health, transportation, or education.

So they said no to this little $8.1 billion—after spending a grand total of $1.68 trillion on all these items. So I do not understand the math. I do not understand their position as to the budget. I most certainly do not understand the politics, and I do not agree with it because I think the American people should come first. Their needs from disasters should come first. We cannot possibly, because of the erratic nature of disasters themselves—we might think we are powerful in the Senate, but we are not more powerful than God, and we are not more powerful than nature; and I am not saying that God causes these storms, but nature has a way—we are not that powerful and we do not know and cannot predict when these will happen. All we can do is respond.

We have responded appropriately in the Senate version of this bill. Our bill will provide funding for FEMA, for the Corps of Engineers, within the budgetary control structure. It will allow us to pay for this over time in future negotiations, which is the wise way to do it. But it will not force us to use disasters that occur in this country as an excuse to continue to ring out costs from health, transportation, and education.

As my colleagues know, I feel very strongly about this issue, and I am proud to say I think many Democrats and, hopefully, some Republicans feel strongly that their constituents at home should come first, that the budget should provide for an immediate response when people are victims of floods or tornadoes or hurricanes or other disasters.

I think most people in the Senate understand 2011 was a tough year. It was a historic year. But the sad thing is, I think we also understand it could repeat itself. Using these disasters, when it was not the case for the war in Iraq, was not the case for the war in Afghanistan, was not the case for Medicare, was not the case for the rebate checks—but when it comes to disasters we cannot seem to find $8.1 billion within the budget control structure. I do not, as I said, understand it.

We have seen this cartoon I have in the Chamber before. I will not go into it. But I think it says beautifully why this is the wrong approach. Again, these pictures speak a thousand words. This other chart shows what a disaster looks like. I wish I had something to show what it feels like to lose everything, and then, when you have lost everything, trying to provide confidence to your own family, to your own children, and to your neighbors, to then listen to the debate in Congress that says: We write a blank check to Iraq, a blank check to Afghanistan, a blank check here, and yet, when it comes to funding for disasters, we have to have this argument.

I am going to ask my colleagues to vote no on H. Con. Res. 94 tomorrow. In voting no, we will reject to the find-the-offset-now requirement. We will honor the agreement made between Republican and Democratic leaders back in August to include this in the Budget Control Act. We will send a powerful signal to our constituents that they come first; that disaster victims should come first in the budget, not last; that we understand how difficult it is for them to rebuild their communities, and the Federal Government wants to be and will be a reliable partner they can depend on in their time of need.

With this ill-advised resolution, we return to an issue that consumed this Chamber for weeks this past fall.

That issue is how we pay for disaster funding—money used by communities destroyed by disasters that are struggling to clean up, rebuild, and move on with their lives after a tragic act of Mother Nature.

We have seen many such events over the past few years—from historic floods in the Midwest, to deadly tornadoes in the South, to the wreckage inflicted on a huge swath of the country earlier this year by Hurricane Irene and Tropical Storm Lee.

Back in September, Republicans in the House stood in the way of this critical recovery money, arguing that no funds should be sent to disaster victims until Congress had figured out how to pay for it through other cuts.

That is bad enough on its face. But what made it even more ridiculous is

that this Congress had already agreed on a method for funding disasters. That agreement came over the summer when we passed the Budget Control Act—a measure that received significant support from Democrats and Republicans in both Chambers of Congress.

That act included two contingency funds—funds that could be spent above and beyond the established cap on Federal spending. One of those funds was for overseas contingencies like the wars and rebuilding in Iraq and Afghanistan that allows for $126 billion in spending above the cap. The other was for disaster relief and included an $11.3 billion cap adjustment for additional spending beyond the regular level.

We made this agreement because we recognized that there is a real cost associated with disaster recovery—a cost that can't always be anticipated because natural disasters, by their very nature, are highly unpredictable.

The stand-alone disaster funding bill we consider today, when combined with the minibus passed last month, will account for $10.4 billion of that $11.3 billion disaster funding cap—an amount completely within the requirements laid out in the bipartisan Budget Control Act.

But now, House Republicans are once again trying to go back on that agreement by requiring that agreed-upon funding be offset with additional across-the-board cuts to discretionary spending.

There are two reasons this is wrongheaded.

Reason No. 1: The House Republicans are creating a double standard regarding offsets—one for defense spending and another for domestic disaster relief.

That is because, in this proposal, they only require an additional offset for domestic disaster spending. They have sent over no such language for the additional funding provided in the bill we just voted on for overseas contingencies.

Let's get to the heart of what that means. It means that House Republicans are saying: No, we don't have to pay for wars in places like Afghanistan or Iraq. But we do have to offset spending for domestic disaster recovery.

Why is that? Why is it that the House Republicans say we are able to rebuild Iraq or Afghanistan without a single word of protest, but we won't rebuild Vermont or New Jersey or Missouri or Louisiana in a similar way?

The omnibus bill has $126 billion in it for the costs of the wars. If we followed the same pay-for standard that the House Republicans are insisting on for disaster relief on the costs of the war, we would have to impose a 24-percent across-the-board cut on the Defense budget or a 12-percent cut on the entire discretionary budget.

This double standard makes no sense. I remind my colleagues that when Hurricanes Katrina and Rita struck the gulf coast, it required appropriations of more than $62 billion in fiscal year 2005 alone. If we applied the House Republican requirement to pay for a disaster of a similar size, we would have to cut domestic spending by 12 percent.

During the 112th Congress, we have not cut defense. We have not increased taxes on individuals who make more than $1 million a year. But the House Republicans want to keep going back to this one small part of the budget to find savings.

So, let's be clear. Here is what the Republicans do not require payment for: Iraq war, $823 billion; Afghanistan war, $557 billion; Medicare drug benefit, $180 billion; and Bush rebate checks, $124 billion.

Now, you ask, what do they require payment for? Community disaster relief, $8.1 billion.

Reason No. 2 of why the House Republicans' plan should be firmly rejected: The House Republicans' plan wouldn't require true across-the-board cuts to pay for disaster spending. It would only require cuts to domestic discretionary spending—a portion of the government that makes up only 14 percent of total expenditures.

In April, we cut domestic discretionary spending for fiscal year 2011 by 7 percent. And the omnibus legislation before the Senate, consistent with the Budget Control Act, cuts it by an additional 1 percent.

This proposal—the one we are currently considering—would pile on to that by cutting another 1.8 percent to domestic programs.

I think we need to be clear about exactly what this would mean. There are consequences to these cuts—real consequences that the American people would feel immediately.

Among them, it means that Title I education funding would be cut by $265 million. That means that almost 1,000 schools serving more than 350,000 disadvantaged students could lose funding, and about 3,700 teachers and aides could lose their jobs.

It means that special education funding would be cut by $199 million. That could lead to the loss of 2,600 education staff serving special needs students.

It means a $146 million cut to Head Start funding, which would eliminate 11,000 low-income students and their families from this critical program.

It would mean a reduction of 400 Border Patrol agents—nearly half the number that we hired and trained since Congress enacted the border security supplemental 16 months ago.

It would mean that 161,000 fewer women, infants, and children would receive food assistance under the WIC program.

It would hurt our efforts to combat terrorism and crime, with more than 5,500 Department of Justice positions becoming vacant through a hiring freeze and furloughs.

It would mean a cut to the IRS enforcement mission, resulting in lost revenues of approximately $4 billion annually. That would increase the deficit by at least six times the magnitude of the proposed reduction.

It would mean a $15 million cut to the senior nutrition program, which means 2 million fewer meals to needy seniors.

The House Republicans would like you to think that these cuts are nothing more than reducing bureaucracy. I beg to differ. These cuts have consequences in the everyday lives of Americans across our Nation.

Here is the bottom line: Instead of being really serious about closing the budget gap and putting new revenues on the table or saying across-the-board cuts for everything, House Republicans continue to use everything, even disasters that strike home, as an excuse to cut health, education, and transportation.

Well, I stand here today and say to them: Enough is enough.

I urge my colleagues to vote against this resolution. This Congress made an agreement months ago on how to fund unanticipated disasters. We should stick with that agreement.

There are times and there are places for politics. Aid for disaster victims is not one of them. Victims of natural disasters should not be victimized twice—first by Mother Nature and then by politics in Washington.

There may be another expression of a different side of this argument. I have not heard a good one yet. But I look forward—if any of my colleagues want to come down and take the opposite side of this argument, I am around. I am not going anywhere. I will be here today. I will be here tomorrow. I will be happy to debate them on the floor on this subject. But as the chair of the Homeland Security Appropriations Subcommittee, I have to take a strong stand on this issue because our budget is the one that basically gets called on to fund these disasters.

Again, if I have to follow the requirement to fund them in the year the money is spent—1 year—I am going to have to come to this floor and tell everyone: We are not going to have a homeland security bill this year because we just had a category 5 strike Miami, and the bill—as they said last night on the Weather Channel—will exceed $40 billion. So I am going to have to give up our whole bill, and we will have no security for the United States to pay for the disaster in 1 year.

This is the chart I wanted to show. This is how erratic funding can be, as shown on this chart. This shows funding from 2003 to 2012. In 2003, we spent basically a little over $1.7 billion. Then it jumped up to a little over $6 billion. Then, Katrina, Rita, and Wilma—which was in Florida—moved us all the way up to $45 billion in 2005, and then we fell back again to about $7.8 billion. We can see the erratic nature of these storms. It is impossible for us to even get a good average. So the only thing we can do is put a baseline in our bill, and then if disaster strikes, to respond and put it in the Budget Control Act over our 302(b) allocations.

If we do not do it that way, we are going to end up having to scramble

every year to quickly calculate what the disasters were last year and jam it against some budget. It is either going to be education that gets gutted or health that gets gutted or agriculture that gets gutted or homeland security. I do not want to have to be the one to call the thousands of Border Patrol agents whom I have helped to fund in my budget or have to call Senator JOHN MCCAIN or Senator KYL and say: I am sorry. We have to lay off all the Border Patrol agents along the border in Arizona for a year or two because we had a big storm in Miami, and I have to send the money to Miami.

Whoever heard of such a thing. That is what the Republicans in the House have sent to us. It should be rejected on its face. There is a better way to move forward, and the way is in the Budget Control Act that our leaders wisely have already agreed to.

So we will have this vote tomorrow. Again, I think I have raised three excellent points about why the House approach is wrong and why our approach is correct. If someone wants to come and debate it, I will be happy to maybe try to explain it a little bit more.

I can understand some on the other side who say: We have to find a way to pay for it, even if we have already negotiated, et cetera, but when the other side refuses to put even a new penny on the table to help with some of these things, it makes it even harder to achieve what we are trying to achieve.

I thank the Presiding Officer. I hope my colleagues will hear these arguments and let me know if there is anything further we can explain on it. But I think the picture says a thousand words.

I will close with this again: No American should have to sit on their roof, while the water rises, and identify an offset to finance their own rescue. We are a stronger nation than that. We are a bigger nation than that. We most certainly can provide the funding for FEMA, for the Corps of Engineers, and other funding in the way our Budget Control Act stipulates in this budget.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. 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 FUNDING

Mrs. SHAHEEN. Mr. President, I am here to urge that my colleagues in Congress and the Obama administration provide the funding for the Low-Income Home Energy Assistance Program or LIHEAP. As you know, in Connecticut, LIHEAP provides immediate critical heating assistance for families and seniors in need during these freezing cold winter months.

Last year, more than 45,000 New Hampshire households received LIHEAP funds. That is more than 106,000 individuals. But unfortunately this year, many of those families have been on waiting lists. Funding for the program has been in limbo at a time when temperatures are dropping.

The Department of Health and Human Services here in Washington has released $1.7 billion, but so much more is needed. Making matters worse, the Energy Information Administration projects a 10-percent increase in the price of heating oil this winter. That is the highest average winter price ever predicted.

In New Hampshire, more than half our homes rely on home heating oil. It is one of the highest percentages in the country, and the number of families who need assistance is growing every day. State offices are being forced to change eligibility levels for funding as they grapple with uncertainty over future funds.

There are two things that can be done in order to immediately address this situation before it escalates into an even more serious crisis. First, Congress needs to pass an Omnibus appropriations bill as soon as possible. I am very pleased to see the positive progress on this issue; that there has been an agreement announced on an Omnibus appropriations measure.

Hopefully, we are on track to pass that bill either today or tomorrow. The omnibus includes nearly $3.5 billion in funding for LIHEAP. But we need to get that money out the door. Once Congress has spoken, is that the administration needs to release additional LIHEAP funds as quickly as possible.

The $1.7 billion that has already been released is not enough. But the knowledge that additional LIHEAP funds are pending in the omnibus bill we are about to pass should give President Obama the assurance he needs to release more money. I hope once the budget is passed the administration will release these additional funds as soon as possible, because at this holiday season, what better gift could we provide to those families in need than to make sure they have the funds to keep their houses warm this season.

I know it is difficult to argue for more funding these days because of our deficit. Its challenges are clear. In fact, in the Senate, we have already voted, and I was one of those votes, for more than $1 trillion in cuts to Federal spending this year.

I have continued to call for a comprehensive, balanced, bipartisan plan that looks at both revenue flows and spending. I have been part of the working group, a bipartisan working group, that now has over 40 Senators calling for a $4 trillion deficit reduction proposal over the next 10 years. But when we cut our budget, we need to look at wasteful spending, at duplicative programs, and at subsidies to industries that no longer need our help.

LIHEAP energy assistance for low-income families does not fall under any of those categories. It is not a frivolous program. It is a program that ensures that vulnerable citizens in New Hampshire and across this country are not forgotten and left in the cold this winter.

I have been hearing from people across New Hampshire about the difficulties they are going to face if this funding is not available and available soon. I wish to just share one of those stories. It is the story of Kim Brandolini of Nashua. In 2010, Kim suffered a series of strokes that left her disabled and unable to work. LIHEAP funds covered nearly all her monthly fuel costs last year.

But this year, because of the cuts, she is on the waiting list. She does not know how she is going to pay to heat her home. She already owes the oil company $600, and last year she had to pay $6,000 to replace a broken boiler. Kim is only 44 years old. She is raising a son all by herself. Previously, she served for 14 years in the Army Reserve. Kim does not deserve to be in this situation.

In Nashua, which is one of the warmest parts of New Hampshire, the average nightly low is below freezing for nearly half the year.

If we don't find a way to fund LIHEAP now, Kim and thousands like her will have no way to keep their families safe and warm. We need to act, and we need to act quickly. Already, the delay in funding LIHEAP has prevented States such as New Hampshire from taking advantage of more affordable bulk purchases of home heating oil. The bottom line is, now that we have a budget agreement, we need to release additional funds so that thousands of New Hampshire families stay warm and don't have to make impossible choices between their basic needs this winter. We can't leave families such as Kim Brandolini's out in the cold this winter. I hope we can get this budget passed as soon as possible and that the Obama administration will release additional LIHEAP funds before Christmas and the end of the year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Texas.

KEYSTONE XL PIPELINE

Mr. CORNYN. Mr. President, I would like to address the Senate on the subject of the Keystone XL Pipeline, which has been reported to be part of the proposed package that would contain the extension of the payroll tax holiday and the expiring unemployment insurance benefits.

There have been some who have raised questions about the pipeline and some who have said they object to it being included in the package, but I would like to hopefully shed a little light—maybe not so much heat—on the subject, coming from a State such as mine, which is an energy-producing state. We are very familiar with the oil and gas pipelines and the safety measures that need to be undertaken to keep them safe and to keep them from contaminating the environment. This is not some sort of alien technology or something the industry does not have the expertise to deal with in a safe and secure and appropriate manner.

The legislation that is being proposed in the payroll tax holiday would require the Secretary of State to issue a Presidential permit within 60 days of enactment—and this does not take the President out of the equation—unless the President publicly determines this project is not in the national interest. So if for some reason—really beyond my comprehension—President Obama were to determine that building this pipeline was not in the public's interest, he could, under the terms of this legislation, essentially veto it. But once the permit is approved, TransCanada would be able to start construction on parts of the project outside of Nebraska.

Now, why outside of Nebraska? As you may recall, Mr. President, a number of people in Nebraska, including their leadership here in the Senate, had concerns about the route of the TransCanada pipeline, the Keystone XL Pipeline within Nebraska itself, but Nebraska's leaders have taken it upon themselves to come up with a new route, which they will do in order to satisfy concerns about contamination of the aquifer in that State.

The one point I would like to emphasize is that we have been talking for a long time—since the financial crisis in September of 2008—about what we need to do to get our economy back on track and to create jobs. Indeed, there was a lot of discussion back during the passage of the stimulus that we needed shovel-ready jobs. But, as you will recall, there were a lot of things that went into the stimulus that did not include infrastructure development. In fact, infrastructure was comprised only of a very small fraction of what the spending on the stimulus actually did.

First of all, let me make clear what we are talking about. This chart demonstrates the existing Keystone Pipeline. In other words, there is already a Keystone Pipeline, but it goes from Alberta, Canada, and terminates in Illinois. That is the orange line. So what we are really talking about is an extension and expansion of the Keystone Pipeline, and it terminates in Port Arthur and Houston, TX, where we have the refinery capacity to make it into gasoline, jet fuel, and the like. So this is the proposed route, as you can see, of the expansion. It hooks up in Steele City, NE, with the existing pipeline going down to Cushing, OK, but then the expansion would be down into Houston and Port Arthur.

I think this is another educational document. These actually are the crude oil and refined product pipelines that currently exist in the United States. So lest anybody feel as if we are doing something new and novel that has never been done, let me try to disabuse them of that notion.

As you can see, this is a huge spider's web of oil and gas and refined product pipelines throughout the United States. Not surprisingly, you see a lot of them concentrated down in my State of Texas but, importantly, a good portion of that pipeline traffic emanates from our No. 1 trading partner in the world, Canada, which is a friend and an ally and a safe source of oil and gas into the United States. As to some people who perhaps wonder about this pipeline and wonder what it all means, this will help allay any concerns or some concerns they might have that we are somehow doing something novel or risky or that we have not done in the past.

Pipelines are simply one mode of transporting oil and gas. You can do it other ways. You can put it on a tanker truck and drive it down our highways. I happen to think this is a better and safer way to do it than loading up a bunch of tanker trucks to drive down our highways. You can do it through barges, through our inland waterways. But the pipeline is simply the most efficient and safest way of doing it.

Of course, as we all know, these pipelines are by and large buried and more or less unseen. So this is a transportation network for our Nation's oil and gas that most people probably are not even aware of, and I guess that is a good thing, but it is important that people understand what we are talking about.

These pipelines move crude oil from oilfields on land and offshore to refineries, where it is turned into fuels and other products.

You can see down here in the Gulf of Mexico, for example, where we have tremendous reserves of oil and gas. You can see how the pipelines extend even beneath the water out into the Gulf of Mexico.

These pipelines move crude oil to refineries, where it is turned into fuels and other products, and then from the refineries to terminals, where fuels are trucked to retail outlets. One amazing thing about this is this literally happens 24 hours a day, 7 days a week, out of sight and out of mind to most Americans.

Let's talk a minute about safety because this is something on which no one has an exclusive claim when it comes to our environmental and safety concerns. Under the law, any spill associated with one of these pipelines has to be reported—a spill of 5 gallons or more—to the Department of Transportation. There are already a number of Federal agencies that regulate this industry, including the U.S. Pipeline and Hazardous Materials Safety Administration, the U.S. Environmental Protection Agency, and the U.S. Federal Energy Regulatory Commission.

Once this oil gets to the refineries, the U.S. refining sector has invested a lot of money upgrades throughout the country to adapt to the world's changing oil supply, including the increasing percentage of the world's oil that is so-called heavy crude. My understanding is that what comes out of the oil sands in Canada is heavy crude which requires a little different refining capability. But refineries in the U.S. gulf region have long received heavy crude from other countries and are well-positioned to receive and to handle these supplies from Canada.

I think it is important for us to also contemplate not just the economic aspects of this source of oil to be consumed here in America but also that it is not dependent, for example, on imported oil from the Middle East and subject to weather conditions or hostile environments that might otherwise cause economic and national security concerns here in America.

We hear from time to time that Iran, which we know has growing aspirations for regional influence in the Middle East—and now, with the end of America's involvement in the Iraq war, we know Iran is going to rush in to try to fill some of that vacuum there, and I am concerned about it. But more to the point today is that 90 percent of the Persian Gulf's oil exports and 40 percent of the global seaborne oil trade goes through the Straits of Hormuz, which would be a logical first place for the Iranian Government to choke off—should they decide to create havoc—the oil supply through that vital area. The Straits of Hormuz, of course, is very important in a geopolitical sense.

The point I am simply trying to make is that this is not only a matter of jobs—but it is a matter of jobs in America with the construction of this pipeline—it is not just a matter of how we protect our environment, which is very important—how do we regulate this industry in a way that protects the health, safety, and welfare of the American people—but this is a national security issue as well.

It is also very important in terms of simply the price of gasoline. I am not an economist by training, but I do understand that when there is more of something and given that there is stable demand, you will be able to lower the price when there is a greater supply. It is purely a matter of supply and demand.

I looked online at the price of gasoline a year ago. It was $2.98 for the price of a gallon of regular gasoline. Today it is about 27 cents higher. Of course, it has been much higher, as you know. But my point is that this is a stable and secure source of oil used to make gasoline and other refined petroleum products that will help bring down or at least stabilize the price of gasoline for consumers.

We all know that in the current economic environment, people are living under much more constrained circumstances. They are having to make choices that I wish the Federal Government would make more often; that is, what things you have to have today, what things you would like to have but you can put off until tomorrow, and what things you maybe would like to have but you are going to have to end up doing without because you simply cannot afford it.

Well, gasoline is something people need in order to drive their kids to school or drive to work, and the increased price of gasoline because of geopolitical uncertainty, because of concerns about supply, disasters such as we had in the Gulf of Mexico—all of those cause disruptions or concerns about disruptions in supply that cause gas prices to go up. So this is another good reason why I believe we need a stable source of additional oil and, again, from a friendly nation, our No. 1 trading partner, which is Canada.

Let me just quickly go over a few other little factoids that people might find interesting. This is a $7 billion project. As I said, it is the largest shovel-ready infrastructure project in the United States currently. It has been under review by the Federal Government for 3 years. This is not some knee-jerk or impulsive decision we are asking to be made here; this is something that has been carefully reviewed for its environmental impact.

The good news at a time when unemployment remains unacceptably high is that this project is estimated to cause the creation of about 20,000 jobs. We all know that the No. 1 problem in America today is that too many people are out of work, the No. 2 problem in America today is that too many people are out of work, and the No. 3 problem in America today is that too many people are out of work. This would create jobs at a time when we sorely need them, and that is why this project has gained the kind of bipartisan support that gives me great hope that we will somehow knock down the impediments to building this pipeline so we can get people back to work and we can get that stable oil supply and create economic development in the private sector when we need it most. It is estimated this pipeline would ultimately generate about $20.9 billion in new private sector spending. We all know that with the Federal Government revenue down around 15 percent of our GDP because of the recession and slow economy, while spending is up around 25 percent of GDP, we need to do two things: We need to cut Federal spending, and we also need to increase growth in the private sector which will produce additional revenue to the Treasury and help us close that deficit gap and begin to chip away at the debt. This pipeline and the jobs it would create and the tax revenues that would be generated will help do that.

This is also important to our relationship with our trading partner Canada. As the Presiding Officer knows, the North American Free Trade Agreement is a big deal in my State of Texas because of the trade agreements between Canada and the United States and Mexico. But this recognizes that our trading relationship with Canada is literally the most important one in the United States. There is something in it for us as well in that for every dollar the United States spends on Canadian products, 91 cents is returned to the United States. There is a close economic security relationship between the United States and Canada.

This pipeline would also encourage development of additional oil resources in the northern part of the United States. North Dakota currently has I believe somewhere on the order of 3 or 4 percent unemployment. One reason why it does is because they have discovered—I can get a confirmation from Senator HOEVEN, perhaps, but one reason why North Dakota has been booming, in addition to great leadership, has been the fact that the Bakken formation there has been the source of a huge supply of oil. Of course, building this pipeline would help further enhance the ability to develop domestic oil and gas resources and put them in the pipeline and get them to the refinery and get them to market.

This is one of the big dangers I think we also need to highlight: In a world where we are so interconnected and where there are so many options available to our trading partners such as Canada, the fact is if we don't create this pipeline expansion for markets where these products come into the United States, then Canada is going to sell it to China or other parts of the world.

The PRESIDING OFFICER. May I remind the Senator that we are operating under a 10-minute time limit. The Senator has consumed 17 minutes and there is now another Senator on the floor.

Mr. CORNYN. I ask unanimous consent to speak for another 3 minutes.

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

Mr. CORNYN. This is as close to a no-brainer as I think we can identify. But this also particularly benefits my State of Texas, which I am honored to represent. TransCanada's direct investment of about $1.6 million in Texas for the construction and development of the pipeline will lead to gains in business activity in the State of Texas of an estimated $2.3 billion in total expenditures and $2 billion in output. The increased economic activity stimulated by the TransCanadian investment in Texas will generate tax receipts in construction of an estimated $41.1 million to the State and $7.7 million to local taxing entities. Once these facilities are completed, they will have a useful life estimated at not less than 100 years. Using reasonable assumptions regarding valuation and tax rates, these assets are estimated to yield more than $1.1 billion in property taxes to local governments in the State, which are the primary source of funds for public education, among other things.

I recognize the distinguished Senator from North Dakota is here on the floor and I wish to yield to him. I appreciate the opportunity to address this issue. I would point out that this project has strong bipartisan support. I invite my colleagues—who perhaps are not as familiar with the importance of this pipeline project to the economy of the United States and job creation and who may not be aware that this is nothing new; this is something we have done before in a safe and environmentally responsible way—to join us and perhaps reconsider their view so we can get this done and help get 20,000 Americans back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak on the subject of the Keystone Pipeline. I am pleased to follow my esteemed colleague from the great State of Texas. I think it is only appropriate that I follow him, both because I agree absolutely with his remarks and I think it shows the importance of this project to North Dakota and Texas and across this country. This is an incredibly important project, so I am pleased to be here again today to address it.

RUSSELL EVENMO

First of all, let me say it is nice to welcome Russell Evenmo to the floor on his last day. He has done an outstanding job working for me. He also has my chart, so I am glad we are able to get him on the floor.

The legislation we have authored on the Keystone Pipeline is included in the House package that provides an extension for the payroll tax cut. It is very appropriate that it is in that package, so I come today to talk about some misperceptions I am hearing out there in regard to this legislation. The first is that somehow this is an add-on to the payroll tax holiday extension legislation which some think shouldn't be there. I wish to address that, because it is absolutely where it should be. It is a jobs bill. The extension of the payroll tax cut, the payroll tax holiday, is about helping to create more jobs in this country. It is about helping people who are out there working hard every day. It is about stimulating economic activity. It is a tax reduction to help get this economy going and to help get people back to work.

Keystone is a jobs bill. It belongs in a jobs package. This is a jobs package. This is about creating jobs. It creates jobs without the Federal Government spending 1 penny. In fact, this will generate hundreds of millions of dollars of State and local tax revenues. It will generate private investment, but it will create jobs. This is a jobs package. So I wish to address that misperception I have heard from time to time and respond that this does belong as part of a jobs package. Of course it does. This is how we create jobs.

I appreciate greatly the esteemed Senator from Texas speaking about some of the things that are going on in North Dakota, and he is absolutely right; Texas has a long history with the energy industry. North Dakota is increasingly becoming a stronger and stronger energy player in all types of energy. We have wind; we have hydro; we have biofuels; we have biomass; we have solar. We are now the fourth largest oil-producing State in the country. Next year we will be the third largest oil-producing State in the country behind only Alaska and, of course, No. 1, Texas. But to do that, we need infrastructure. We need to be able to transport our oil—oil that we produce—to the refineries around the country. We will put 100,000 barrels of oil a day that we produce in North Dakota into this pipeline and get it down into the gulf refineries. So this isn't just about moving Canadian crude into the U.S; this is about moving our own domestic product as well.

As the Senator from Texas may have explained, there is a backlog of oil in Cushing right now, which is a hub for oil. But we need to move that oil from Cushing, in Oklahoma, down to the refineries in Texas and Louisiana. This pipeline will move that product to these refineries. So, again, it is not just about moving Canadian crude into the United States; this is about moving product throughout the United States as well where we have serious bottlenecks. When we have those bottlenecks, our producers in North Dakota get less. They face a discount. If the product has to move by rail or by truck, we suffer a discount. That affects not only the oil companies themselves but it also affects the individual producers, the mineral owners who get royalty payments. This is about truly creating economic activity.

The first point I want to emphasize is that this is absolutely—is and should be—part of this jobs package.

The second point I want to talk about for a minute is that the concern has been expressed that somehow we are rushing this process. Somehow we are not taking enough time in terms of approving this pipeline, so maybe that could create an environmental concern. Nothing could be further from the truth. We are taking more time than we did for almost the exact same project that has already been approved.

This red line here on this chart is the Keystone Pipeline. The Keystone Pipeline runs from Alberta, Canada, down to Patoka, IL. It brings product down to refineries in the United States. That pipeline has not only been approved but it has been built. It moves 590,000 barrels a day of oil from the Alberta, Canada area down to our refineries. That has been approved and built, and we are moving almost 600,000 barrels of oil today. This is the Keystone XL project, right next to it—a very similar project.

I want to talk a little bit about the timeline on this as well. I was formerly the Governor of North Dakota. While I was Governor, TransCanada built the Keystone Pipeline and now they are working to build the Keystone XL Pipeline. Let's walk through that timeline for a minute. First let's start with the Keystone Pipeline. That project initially applied for a permit on April 19, 2006. The final environmental impact statement was issued 2 years later—actually less than 2 years later. It was issued on January 11, 2008. So in less than 2 years, this project, very similar—in less than 2 years they got a final environmental impact statement. And amazingly enough, within 60 days after that final environmental impact statement it was signed off on and approved by the State Department. It had final approval. So it all happened within a 2-year process for that project.

Now let's talk about the Keystone XL project. Keystone XL: TransCanada, the same company, is building it. The same company is building both projects. They filed for a State Department Presidential permit in September 2008. That is when they filed for their permit. They went through the whole process. They got a final environmental impact statement on August 26, 2011—3 years.

The first project, the whole project was approved in less than 2 years. This project, we have already been at it for 3 years. So people are saying this is rushing—somehow rushing the project. Almost an identical project, fully approved from start to finish in 2 years, and we are sitting here 3 years later, and we don't even have approval yet, and we are rushing the process somehow.

Furthermore, the Department of State indicated that after all this environmental work—after 3 years of environmental work the State Department said, We are going to have a decision out before year end, meaning now. Before the end of this year, the State Department says, we are going to have a decision.

So myself and others who have been working on this say: Well, that is great. Finally, we are going to get a decision. Then all of a sudden the administration says: No, no, we are not going to have a decision. We are going to need another 18 months. We are going to need another 18 months somehow because there is concern about the route through Nebraska. That was the concern.

So the State of Nebraska then—let's make sure I have my dates right—then said: OK, we are concerned in Nebraska. But we are going to address the problem. We are going to solve the problem. The State of Nebraska had a special session on November 1 of this year, which concluded on November 22. In their special session, they agreed that they would reroute the Keystone XL Pipeline as to the route in Nebraska. The concern was that it went through western Nebraska, what is called the Ogallala Aquifer or the sandhills region. There is a lot of irrigation there. Even though there are other pipelines there, they said: We do not want it in that part, so we will agree to reroute the pipeline in Nebraska.

All this legislation provides, the legislation we have written—and there have been other bills on this—but the legislation included in the House package we are working to get passed in the Senate, here is what it says: 60 days after the bill is passed, the President, through the Department of State, has to make a determination on whether this project is in the national interest. They do not have to say yes. They can say yes or they can say no, but they have to determine whether it is in the national interest—60 days after the bill is passed.

But as to the Nebraska piece, we say, Nebraska's Department of Environmental Quality will work with EPA and the State Department and take the time they need to reroute in Nebraska. Because that was the concern. It does not set a timeline on how fast they have to do it. It says: You have the time you need to reroute and address the concern that was raised.

This legislation is all about solving the concern that was raised so this project can go forward. It does not set a timeline on it. Again, where is this rush that it could somehow create an environmental issue? It is not there.

The point is this: If we do not pursue this project, this oil will still be produced—700,000 barrels a day—700,000 barrels a day of Canadian crude. It will still be produced. But instead of coming down to our refineries in the United States, instead of creating jobs in the United States, instead of reducing our dependence on oil from the Middle East, the oil is going to China. That pipeline, instead of going south, will go west. The product will be put on oil tankers and it will go to Chinese refineries. In the Chinese refineries there will be higher emissions, lower environmental standards. So you are going to have more emissions, more environmental impacts.

Again, I come back to the point: Are we going to create more energy independence for ourselves, are we going to create more jobs here, or are we going to send that product to China? Because that is the choice. That is the real choice. Do you want to deal with reality, real terms? That is the choice we face.

Look, this project is about creating jobs. It belongs in a bill that is about creating jobs. This—and I will wrap up, Mr. President—legislation is about reducing our dependence on oil from the Middle East—700,000 barrels a day—not to mention the product it helps my State of North Dakota, Montana, and others move down to our refineries in Texas and Louisiana.

With this pipeline, we will have better environmental stewardship, not worse. This is a project on which we need to move forward. We have drafted this legislation. We have worked on a

bipartisan basis to get legislation that addresses the concerns. It is time to move forward. I urge my colleagues to support the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I want to talk on a number of issues, but I would tell my friend from North Dakota, I very strongly disagree with him about this Keystone XL Pipeline. For those of us who are concerned about global warming, and all of the destruction that is currently taking place because of global warming, and will increase in years to come, this Keystone XL project is exactly what we should not be doing.

EXTENSION OF MORNING BUSINESS

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

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

OMNIBUS APPROPRIATIONS BILL

Mr. SANDERS. Mr. President, before I get to the Keystone issue, I want to suggest that at this particular moment, at the very end of the congressional session, before the end of the year's work, it is a strange moment in Congress because you have, behind closed doors, negotiators from the House and the Senate—Republicans and Democrats—trying to put together large and complicated bills, and the concern I have—and I speak only for myself, but I think other Members in the Senate feel the same way—is we are suddenly going to be given a fait accompli, a complicated and long bill with many implications, many very important provisions, and then we are going to be asked to vote on it with not having had much input into the bill or even the ability to digest it fully and know what it means to our constituents.

Let me touch on some of the issues that concern me, and let me also say that what I am going to be referring to are reports in the media. I do not know what will be in the final product. I am not sure anybody does. But here is some of what the media is reporting that might be in the payroll holiday tax bill—or what might not be in it, for that matter.

One of the issues I believe very strongly about is that at a time when the middle class is disappearing, when poverty is increasing, and when more and more Americans understand that the wealthiest people are doing phenomenally well, and yet their effective tax rate is the lowest in decades—an issue Warren Buffett keeps reminding us about—that it is almost definitely going to be the case that while we continue to cut programs or raise revenue from the middle class and working families, the wealthiest people in this country will continue to avoid paying anymore in taxes. So we have a situation where the effective tax rates on the wealthiest people in this country are the lowest in decades, and yet, once again, as we talk about deficit reduction we are going to cut this program, we are going to cut that program, and yet the wealthy—millionaires and billionaires—are not going to be asked to pay one nickel more in taxes. I think that is wrong, and people should understand that in all likelihood that is exactly what will happen again.

Furthermore, we have major corporations, companies on Wall Street, oil companies that in recent years have made billions of dollars in profit and yet have, in some cases, believe it or not, not paid one nickel in Federal corporate income tax because of a wide variety of loopholes.

We have a situation where we are losing tens and tens of billions of dollars—a hundred billion dollars—a year because of all kinds of tax havens which exist in the Cayman Islands, Bermuda, other countries. Large corporations, wealthy individuals can shelter their money, not pay taxes, and then the result is revenue declines in the United States, and my friends in the Republican Party suggest: Cut this, cut that, go after Social Security, go after Medicare, go after Medicaid, go after education, go after environmental protection. Yet once again—once again—the wealthiest people in this country will not pay a nickel more in taxes, large corporations will continue to enjoy huge tax loopholes.

Second of all, as somebody who believes it is absolutely imperative this country transform its energy system away from fossil fuel, away from greenhouse gas emissions, and moves to energy efficiency and sustainable energy, I am very concerned that in the legislation we will be dealing with today or tomorrow—or Sunday or whenever—there will not be an extension of important programs for renewable energy.

One of the most important is the 1603 renewable energy extender. This is a Treasury grant program which helps provide financing for renewable energy projects by converting an existing tax credit into a grant.

This one program, which costs barely more than $1 billion, has leveraged $23 billion in private investments. It supports 22,000 renewable energy projects in all 50 States of our country. It has created up to 290,000 jobs. If we do not include the 1603 program in legislation, it will expire at the end of this year. What we have seen, time and time again—whether it is wind, whether it is solar—is, if we do not extend these programs, investments in these technologies significantly decline, we lose jobs, we lose our ability to compete internationally in terms of becoming a leader in sustainable energy.

I hope very much what I am hearing in the media and other sources is not correct. I hope, in fact, the 1603 Treasury grant program is included in any legislation that we vote on. That is an issue of major concern to me.

We have today a declining middle class. We have 50 million people who have no health insurance. We have a lot of elderly folks who, despite Medicare, pay a great deal of money out of their own pockets for health care. What I am hearing—again, I do not know what will be in the final package, but what some media reports suggest is, there are proposals out there to increase Medicare income-related premiums by 15 percent, starting in 2017, and also that there are some ideas out there which would decrease the income at which beneficiaries pay these income-related premiums to $80,000 for an individual and $160,000 for a couple. What this would mean is that older people will have to pay more for health care. In some cases they cannot afford to do that. I hope very much that does not happen.

When we talk about Medicare in this country, we have to talk about the overall health care crisis, which is not only that 50 million people are uninsured, it is not only that health care costs for all health insurance companies are soaring—or virtually all of them—but we have to ask why it is in the United States of America we end up spending almost twice as much per capita on health care as do the people of any other country.

Yesterday in my office I had a member of the Australian Parliament. In Australia, all people have health care as a right. Prescription drug coverage is largely covered by the government. Their costs for prescription drugs are much lower because their national health care program negotiates prices with the drug companies. Yet in our country the situation is very different.

What we want to do is not ask middle-income people to be paying more for their health care at a time when many of them are paying already more than they can afford. So the changes in Medicare which I have been reading about are something that concern me very much.

There is another area out there which I think will have profound implications for our economy. The House Republican leadership passed a bill recently as part of this conference negotiation going on now to slash unemployment insurance in half and cut up to 40 weeks of unemployment benefits. If this legislation were to become law—and I certainly hope it will not—it could lead to the loss of 140,000 jobs and hundreds of thousands of unemployed workers, who lost their jobs through no fault of their own, losing their benefits.

Here we have a situation where, in real terms, 25 million Americans are unemployed or underemployed, long-term unemployment is the longest on record, we have more people who are experiencing long-term unemployment than at any other time we can remember, and the solution our Republican

friends want to bring about—after fighting to make sure millionaires and billionaires are not asked to pay more in taxes—is to slash unemployment insurance in a very significant way.

Now, there is another issue dealing with employment above and beyond unemployment insurance; that is, that the House Republican bill, the ideas that they are bringing into the conference, would freeze Federal employee pay through 2015, and over a period of years reduce the civilian workforce by 10 percent, cutting some 200,000 decent-paying jobs.

Now, let's be clear. For Federal employees there has already been a pay freeze for the last 2 years. Those are the nurses in our Veterans' Administration hospitals. Those are people who are making $30,000, $40,000 a year. There is now a proposal to once again extend the freeze to them.

This is a real cut in real wages because inflation is going up for our Federal employees. But what concerns me equally is not only the impact this freeze would have on Federal employees, it sends a signal to every employer in America who says: Well, yes, I know you guys have not gotten a wage increase in a number of years. I know that I have asked you to pay more for health insurance. Yes, we have cut back on your pensions. But guess what. In Washington, the Congress says they are going to once again, for the third year, freeze Federal pay. In fact, they are going to ask Federal employees to pay more, too, for their pensions, which means a cut for many Federal employees. Well, if the Federal Government can do it, it says to private employers all over America so can they.

One of the points President Obama has been making and why he last fought for a middle-class tax cut is that he wants to put more money into the hands of working families. I understand that. I agree with that concept. But what is the sense of providing tax breaks for the middle class on one hand—a concept which I support——

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

Mr. SANDERS. Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. SANDERS. What is the sense on one hand in saying, we need to put money in the hands of the middle class through a tax cut, and, on the other hand, send a green light to employers all over this country who will now look at the Federal Government and then say to their employees: Hey, the Federal Government has frozen wages for a third year, cut back on pension programs, and we are going to do that as well.

Lastly, but not least, for whatever reason, my Republican colleagues in the House have put into this mix of a payroll tax holiday a demand that the Keystone XL tar sands project be completed; that the President be forced, as I understand it, to make a decision on this within the next several months.

The reality is that among many other factors, the inspector general of the State Department is currently investigating whether the State Department acted inappropriately in appointing a particular company to do the environmental study which, amazingly enough, given the fact that I think they had a conflict of interest, ended up in a very positive light.

So the inspector general is now looking at a conflict of interest issue in terms of the environmental study which will take a bit of time. Furthermore, I think many of us understand that at a time when greenhouse gas emissions are rising rapidly in this country and all over the world, at a time when virtually the entire scientific community tells us that global warming is an enormously significant problem for the future of our planet, at a time when we are seeing increased floods and droughts and extreme weather disturbances, anyone who has studied the issue understands that in terms of global warming, the Keystone XL tar sands pipeline is a very dangerous project.

Producing energy-intensive tar sands oil emits 82 percent more carbon pollution and contributes more to global warming than conventional oil, according to the EPA.

With that, let me conclude but just suggest that I think we need to be discussing publicly some of the issues that we may be voting on in a very short period of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

FEDERAL DEFICIT

Mr. SESSIONS. Mr. President, we will be voting, I understand, on three pieces of legislation from the House. One is a massive omnibus bill that would include 9 of the 13 appropriations bills that should be brought up individually and voted on individually, with amendments on each one. They have all been cobbled together now at the end of the year in one giant omnibus bill, with only a few hours for us to review their contents.

In addition, there will be a vote to offset certain emergency expenditures—in other words, pay for these new expenditures with savings elsewhere in the government rather than borrow the money for it—add to our debt for it. A third vote will be, in effect, to fund and appropriate the money that would be so offset or spend it by borrowing it if it is not offset.

I would just share with my colleagues one particular thing. The Presiding Officer, Senator WHITEHOUSE, is on the Budget Committee, and our staff has looked at these budget numbers. I would just advise my colleagues—I believe they should vote to offset the additional expenditure. This is the reason: The Budget Control Act enacted this summer was part of an effort where Republicans said: We will raise the debt limit, but we want you to cut spending. We need to cut back on spending because we have had a series of deficits the likes of which the Nation has never seen before. We have to do better. We need to reduce spending.

Our Democratic colleagues resisted. So when it was finally done, it was a $900 billion-plus reduction in spending, which was to occur over 10 years. Plus, the committee of 12 was supposed to find $1.2 trillion more if they could. If they could not, there would be an automatic cut of that. So it would be about a $2.1 trillion savings over 10 years.

Experts have told us we need at least $4 trillion in savings over 10 years, not $2 trillion. But it was a step in the right direction, and that was the best that could be done under the circumstances. So the bill was passed. What I want to say is that under that legislation, it was discovered that this year—the current fiscal year, that began October 1—we were going to spend $1.43 trillion instead of the $1.5 trillion we spent last year. So there was a lot of heartburn and complaining. We are only cutting $7 billion out of the discretionary portion of our budget, not Social Security and Medicare, but other programs that are going up every year: food stamps, college loans, Pell grants.

So we were going to cut at least the discretionary accounts by $7 billion, from $1.50 trillion to 1.43 billion. But I have to say, we are not going to achieve that. Just as has so often been the case, we promise reductions in spending but do not get there. You would think that we could find $7 billion. You would think that is not too much to ask this government, that has been increasing spending at a substantial rate, to reduce spending a little bit.

In fact, in the first 2 years of President Obama's administration, nondefense discretionary spending went up 24 percent, a dramatic increase. So to reduce spending and try to get this huge deficit under control is not too much to ask, in my opinion. Indeed, we are borrowing 40 percent of every dollar we spend. This year we will spend about $3.6 trillion and take in about $2.2 trillion or $2.3 trillion. That is just not any way to do business.

This will be the third straight year that has happened. So we were looking for some improvement. I would just say to my colleagues, this is one little offset, $8 billion in additional spending, and it will determine whether we have any reduction in spending or whether, in fact, contrary to our promises this summer, we will spend more this year than last year.

These are the numbers as we have calculated them from the Budget Committee staff. The regular appropriations would be this year $1.43 trillion, but they have added to it disaster and other spending of $11 billion, which

would mean we would be spending $1.54 trillion, more than the $1.50 trillion we spent last year. We would be spending more, not less.

The House has sent over a bill that would offset $9 billion of that, which would bring the total spending this year to $1.45 trillion. That would reduce our spending this year by $5 billion, not as much as we promised in the Budget Act but at least a modest reduction.

It is a very important vote. It is a symbolic vote. It says: Are we honest with the American people when we go before them with a bill that says we are going to spend less than we spent last year, even if it was a small amount? We cannot even achieve that.

Perhaps that is why people are unhappy with us. We have been promising them that we would do something about the debt situation in this country. But we have not done much. As a matter of fact, we have done almost nothing.

So I would just urge my colleagues to think about that as they cast their votes on this portion of the House legislation, which has not been discussed much among our colleagues, and not particularly well-understood. But I do think it is important. I think it is an important, symbolic vote.

Are we willing to do that? It would amount to about a 1.86-percent, less than 2 percent across-the-board rescission to offset spending on the other spending items, exempting defense and some other items. Defense, of course, has taken dramatic cuts already. They are working on very dramatic cuts, and as a result of the failure of the committee of 12, they will take a huge cut.

The Defense Department has taken, on a percentage basis and a real dollar basis, far more in reductions than any other department. Of course this is not for war spending. War is in a separate overseas contingency account. This is the base defense budget that is taking the cuts. I wanted to share that with my colleagues.

I also appreciated Senator HOEVEN's presentation on the Keystone Pipeline. And I truly believe, and agree with my friend from Vermont, that unemployment is a tremendous problem for us.

What I don't agree with is that it can be fixed by borrowing and spending and taxing. That is what we have seen lately. I suggest that one way to deal with unemployment is to not spend any government money, get the government bureaucrats busy, examine this pipeline. We have pipelines crossing all over this country. If we bring those under control, approve this pipeline, it will add 20,000 real jobs and 100,000 indirect jobs and make this country more safe and secure from foreign energy exploitation.

I yield the floor.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak for as long as I may consume.

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

The Senator from Arizona is recognized.

OMNIBUS APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, I rise to discuss the Omnibus appropriations conference report that I guess will be before this body at the pleasure of the members of the Appropriations Committee.

I call my colleagues' attention to the size of this bill. There are 13 agencies of government, all appropriations bills, and none of this, because of the pressing issues of the calendar, will be open to any amendments—no amendments regarding all these functions of government and a cost of, in this particular bill, it is $915 billion. These are 9 appropriations bills of the 12. This contains $915 billion that we will probably be considering, and because of the fact that we all have to get out of town—and I am one of those—we will vote sometime tomorrow, and we will be able to tell our constituents we have completed our task for the year, at least as far as funding the government to continue—as we seem to threaten to do every year, although I am not sure people are as frightened as they used to be.

This bill before me is 1,221 pages long and contains funding for nine of the annual appropriations bills, for a grand total of $915 billion. If you add the three appropriations bills already enacted, we are going to spend $1.043 trillion. That is a fantastic improvement because last year it was $1.1 trillion. So I am glad our constituents, whom we promised, when some of us, such as myself, ran in 2010 for reelection, that we would get this $15 trillion debt under control—and we go back to Washington and eliminate the reckless and out-of-control spending, I am sure they will be pleased to know that instead of $1.1 trillion, we are now down to $1.043 trillion—a reduction of approximately 5 percent. We can get a better deal than that at the Macy's Christmas sale. Of course, not to forget the earmarks—here it is.

I am confident no average Member of the Senate—what I mean by that is not a member of the Appropriations Committee has had a chance to peruse this hernia-inducing piece of legislation. If it sounds like I am a little cynical and a little angry, it is because I am, and the American people are cynical and angry.

There are 535 Members of Congress. All of us are sent by our constituents to represent them. But I think the American people and our constituents should know this is a report on a bill that is signed by 37 Members of the House and 17 Members of the Senate. There are 535 Members, and these are the ones who put this together. It is full of hundreds of earmarks, pork, unnecessary spending, and projects in the defense portion of the bill, which I will be talking a fair amount about, which are neither requested nor needed by the men and women serving in the military. It is full of things I will talk about later on, such as artifact museums for Guam, medical research—this is in the Defense appropriations bill and has nothing to do with defense.

Then we begin to wonder why the American people have such a low opinion of our performance in our Nation's Capital. I saw a poll that says it is as low as 9 percent. Hopefully, that is not representative—maybe it is a 10-, 11-, 12-percent approval rating. We were debating a bill last year that had $1.1 trillion and contained 6,488 earmarks that totaled $8.3 billion. Now we have a bill that is $915 billion, and this year we have no traditional earmarks, but there is $3.5 billion in unauthorized spending in the Department of Defense portion of the bill alone—the Defense appropriations part of it is $3.5 billion, on which there has never been a hearing, and it has never been considered by the Armed Services Committee. If it was, it was rejected. So we have $3.5 billion just in the defense part of the bill. Nobody wanted it or asked for it, neither the military, nor the services, nor was there a hearing. They added $3.5 billion in the Department of Defense alone.

I think the men and women in the military deserve better than some of these earmarks that I will talk about. Here we are, we are going to rush and beat the clock, and we haven't even moved to this piece of legislation yet. In case some of our constituents don't know, a call will be made to everybody saying please agree to a few hours' time agreement so we can vote tomorrow and we can all go home, and we will. There will not be a single amendment debated and voted on, on this bill on this floor. I would like to say we didn't see it coming, but the fact is we did see it coming.

In keeping with the regular order and legislating requirements of the Senate, the Armed Services Committee—of which I have been a proud member for many years—scheduled and conducted more than 70 hearings, vetted the President's budget request, and reported a bill out. Seven months later, we moved to the floor of the Senate and we did authorize funding and hundreds of millions of dollars and the appropriators decided they knew better. We have a fundamental problem in the Senate, and we are unable to engage in the process of authorizing prior to the regular appropriations. What is the outcome? A handful of people—all good, honest, decent people, I am sure—and unelected staff disburse hundreds of billions of dollars, often in a manner that directly contradicts the will of the authorizers—those who are entrusted in their Committee assignments to authorize what is necessary to defend this Nation.

So here we are at the eleventh hour ramming through a measure so we can get out of town for the holidays. I will talk about some of the provisions,

most of which are in the Defense appropriations portion of this conference report.

Section 8083 of the bill permits the Secretary of Defense to transfer operations and maintenance funds. Operations and maintenance funds are supposed to buy the gas and the spare parts—the things that keep the military machine moving. That is what it is. So $33 million goes to Guam, and this funding is in direct contradiction of the explicit direction that was in the conference report that prevented this because we knew it was coming.

If this omnibus bill were subject to amendment, I would immediately seek to strip the funding from this bill. Let me be clear. This funding I am talking about for Guam is a ''bridge to nowhere.'' The money, in part, is to provide the Government of Guam funds to buy 53 civilian schoolbuses. They put money in the Defense bill for 53 schoolbuses and 53 repair kits for the buses for $10.7 million. That is to buy schoolbuses and repair kits for Guam. Why? Why would we want to do that? Their reasoning is because we are redeploying marines from Japan. But we have paused that redeployment in the authorization bill because we don't know exactly how to do it. So we are pausing the redeployment of marines; meanwhile, the appropriators move forward and put $10.7 million in to buy civilian schoolbuses, and not one single marine, sailor or airman has been assigned to Guam as part of the intended buildup that would justify in any way using that money.

What else are we buying with this $33 million? Well, $12.7 million is intended to be used for a cultural artifacts repository. I am not making that up—$12.7 million of your tax dollars is buying a cultural artifacts repository in Guam, in the name of the redeployment of the U.S. marines from Japan, which is not taking place. They claim it is related to artifacts that will be dug up during the major military construction projects that have been planned for Guam as part of the buildup. But with the agreement of the Pentagon, we have put it on hold.

I guess it is important when you are doing a military construction project to preserve the artifacts. The money intended for this cultural artifacts repository is, at best, early, and much less if it were ever needed. So here we are with an investment of at least $33 million on a ''bridge to nowhere'' to hold artifacts that will never be dug out of the Earth.

The money in this Defense appropriations bill for this cultural artifacts repository is actually going to be spent to build a 20,000-square-foot museum, most of which will be used for the storage of existing artifacts and existing administration, completely unrelated to the major military construction projects associated with the buildup on Guam.

They get the benefits of $12.5 million in Federal largess for a new museum, which otherwise they could not get. I would like to say there are many citizens of Arizona who are out of work, whose homes have been lost, and who would benefit from any sort of action by the Federal Government—the holiday season is approaching in my State and all over America where there is not enough money to fund the food banks, and we are going to spend money on schoolbuses and cultural repositories in Guam.

That is not the end of the story. This initial funding grant to Guam of $33 million includes $9.6 million for the first phase of a mental health facility. They claim that is somehow related to the proposed military buildup on Guam. I am still trying to sort that one out. Without one additional marine or his family being stationed on Guam, how does a proposed buildup not happening for years help with a mental health facility on Guam?

It might not surprise you to learn this money for a new mental health facility has nothing to do with any marines coming to Guam but is required to satisfy a current Federal injunction that mandates the construction of a new facility. So take it out of Defense. Take it out of the hardware and the operations and maintenance our men and women in the military need.

Our committee did the research for these projects. We reviewed the working papers of the Department of Defense's Economic Adjustment Committee and found this funding would not go to its priorities and decided, as a conference, not to support the authorization.

Mr. President, I ask unanimous consent to have printed in the RECORD the Working Papers Excerpt of DOD's Economic Adjustment Committee.

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

ECONOMIC ADJUSTMENT COMMITTEE 2010 GUAM SOCIOECONOMIC NEEDS ASSESSMENT WORKING PAPERS

SUMMARY OF PROJECTS ASSESSED

PUBLIC HEALTH AND HEALTH CARE—GUAM MENTAL HEALTH AND SUBSTANCE ABUSE FACILITY

Recommendation: Consider for Fiscal Year 2012 budget submission. A Federal injunction mandates Guam Department of Mental Health and Substance Abuse to hire additional staff and construct a new facility to provide for approximately 60 percent of identified and un-served cases. Projected military buildup induced growth could adversely impact the island's mental health and substance abuse system. A new $34.2 million facility provides enhanced treatment services in counseling, physical training, recreation, daily living assistance, peer support, and speech therapy.

CULTURAL—CULTURAL REPOSITORY

Recommendation: Consider for Fiscal Year 2012 budget submission. Federal law requires the U.S. Government to curate and archive cultural artifacts discovered as a result of U.S. Government construction. Guam's existing space to receive, study, and store such unearthed cultural artifacts is inadequate. A $12.7 million Cultural Repository will provide 20,000 square feet of curatorial and administrative spaces. Currently, the majority of Guam's artifacts reside in foreign museums for archival storage.

EDUCATION—BUS FLEET

Recommendation: Consider for Fiscal Year 2012 budget submission. This $10.7 million project buys 53 school buses and associated spare parts' packages to correct Guam's severe shortage of school buses. Future induced population growth will further strain the busing system.

EXCERPTS

PROJECT 1: GUAM MENTAL HEALTH AND SUBSTANCE ABUSE FACILITY

GovGuam provided an initial $34.2 million cost estimate to build a new mental health and substance abuse facility at Oka Point. When completed, this facility would provide enhanced treatment services that include counseling, physical training, recreation, assistance with activities of daily living, peer support, and speech therapy, in addition to other efficiencies gained through close location to other related inpatient and outpatient medical care. Presently, the GovGuam Department of Mental Health and Substance Abuse (DMHSA) program is managed by the court-appointed Guam Federal Management Team (FMT) and the Guam Mental Health Planning Council. DMHSA is currently under permanent Federal injunction and is required to hire additional staff and construct a new facility to address their deficiencies. Due to inadequate staff and facility resources, DMHSA is not able to provide services to approximately 60 percent of 1,400 identified as requesting assistance.

PROJECT 2: CULTURAL REPOSITORY

The Federal Team reviewed a $12.7 million project cost estimate from GovGuam for the design, construction and outfitting of a Cultural Repository that would provide 15,000 square feet to store existing artifacts, artifacts anticipated to be discovered during the buildup of military forces on the island, and an additional 5,000 square feet of space for administrative offices. Presently, GovGuam provides artifacts to foreign museums for exhibitions or stores them in 7,600 square feet of space split between two floors of an office building. This storage space is presently over capacity and does not meet cultural storage requirements, including environmental controls. The proposed facility would be located on government owned land and be adjacent to the future Guam Institute of Natural History and Cultural Heritage (GINHCH). The present facility would be decommissioned and the artifacts would be transferred to this new facility with the remainder of the space projected to be occupied in 10 years.

PROJECT 3: SCHOOL BUS FLEET

GovGuam estimates $10.7 million is needed to purchase 53 school buses and spare parts packages. The school bus fleet provides transportation services to all non-DoD students on the island for both public and private schools and for extracurricular activities. The bus fleet is also an integral part of the island's emergency response plan and is used for population relocation during large scale events. Currently, the fleet operates only at 47 percent, requiring buses to be triple cycled during the day. Schools also start classes at different times in order to ensure that all children can be bused to school. Daily bus runs begin before 6:00 a.m., resulting in some students arriving well before classes begin. Subsequent morning bus cycles often deliver students to school well after classes have begun. At the end of the school day, students are often delayed by hours in their departure from school due to school bus shortages.

Mr. MCCAIN. Mr. President, this is not the way Congress is supposed to

work. Authorizing committees exist to provide specific congressional approval of Federal spending. Appropriations committees and subcommittees exist to take the available Federal dollars and allocate them to programs consistent with the authorizations that have been provided by the authorizing committees. In no way do appropriations committees have the legitimate authority to override the specific direction of authorizing committees when those authorizing committees have spoken to a matter and denied authority for a specific type or level of funding.

This is why the approval rating of Congress is in single digits. The American people have seen through this. They see this kind of abuse and waste and they have had enough of it. If you don't understand the rise of the tea party, you can start by looking right here.

It is not as if this issue was somehow hidden from the leadership of the Appropriations Committee. I wrote to the chairman and ranking member of the Appropriations Committee. Let me give a few examples of what the Appropriations Committee has done.

There is a program called MEADS—the Medium Extended Air Defense System. The program was supposed to have been terminated as originally proposed in the Senate version of the bill. The Defense appropriations portion of the bill is at $390 million, nearly the entire $406 million requested. We found out the Appropriations Committee was going to fund the program, and I felt compelled to ensure the final Defense authorization conference report prohibits any funding beyond 2012. Under the requirements imposed by the Defense authorization conference report, this year's funding will be restrained by prohibiting the Department from spending more than 25 percent until the Secretary of Defense provides a plan to either restructure the program in a way that requires no additional funding or terminates the program. So we wanted to get this report from the Secretary. But what did the Appropriations Committee do? The full $406 million.

I think my colleagues should understand, they have decided to never put this system—the Medium Extended Air Defense System—into operation. They want to have a corporate memory, a memory of what they have learned in spending what ends up to be a couple of billion dollars.

The Next-Generation Bomber. The President asked there not be money proposed for the Next-Generation Bomber, but the appropriators chose to add $100 million—$100 million. This is money for the Next Generation Bomber that was not requested by the Air Force nor was there any testimony by the Air Force leadership, either civilian or military, in support of this additional huge addition in funding. It magically appeared here.

This morning, I tried to find out if this money would be wisely spent, and the answer is no. We called the Air Force Chief of Staff. They said they didn't request the funding. They do not want it. The money is ahead of need, meaning it could not be applied to the program in an effective or efficient manner.

The analysis of alternatives, which helps determine what the capability of the bomber should be, will not be completed for another year and a half. The capabilities requirement document, which is key to ensuring the new bomber design is stable—which is needed to determine if increased taxpayer dollars should be invested in the new bomber—is not complete and will not be complete for a couple of years. Finally, they wanted to use this money to sustain the bomber force they have.

So why? Why? Why would we add $100 million when there is absolutely no way it could be used? Well, I can only say there are reasons for it. I will not make allegations, but it is not magic. It is not something that appears out of thin air.

There is a program called Combat Dragon. Of approximately 100 unrequested and unauthorized additions above the President's budget request found in the appropriations bill, one of the more interesting ones is a $20 million allocation for an obscure aircraft program called Combat Dragon II. The name is interesting. Sounds pretty exciting. You won't find it in the President's budget request. It didn't appear in our authorization bill. So I asked my staff to find out what happened.

The purpose of the program: Combat Dragon II is to lease up to four crop-duster-type aircraft and to outfit them with machine gun pods, laser-guided bombs, rockets, and air-to-air missiles. I asked if this request was justified, vetted, approved in any way. The answer was no, no, no. There is no urgent operational requirement for this type of aircraft.

After a little investigation, we found this aircraft lease will not be—surprise, surprise—competitively awarded. As such, it is effectively earmarked for a particular aircraft manufacturer that has the corner on this particularly obscure part of the aviation market.

The C–17. The Defense appropriations bill adds $225 million—only $225 million—for an unrequested, unauthorized C–17 aircraft that no one in the U.S. Air Force or the Pentagon thought we needed. According to every strategic planning document, the Air Force has an excess capacity of large cargo aircraft, and the Air Force already has 222 C–17 cargo aircraft and more than 80 C–5s.

The key reason for an overage of large cargo aircraft is because the Appropriations Committee over the past several years added 44 C–17s that were not authorized—that we neither needed nor could afford—at a cost of $14 billion above the Department's request.

The OMB, five Secretaries of Defense, the Commander of Transportation Command, and the current Secretary of the Air Force have all unanimously stated they do not need nor can they afford to operate any more C–17 aircraft. In fact, the President appealed to the Congress and said the Nation cannot afford any more. You would think after $14 billion and 44 C–17s, averaging over $250 million each, that would be enough of an earmark. Obviously, not so for the Appropriations Committee.

There are others in here. Some of my old favorites. There is $25 million for unrequested helicopter upgrades, an increase to the Civil Air Patrol Program of $7 million, unrequested, unauthorized; $273 million in unrequested, unauthorized research on everything from Parkinson's disease and HIV to alternative energy and nanotechnology.

Speaking of alternate energy, the appropriators tucked unrequested, unauthorized funding throughout a certain division of the bill, and $130 million in ambiguously named ''alternative energy research'' is scattered for the same sort of programs that brought us the recent achievement of the Department of the Navy, which proudly announced the purchase of 450,000 gallons of alternative fuels for $12 million. My friends, that equates to $26 a gallon. I am certain our constituents will be glad to know their tax dollars are now going toward paying $26 a gallon for aviation fuel.

But, no, no, they need more money—$262 million in unauthorized Navy research and development programs. The list of Navy adds is eerily similar to the Army's, and as you would expect, it covers a familiar set of Member interest items—nanotechnology, alternative energy, and giveaways to home-State interests.

There are increases for Space Situational Awareness.

I repeat, $50 million in increases for Space Situational Awareness in two funding lines—just two lines—with no justification. No argument for it. Maybe it is good. It may be good, but we won't know. We won't know for months and months and months, and maybe years.

For those who are interested in the compelling national security issue of space situational awareness, you will be glad to know $50 million of your tax dollars is going to be spent there.

The budget requested $86 million for Operationally Responsive Space. This bill adds $26 million more, just for fun.

The Armed Services Committee authorized, and the Congress will soon appropriate, some $290 million for research into post-traumatic stress disorder, prosthetics, blast injury, and psychological health. These are critical to improving our actual battlefield medicine. Yet once again, the appropriators inserted unrequested money for medical research, this time to the tune of $600 million.

Let me remind my colleagues that these unrequested projects are funded at the expense of other military priorities. I agree that research on multiple

sclerosis is necessary, and Alzheimer's and cancer. But why should it have to come out of the Defense funding?

I will tell you why it does. It is the same reason why Willie Sutton robbed banks. When they asked him why, he said, that is because the money is there. So this money, which may be meritorious to spend on Alzheimer's and cancer and other medical issues, should not come out of the Defense appropriations bill.

Of course, the Guard and Reserve always come in and get additional money. They got $1 billion in unrequested, unauthorized funding for ''miscellaneous equipment.'' I repeat: $1 billion for ''miscellaneous equipment.'' I am sure certain States on the appropriators' short list will be very pleased to have the money directed their way. I am not so sure about the taxpayers.

Some have merit, some don't. None of the ones I talked about were requested. And this is just in Defense. The tragedy of all this is, except for the Senator from Oklahoma and myself and a few others, all this will slide through and the American people—obviously, the taxpayers—will pick up the tab.

We won't have a chance to address the issue of the bonuses that have gone to the executives of Fannie Mae and Freddie Mac that have cost the American citizens so many hundreds of billions of dollars. We are going to let these people—because this won't be appropriated—we are going to let them take home annual salaries of $900,000 and bonuses of $12.08 million, while they ask the taxpayers for more bailout money. Mr. Edward DeMarco says that is the only way you can get good people to serve the country.

I am sure the men and women in the military would be interested to know that is what is required to serve. The base pay of a four-star general is $179,000. The Chief Justice of the U.S. Supreme Court makes $223,000. But Mr. DeMarco feels people who are working at Fannie Mae and Freddie Mac deserve $900,000, and millions of dollars in bonuses.

After all, they are doing such a great job.

The Alaska Native corporations is one of my favorites. We need to be especially mindful of how taxpayer dollars are appropriated. The Army Corps, in light of a recent Justice Department investigation, revealed what prosecutors called one of the largest bribery scandals in U.S. history involving Army Corps contracting officials and the contracting director of Eyak Technology, an ANC-owned company. In the authorization bill, we are trying to have all of these small business funding issues, no matter whether it be in an ANC or others, looked at.

And, of course, we won't be able to address the Solyndra issue. Private investors will collect the first $69 million that can be recovered from the company, with taxpayers placed in second position by the Department of Energy.

If we had been able to amend this bill, I would have worked with my colleague, Dr. COBURN, to restore much needed funding to the Government Accountability Office. In a recent report released by Dr. COBURN, he highlights that ''just this year GAO identified hundreds of billions of dollars of duplicative and overlapping programs that, if addressed by Congress, could both save money and improve services for taxpayers. For every $1 spent on the GAO, the agency provides $90 in savings recommendations. Yet, instead of adopting those good-government reforms, the Senate Appropriations Committee has responded by proposing dramatic budget cuts to the GAO.''

I don't want to go through all this pork that I just described again, but we can afford all that and yet we are going to cut the only watchdog organization that really gives us an objective view of what we do here in Congress. I am sure that it is a coincidence.

So here we are again. Here we are again, the same thing as last year, the same thing for years—a few Members of the House and Senate making decisions on hundreds of billions of dollars, perhaps over $1 trillion, and we, the other Members, because of our desire—understandable—to leave this body and return to our homes for the holidays, after a few hours of debate, no amendments, no changes in the bill, not having had the ability to even examine it, we will be voting.

I ask unanimous consent to engage in a colloquy with the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. MCCAIN. I would just mention, I say to my colleague from Oklahoma, the issue of this cutting of the budget of the Government Accountability Office. It seems rather strange to me. And I would be curious, with this cut to the Government Accountability Office, what will the effect be on our ability to have this watchdog organization give us the reports and information we need as far as the functions of government are concerned?

Mr. COBURN. I thank the Senator for his question.

I think the people need to know what the GAO actually does. The GAO is nonpartisan; they are not Democrats or Republicans. They are accountants, and they are investigators, and they are the most valuable tool we have because we won't do the oversight of calling agencies up here. I think the numbers are that we are going to lose 400 investigators and auditors out of the GAO. One question to ask is, Why is it we are cutting the GAO more than we are cutting our own budget?

Let me make one additional point. Things are not right in our country because things aren't right in the Senate. This 1,200-page bill that should have come out here appropriations bill by appropriations bill—11 or 12 appropriations bills—has over $3.5 billion worth of phonemarks in it. We don't have earmarks anymore; they are all phonemarks. The corruption is still here. The pay-to-play game is still going on in Washington. Now we just don't do it in the bill, we do it by telephone, and we threaten agencies: If you don't give this money to this person, your money will be cut the next year.

So the fact is, although we have an earmark ban, there are thousands of earmarks in this bill. And what do we do? We cut the very agency that is going to be required to help us solve our financial problems over the next few years; we cut them more than we cut our own budgets. Now, they can be cut, and appropriately so. Everybody is going to have to share. But to cut the GAO 6.4 percent—40 percent more than we are cutting our own budgets—out of spite? They and the Congressional Research Service do the best work on the Hill. They do better than we do. Yet we are going to take away a tool that is going to help this country solve its very difficult financial problems. I think it is outrageous. It nauseates me.

Mr. MCCAIN. I would ask my colleague, I identified $3.5 billion unrequested, unauthorized, no-hearing-on projects—$3.5 billion. Since Dr. COBURN has taken a broader view of things, I wonder how many billions he would estimate totally there are of these unauthorized, unrequested projects in the entire bill.

Mr. COBURN. I would just respond to the Senator, I don't know for sure because we haven't been able to go through the whole bill, and the creativity associated with parochialism and getting reelected by helping the very well-connected few in this country is unbelievable. So it is hidden, and it takes a long time. It doesn't take 48 hours.

We got this bill at 2:00 Tuesday morning. That is when we got it. And of course nobody is around at 2:00 Tuesday morning, are they? So we will have 72 hours to read a 1,200-page book, and then we have to figure out what is in it. As the Senator said, we are not going to know what is in it, not until the next Solyndra comes, not until the next person goes to jail, not until the next Senator goes to jail. We are not going to know.

The fact is, what we are seeing is irresponsible behavior on the part of the Congress with this bill, and if we don't break this cycle of protecting incumbency through spending money, we are not going to have a country left. It is not just wrong, it is immoral. It is immoral.

The Senator talked about research at the Department of Defense. There are good reasons to do medical research at the Department of Defense, but we have the world's premier institutes, the National Institutes of Health. Now, we are not increasing them significantly, but we are markedly increasing the study of MS at a military research facility instead of through NIH, where we are spending $100 million already a

year on it? So we are going to duplicate it.

I have said it before: We have taken a stupid pill. We have either taken a stupid pill or a corruption pill. I don't know which it is. But I know that the long-term effects of doing this kind of legislating at this time in our history, when we have the greatest difficulty and the greatest landmines ahead of us financially—for us to do what we are doing here today to please a very small group of Congressmen and Senators who happen to make up the Appropriation Committee and to address their election concerns and their knowing better than the authorization committees—it won't surprise the Senator that in this bill, this conglomeration of what I will call an omni-terrible, is over $400 billion in spending that is unauthorized, that has never been authorized or the authorizations have expired long ago and the authorizing committees don't reauthorize it for a reason, and yet we keep spending the money.

So I think it is amazing that we have as high as a 9-percent approval rating. And I am saddened not just for us, I am saddened for the future of America that we would now, right before Christmas—because we are running on a deadline to go home we are going to pass a bill that is essentially irresponsible, inept, and loaded with political favors instead of doing the best right thing for this country.

The GAO, in late February, early March, put out a report on duplication in the Federal Government. Most of my colleagues applauded it. It was a great deal of work that they spent a lot of time on. The second and third component of that, of the Federal Government, is coming out this February, and in it were hundreds of billions of dollars of duplicative programs. Not in one place in this bill that we have been able to find so far has any of what the GAO said should be eliminated, should be discontinued—none of it has happened.

What is the consequence of spending $200 billion of borrowed money—money we don't have—on things the GAO says we don't need? What is the consequence of that? The consequence of that is impoverishment of our children. It is the theft of opportunity from our children. That is what it is. So I don't say the word ''corruption'' lightly. When you are stealing opportunity and you are impoverishing those who follow, that is corrupt. It is also immoral.

We won't be able to defeat this bill. We won't be able to amend this bill. We won't be able to offer amendments to what the GAO said is absolute stupidity because of the way we are bringing this up and the fact that we didn't bring these bills through here. And the bills they did bring through, they limited the amendments on anyway. So the voice of the average American doesn't get heard in the Senate under the way it is operating right now. Good ideas that actually will improve our country and save us money don't ever get heard. That is not the America I know. That is not the country I love.

So we are leading by example into our demise, and this is one of the greatest examples of that I have seen.

Mr. McCAIN. May I also point out, as my colleague did, that all of us as Members of the Senate are guided to some degree by seniority, which means assignment and ranking in various committees. But we should have an equal opportunity to represent our constituents and our priorities and our views and our goals.

This document was signed by 37 Members of the House and 17 Members of the Senate, so really this system hands the important decisions that all 535 Members of the House and Senate are responsible for over to 37 in the House and 17 in the Senate. Neither the Senator from Oklahoma nor I had a single time to discuss with our colleagues all that is in this bill. Not a single time did we have a chance to say: Wait a minute, let's not put in that cultural repository for Guam. Not a single time did we have a chance to say: Hey, this Combat Dragon II is not really something we need to fund. You know, the Civil Air Patrol is really a great outfit, but we don't think we need to add $7 million in these difficult times. We think helicopters needed to be upgraded, but why should we add $25 million to helicopter upgrades when the military says we don't need $25 million for helicopter upgrades? This is what is wrong with this system.

Mr. COBURN. If I could respond, that $25 million is going to go to one company—we don't know where yet—that is well-connected and well-heeled to either a Member of the House or the Senate. Mark my words, that is where it is going. Somebody—one individual business, one individual constituent—is going to benefit from that at the expense of our children and our future.

Mr. McCAIN. So the system now has deteriorated to the point where these decisions are made—by the way, I would like to correct the record. There are 37 total Members in the House and Senate, so 37 out of 535 who would be making these decisions.

So we really are in a kind of situation where we come down and all we can do is complain about it. That seems to me a deprivation of all of us who are not in that group of 37 of the ability to make our input into the future of this country. I do not think the American people are going to stand for it too much longer. I really don't.

I say to my colleague, I think a couple of things are going to happen. I think in the next election—I say this to all my colleagues. I think in the next election no incumbent is safe. But I also say, one way or another there is going to be a third party in the political arena of the United States. We cannot keep doing these things, Republican and Democrat, without sooner or later a response by the very well-informed electorate—thanks to devices like this.

I believe we have done this long enough. For long enough the American people, who now are in more dire economic straits than they have been since the Great Depression, are fed up with spending a few million dollars on schoolbuses in Guam that have nothing to do with our Nation's defense.

I hope the Senator from Oklahoma will not give up. I certainly will not. But I think, frankly, the American people deserve a lot better than they are getting out of this process. If they are cynical and if they are angry and if they are frustrated, they have every reason to be so.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY POLICY

Mr. INHOFE. Mr. President, I guess I am one of several Senators who doesn't know for sure what is going to happen tonight or tomorrow. I do know that we have one very contentious issue in the pipeline. Several people have been talking about this. I would like to give, perhaps, a different, maybe a historic perspective on this issue as we are looking at it.

I think with all the talk and all the demagoging people want us to be independent from the Middle East when producing our energy in fact we have the recoverable resources in the United States to be totally independent—for the North American Continent to be totally independent in providing its own energy. We are the only country in the world that does not exploit its own resources. We have more recoverable reserves in oil, gas, and coal than any other country in the world. Yet it is a political problem because there are people who do not want to exploit our own resources. They do not want to go offshore. They do not want to go there.

Eighty-four percent of our onshore public land is off-limits, so we cannot drill there. It is very disturbing when we see the real reason. We have an administration that doesn't want us to exploit our own resources. We have a Secretary of Energy who said we are going to have to get the price of gasoline in the pumps comparable to Europe, $8 a gallon, before people realize we have to go in another direction other than fossil fuels. We have an Assistant Secretary of Energy who said we have to wean ourselves off fossil fuels.

All this green energy stuff is fine, and someday when the technology is there we will be able to do something with it. But it is not there. In the meantime, we have to run this machine called America.

So here the rest of the world is laughing at us, looking at us and saying why is it we have a country that does not use its own resources. It is pretty mind-boggling to me.

The first effort of this administration, in order to hide this agenda of not wanting to provide our own energy, was to do away with hydraulic fracturing. A lot of people don't know what that is.

Hydraulic fracturing is a technique started in my State of Oklahoma in 1948. There has never been a case of groundwater contamination in over 1 million of these applications since 1948. Yet the President made a speech about 6 months ago saying we need to use this good, clean natural gas, and it is plentiful, cheap, and we have a lot of it, we should use it—but we have to do something about hydraulic fracturing.

The reality is we cannot get into any of these tight formations for oil or gas without using hydraulic fracturing. It is a perfectly safe process. They are trying to kill fossil fuels by stopping it.

Just last week the EPA said, like an endangerment finding, that we have now said in the State of Wyoming, in this very shallow well up there, only 600 feet, that somehow there is some contamination, and it was due to hydraulic fracturing. It is not. Hydraulic fracturing is done 1 mile, 2 miles down deep. That is one of the efforts.

The second issue we are addressing tonight—and this is significant. It is almost as if, with all the majority they have supporting the President with the 2012 elections coming up, I am in shock a lot of my colleagues on the left side, on the Democratic side, are following President Obama off this plank and going along with these efforts to kill fossil fuels. The most recent one is the one we are talking about tonight, and that is the pipeline.

On November 10 the Obama administration State Department announced it would delay the Keystone XL Pipeline decision until after the 2012 elections. This delay came shortly after the head of the Sierra Club, the executive director, Michael Brune, tied their political support for President Obama's reelection to the Keystone decision—and they went along with it. That is what we are facing right now. It is something that is very punitive to our whole country, not just in terms of the fact that we cannot use our good, cheap energy we develop right here but the number of jobs.

The Keystone XL Pipeline is estimated to add more than 250,000 permanent jobs for U.S. workers and add more than $100 billion in annual total expenditures to the U.S. total economy. During the construction phase alone, it would generate more than $585 million in State and local taxes.

I am particularly interested in this. As to my State of Oklahoma, I did not bring it with me, but there is a map that shows where this pipeline would go in order to get to the tight formations in Alberta. You will notice two-thirds of the way down is Cushing, OK. Cushing, OK, is kind of the intersection of all the pipelines. Right now it is clogged. It is full, and we cannot open it. Oklahoma alone, it is expected, if they would open the Keystone Pipeline, would have some 14,000 new jobs. That is just in my State, in Oklahoma alone.

The construction of the pipeline is expected to add about $1.2 billion in new spending in my State of Oklahoma. We have heard Senators from Nebraska and North Dakota and South Dakota talk about how it would affect their States. Just in my State alone, once operational, it is projected that it would add more than $667 million in property taxes.

Cushing, OK is a very important part of this. It is mind-boggling. When I go back to Oklahoma—I hope we go back sometime tomorrow—and people ask the question of why is it, since we want cheap oil and gas right from the North American Continent—why would they stop a pipeline to carry it?

They do it because politically they do not want that to happen. I believe it is important to look at the other aspects. Jim Jones—a lot of us knew him when he was a four-star general who served with a lot of dignity. He was very successful. He became the National Security Adviser to President Obama.

He said:

> In a tightly contested global economy, where securing energy resources is a national must, we should be able to act with speed and agility. And any threat to this project, by delay or otherwise, would constitute a significant setback.

He ties this in to national security. He further said the failure to move forward with the project will prolong the risk to our economy and our energy security and send the wrong message to job creators.

One of the opponents of the pipeline thinks that stopping the construction would prevent Canada from developing its tar sands. We have the far left environmentalists who think somehow they can stop this activity in Canada when we know what will happen if we continue to stop the transportation through the pipeline all the way from Alberta down into Texas.

According to Austan Goolsbee, a former Obama chairman of the White House Council of Economic Advisers—keep in mind he is on their side. He said:

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

He went on to say:

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

They go ahead and talk about the fact that they have already approved a way of getting it to the west coast of Canada and shipped to China. So this is something where there is no justification for stopping it other than the political justification. Other than the administration looking at the far left environmentalists—it all started in Nebraska—they said there is one little area that might not want it. So what do they do in Nebraska? They got together and changed the routing of it so it goes to an area where there is no opposition, and there is still no pipeline.

I think even if we were to have to stay here—and I am the last one who wants to stay here for any length of time—a key issue right now is getting that open again.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that immediately following my remarks, the Senator from Ohio, Mr. BROWN, be recognized.

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

MORTGAGE FINANCING

Mr. ISAKSON. Mr. President, this morning it was announced that the former officers of Freddie Mac and Fannie Mae are going to be prosecuted, or cases have been filed, for their misrepresentation of the liabilities that both of those institutions posed to the American Congress and American taxpayers.

Last year when we passed the Dodd-Frank amendment on mortgages and on risk retention, we exempted Freddie Mac and Fannie Mae from the liability that every other company in the country had to go through. We find ourselves today in a place where Freddie Mac and Fannie Mae have cost the American taxpayer at least $171 billion. That number is rising because of the exemption from Dodd-Frank; Freddie and Fannie, other than FHA, are the only act in town.

A week ago I introduced a piece of legislation to deal with this issue. It is a piece of legislation that will terminate Freddie Mac and Fannie Mae and create a bridge, or a transition, from where we are to a privatized mortgage securitization and guarantee program.

I want to briefly address how that takes place because in the end it will pay back the American taxpayer. It will put Freddie and Fannie out of business, and we will have a robust mortgage market available to the American people as the housing market begins to recover in this country.

First of all, the legislation creates a new entity called the Mortgage Finance Agency. It is an agency with directors that are appointed by the President with advice-and-consent approval by the Senate. Its directors are members of the government that deal with financial institutions and financial regulations. It will have advisory groups for people affiliated with housing, and it will be established with the following goals: Within a year it will be up and running so it can be a guarantor of quality residential mortgages—and I underline QRM, quality residential mortgages.

The mortgage disaster America has today was a failure of underwriting. We didn't make good loans. We made high-risk loans because they had high coupon paper and securitized it on Wall Street. People made a lot of money, but America lost and today our economy suffers because of it.

The new mortgage finance agency would be able to guarantee and wrap high-quality residential mortgages. In those wraps and in those guarantees they would receive a fee which would go into a catastrophic fund to back up the risk on those mortgages.

In addition to that, the QRM requirements would make it essential that no loan was made 95 percent loan-to-value. Any loan above 70 percent would have private mortgage insurance on the amount up to 95 percent, and within 36 months the agency would be required to have supplemental insurance coverage to take the risk down to 50 cents on the dollar.

It would be required by the fifth year to have a game plan established and a plan of liquidating the asset and privatizing the guarantee to the private sector. That is a very important process because it is the bridge to the end of Freddie and Fannie and the taxpayer guaranteeing of residential mortgages. We would have a situation with a downpayment of 5 percent, private mortgage insurance of 25 percent, and supplemental insurance of 20 percent, and the risk to the government would be 50 cents on the dollar.

In the great recession values fell 31 percent. In this recession they have fallen 33 percent. So the government's coverage would be 17 percent in addition to the liability that exists today. It is a very good place to have the government and to build an entity that brings us back to a mortgage market in the United States of America that is viable and that works.

I don't like Freddie Mac and Fannie Mae, and I don't like what happened, but it has happened. I know everybody wants to terminate them, and I do too. But we have a difficult housing market in America that will only come back when this robust capital is flowing into the mortgage markets, and that will only take place when we get ourselves out of the current dilemma and on a path toward privatization.

The American private sector is a tremendous entity. It has proven in many ways they can find a solution to most all problems we have, but we have to create a bridge to that privatization. We have to create an entity that works, an entity that is self-sustaining, and change some of the principles of lending back to the way it used to be in this country so that when people borrow money on their houses, they really have a job, and it is verified, and their credit score indicates they can make the payments they are going to be required to make; that their credit history is a good history, and the house appraises and the underwriting is sound. Most importantly of all, the borrower has skin in the game, and there is insurance on the mortgage above 70 percent and supplemental insurance down to 50 percent. When we do that, we have qualified residential mortgages, an entity that in the beginning can secure those and can guarantee those and can, at the end of 10 years, have an institution that can be privatized.

Here is the real kicker. Upon privatization, the money that is made by the government on the sale of the entity goes to pay back the taxpayer for the $171 billion or more they lost, and any excess money, which more than likely there would be, goes to reduce the national debt.

So I hope everyone in this body will look at the Mortgage Finance Agency proposal I introduced last week. When we come back next year, instead of griping about the problems we have had, let's start looking to the solutions that will take us back to the America we love economically and the housing market that is absolutely critical to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

FIRST RESPONDERS

Mr. BROWN of Ohio. Mr. President, we ask a great deal from our first responders, from firefighters, and from police officers to keep our neighborhoods safe from violence and drugs. We ask them to put their lives on the line, to save people from burning buildings, to track down armed criminals. We ask and they give each day and each night. That is why we cannot just honor them through parades, memorials, speeches on the Senate floor, showing up at various kinds of festivals, but we honor them by the priorities we set in our Federal Government, in State legislatures in Santa Fe and Columbus and Atlanta, in city halls, and in county courthouses.

Earlier this year, Ohioans overwhelmingly rejected issue 2, which would have curtailed the ability of first responders, firefighters, and police officers not just to organize and bargain collectively for their wages and their benefits but, much more broadly than that, to have them sit down and negotiate with their employers, with cities, with counties, with the State, and with taxpayers for safety equipment and adequate staffing.

This was a victory for them. The defeat of issue 2 was a victory for hard-working men and women in Ohio. It was the only time in American history when the issue of collective bargaining was on a State ballot for a statewide vote, and voters voted more than three-fifths—61 percent to 39 percent—to preserve collective bargain rates. Again, collective bargaining not just for themselves in terms of wages and benefits but collective bargaining for police officers' safety vests; for firefighters to have the right kind of safety equipment; for teachers organizing and bargaining collectively at the negotiating table for class size. It was way more than about them and that is why the voters of Ohio, in such a resounding number, voted to preserve collective bargaining and what it meant to public employees and what it meant to our way of life for those who are not public employees, and that is at the State level.

At the Federal level we must continue to fight to ensure these brave public servants have the resources necessary to safely perform their jobs. That is because so many give the ultimate sacrifice. In the last 10 years, 47 law enforcement officials representing 35 Ohio agencies were killed while on duty. Forty-seven law enforcement officials were killed while on duty just in a decade.

According to the FBI, 48 law enforcement officials across the country were feloniously killed in the line of duty in 2009. More than 57,000 law enforcement officials were assaulted while performing their duties.

This past May during National Police Week, I attended a Greater Cleveland Police Officer Memorial service in Huntington Park in Cleveland. During the service, I met Sara Winfield of Marysville, OH. Sara's husband Bradley Winfield was a deputy in the Marion County Sheriff's Department, a north central community, when he was shot and killed while on duty. In her grief, this widow, with two young sons to care for, has become an advocate ensuring that those who protect us are protected themselves. That is why I cosponsored legislation introduced by Maryland Democrat BEN CARDIN that would create a national blue alert system aimed at apprehending criminals who injure or kill law enforcement officials.

Modeled after the Amber Alert System used to find missing children, the blue alert system would disseminate critical information about suspected criminals to other law enforcement agencies, the public, and the media. When someone has gunned down a police officer, police departments all over the region, the State, and the country need to know about it. Blue alerts would be broadcast to local media and on messaging signs. It would include a detailed description of the suspect, the vehicle, and other identifying information. It would encourage State and local governments to develop additional protocols to help apprehend suspects.

Eleven States already have such a system, but if it is only on the State level and the perpetrator who killed the police officer escapes to another State that doesn't have it, it doesn't work so well. That is why Senator CARDIN's national blue alert bill is so important.

Ohio doesn't have this. I am encouraged that the Ohio Senate recently passed a version of this law. Again, it needs to be national so that it goes

across State lines, and we can obviously do that as police departments are talking to each other more than they ever have through technology.

I spoke to police chiefs from across Ohio like my city of Lorain, OH. Cel Rivera, the chief there, said the blue alert system would be a critical resource to track down criminals and to protect law enforcement. It would be made possible with existing community-oriented policing services such as, the COPS Program funded by the Department of Justice.

I remember 15, 18 years ago when the COPS Program began with President Clinton and the Congress in the 1990s. It made such a difference in helping local communities, small towns, big cities, rural areas, suburbs, to be able to staff up in a better way with community police officers.

It is these types of Federal investments that are so critical for communities facing significant budget shortfalls. Too many communities are forced to make cutbacks in essential services reducing staff size and scaling back investments on safety equipment. These choices are difficult, and they are made with great reluctance. That is why Federal grants such as the staffing for adequate fire and emergency response, so-called SAFER grants, or the assistance for the firefighters grant are critical to help communities hire more firefighters as well as recruit and retain first responders. The omnibus bill we are considering now will provide much needed investments that will help communities do that.

While I fight for stronger investments, it is clear every little bit helps. Earlier this week the Chillicothe Fire Department received a funded grant through the AFG Program. It follows the SAFER grant that not only helped hire personnel, it saves lives. Fire Chief Steve Gallacher, whom I have spoken with prior to this, was off duty when he experienced a pulmonary embolism, a blood clot to the lung. Without a grant that kept his neighborhood firehouse open or without the medic who was hired because of the AFG grant, Chief Gallagher says he would have died.

These Federal investments literally helped to save Chief Gallacher's life. According to him, 40 percent of deaths among firefighters occur due to cardiac arrest. He wrote to me:

> When I helped write the grant application, I knew that it would save lives. But I never imagined that one of those lives would be my own.

With reduced tax revenues, with the increased need of vital public services such as fire and police, it is critical we help our communities carry out the most basic and lifesaving duties. We can keep first responders and firefighters and officials on the job.

We can establish an alert system to warn us when criminals seek to harm law enforcement officials. These are bipartisan actions that can help communities across Ohio and throughout the Nation.

I yield the floor.

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

RESOLVING ISSUES AND VOTING RIGHTS

Mr. NELSON of Florida. Mr. President, at the late hour, as the Senate continues to try to do its work, there is word that maybe—as the Good Book says: ''Come, let us reason together''—maybe there is some movement in bringing about some consensus-building so the people's work can be done and these issues that have kept us apart for so long can finally be resolved. Maybe they will be resolved only on a temporary basis. But at least we would be in a situation where we did not allow the tax cuts for Social Security payments that would be such—if those tax cuts did not continue, there would be an immediate amount more that people will have to pay out of their pocket. Maybe those will continue. It is certainly the right thing to do.

It is also the right thing to do to keep unemployment compensation going in a time of a recession, when so many people are out of work, and they do not have the opportunity to get work or only get what they can piece together, which is not enough to sustain their families. That is the right thing to do. Certainly passing the funding bills to keep the government going past midnight tonight is clearly the right thing to do, instead of extraneous issues holding us up, to having us all wound around the axle where we can't even fund the Government of the United States. So maybe some reasonable minds are coming together to start working out these issues. I certainly hope so.

In the meantime, what I wish to speak about is something that is even more pernicious and that is making it harder for our people to express their constitutional right of casting a vote. We have seen a pattern in 14 States, enacting new election laws that basically are a suppression of voter rights. One of those States that is glaringly, dubiously at the top of the list as being the most severe in cutting back on people's ability to vote and to know the vote they have cast is going to be counted as they intended it—and, in the first place, making it so they can register to vote—that very fundamental constitutional right for Americans is being threatened through these laws in the States, including my State, of suppressing the right to vote.

If we look at the similarities of the laws in the 14 States, we will see an obvious pattern. But in my State of Florida, we see the most severe assault on the rights of voters of all the 14 States. The present issue is joined in a court in the District of Columbia, a suit ironically brought by the State of Florida against the Department of Justice over the Voting Rights Act of 1965 and its implementation. A part of that suit actually questions the constitutionality of the Voting Rights Act of 1965. That is a rather brazen attempt, but I think the courts will take care of that in short order.

But the very issue, as brought in this new Florida elections law, does a number of things to cut back on the rights of voters. In the first place, the League of Women Voters, which has been registering voters for years, has stopped its registration of voters because of the new law. Why? Because the old law on the books for decades said that once an organization such as the League of Women Voters registered the new voters, they had 10 days to turn that in to the respective supervisors of elections in the 67 counties. The new elections law amended that to 48 hours, and they attached to that the possibility of a fine that could go up to $1,000 per person on the person doing the registration if they did not turn in the names in 48 hours. Of course, we had the two cases of two civics teachers in two different parts of the State who, being good teachers, in their government class were registering their students to vote and did not meet the 48-hour deadline and the State of Florida is looking at the possibility of fining these teachers. That is the height of hypocrisy. That is the height of an assault on the right of people to vote by impeding their ability to register to vote.

The intended result is there. The League of Women Voters is just one organization. There are many. But it shows what has happened; that all the registrations that would occur of people being encouraged to participate in the political system is not being done and will not be done until this issue is settled in the courts, and that is probably going to be late summer. So for the period of over 1 year, since the passing of this new law in Florida, voters will not be registered by organizations such as the League of Women Voters. That is a sad commentary, but in fact that is what has happened. That is what has happened in the State of Florida.

But that is not all. Let me tell my colleagues what else the law does. My colleagues remember how college students got so active for the first time in a Presidential election. When the Presiding Officer and I were coming up in college, we were taught that public service was one of the highest callings a person could have. We were also taught that to be a participant in our democracy was a civic responsibility. But over the intervening years, after the Vietnam war, after a number of other circumstances, young people got turned off to politics and government. Then we saw them in this past Presidential election becoming energized once again. They went down in the cities where they went to school and they registered in great numbers. Then, on election day, they turned out in great numbers. Do my colleagues know what the State of Florida did in passing the

new elections law? They changed the law which said that when a college student goes down there on election day to vote and they bring out their identification to show they are who they say they are and they compare their driver's license identification and address to the voting registration in the college town, if that driver's license, which likely shows their parents' address, if it is in a different county, they will not give them a ballot. They will give them a provisional ballot. As a result, we saw in the last Presidential election in Florida half the provisional ballots cast were not counted.

This is a blatant attempt to cut out a certain element or to make it more difficult, all under the guise that they are trying to weed out fraud. We haven't had a lot of voter fraud in our State of Florida, and I daresay we would find the same in the other 13 States that enacted these very repressive laws.

But that is not all. The law goes on further to restrict voters' rights by cutting back on the number of days of early voting. Why did we have early voting? In our State, we went through the trauma of the Presidential election of 2000, when there was so much confusion about whether the ballot was intended to be this way, and people were confused with the way the ballot was constructed. It went on and on and on. We know the high drama that ended in the Supreme Court of Bush v. Gore. Because of that trauma, many State legislatures decided to try to make it easier to vote. One way to vote so there was less confusion was to allow what other States have done, which is to let part of the voting occur before election day—early voting. Then a person can take their time going in. People don't have to be confined to voting within a 12-hour period from 7 o'clock in the morning until 7 o'clock at night, with the long lines and perhaps inclement weather, with a pouring down rainstorm or snowstorm, to inhibit people's ability to exercise their right to vote.

So legislatures across this country started enacting early voting. In Florida, that early voting period was 2 weeks. The 2 weeks went all the way up through the Sunday before the Tuesday election. Lo and behold, in the last Presidential election, because of early voting, 40 percent of the electorate of Florida voted before election day.

You certainly know the supervisors of election liked that because then on the election day, from 7 a.m. to 7 p.m., there was 60 percent of the vote—not 100 percent of the vote—and, therefore, it was much more manageable, even though there was an extremely high turnout because it was in a Presidential election.

Well, by constricting, as the Florida law did, from 14 days to 8 days, they are limiting that ability. They cut it back. Instead of the Sunday before the Tuesday election, the last day of the eighth day will be the Saturday before the Tuesday election.

On the basis of the experience of the last decade, guess who voted in record numbers on the Sunday before the Tuesday election after church. Certain minority groups, in record numbers. Therefore, it is again an attempt at suppressing that particular vote.

Why cannot we use walking-around common sense that would say we want to help people, to facilitate people, to make it easier for them to cast their vote, make it easier for them to register to vote; and then, once they have cast that vote, to do it in a manner where they know exactly what they are doing, lessen the amount of mistakes, and have the security of mind of knowing that the vote was going to be counted as they intended it? Yet we see laws have been passed in a number of States to the contrary.

It is my hope—it is the hope of a lot of people across this country, who care about one of the most fundamental rights of being a citizen of the United States of America: the right to vote; a right, a constitutional right that casts us in contrast to a lot of other countries on the face of planet Earth—it is my hope, as the court deliberates and renders its judgment, the Constitution of the United States will be upheld.

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the Chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will soon be considering the conference report to accompany H.R. 2055, the Consolidated Appropriations Act, 2012, as well as H.R. 3672, the Disaster Relief Appropriations Act, 2012. I previously made adjustments pursuant to the Budget Control Act to the allocation to the Committee on Appropriations and to the spending aggregates for items contained in H.R. 2055 and H.R. 3672, including funding designated for overseas contingency operations, disaster relief, emergencies, and program integrity. I am now revising those prior adjustments to reflect the final amounts contained in the two pieces of legislation. When compared to my previous adjustments, the combined effect of H.R. 2055 and H.R. 3672 is to increase budget authority by $2.302 billion and lower outlays by $0.286 billion in 2012.

With these revisions, I have now made adjustments to budget authority in 2012 pursuant to the Budget Control Act of $137.48 billion. That total breaks down as follows: $126.544 billion for overseas contingency operations, $10.453 billion for disaster relief, and $0.483 billion for program integrity initiatives.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

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

BUDGETARY AGGREGATES

(Pursuant to section 106(b)(1)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974)

$s in millions	2011	2012
Current Spending Aggregates:		
Budget Authority	3,070,885	2,983,398
Outlays	3,161,974	3,047,189
Adjustments:		
Budget Authority	0	2,302
Outlays	0	−286
Revised Spending Aggregates:		
Budget Authority	3,070,885	2,985,700
Outlays	3,161,974	3,046,903

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

(Pursuant to section 106 of the Budget Control Act of 2011 and section 302 of the Congressional Budget Act of 1974)

$s in millions	Current Allocation/Limit	Adjustment	Revised Allocation/Limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority	1,211,141	0	1,211,141
General Purpose Discretionary Outlays	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority	814,744	2,200	816,944
Nonsecurity Discretionary Budget Authority	363,434	102	363,536
General Purpose Discretionary Outlays	1,327,925	−286	1,327,639
Memorandum: Cumulative Adjustments, Fiscal Year 2012:			
Security Discretionary Budget Authority	n/a	132,944	n/a
Nonsecurity Discretionary Budget Authority	n/a	4,536	n/a
General Purpose Discretionary Outlays	n/a	65,639	n/a

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS

(Pursuant to Section 106 of the Budget Control Act of 2011)

$s in billions	Program Integrity	Disaster Relief	Emergency	Overseas Contingency Operations	Total
Combined adjustments for H.R. 2055 and H.R. 3672:					
Budget Authority	−0.410	2.712	0.000	0.000	2.302
Outlays	−0.359	0.213	0.007	−0.147	−0.286
Memorandum 1: Breakdown of Above Adjustments by Category:					
Security Budget Authority	0.000	2.200	0.000	0.000	2.2000
Nonsecurity Budget Authority	−0.410	0.512	0.000	0.000	0.102

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS—Continued

(Pursuant to Section 106 of the Budget Control Act of 2011)

$s in billions	Program Integrity	Disaster Relief	Emergency	Overseas Contingency Operations	Total
General Purpose Outlays	−0.359	0.213	0.007	−0.147	−0.286
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments):					
Budget Authority	0.483	10.453	0.000	126.544	137.480
Outlays	0.415	1.803	0.000	63.421	65.639

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 6:18 p.m., recessed subject to the call of the Chair and reassembled at 8:14 p.m. when called to order by the Presiding Officer (Mr. CASEY).

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 94, which is a 24-hour continuing resolution, which was just received from the House and is at the desk.

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 94) making further continuing appropriations for fiscal year 2012, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The joint resolution (H.J. Res. 94) was ordered to a third reading, was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO WILSON ''BILL'' LIVINGOOD

Mr. REID. Mr. President, I rise to recognize the extraordinary work of the Honorable Wilson ''Bill'' Livingood, who served with distinction for 17 years as the House of Representatives Sergeant at Arms, protecting and serving Members, staff and visitors to the Capitol complex.

Mr. Livingood, the House Chief Law Enforcement Officer, served with great merit in his capacity as Sergeant at Arms and as a member and biennial Chairman of the United States Capitol Police Board, shepherding monumental security enhancements post September 11, 2001.

Mr. Livingood was sworn in on January 4, 1995, for the 104th Congress, making him the third longest-serving House Sergeant at Arms in United States history. Prior to 1995, Mr. Livingood was the Senior Advisor to the Director of the U.S. Secret Service, from 1989 to 1995, serving for 33 years as a special agent with the Secret Service.

Born on October 1, 1936, in Philadelphia, Mr. Livingood received a Bachelor of Science degree in Police Administration from Michigan State University. His public service began at an early age, as he served as Michigan State University's student body president in 1959. A veteran of the U.S. Navy, he was appointed as a Special Agent at the Secret Service's Dallas Field Office in 1961 and held supervisory assignments at headquarters and on several protective divisions to include the Presidential Protective Division.

In 1969, Mr. Livingood was promoted to Assistant to the Special Agent in Charge of the Presidential Protection Division. Five years later, he was promoted to Assistant Special Agent in Charge of the Office of Protective Forces. Mr. Livingood was named Special Agent in Charge of the Houston Field Office in 1982 until his appointment as Deputy Assistant Director, Office of Training in 1986. From 1988 to 1995, he served as the Senior Advisor to three Directors.

Mr. President, Mr. Livingood is known best around the world for his introduction of the President of the United States at the State of the Union address, and he is the 36th person to hold the Sergeant at Arms office since the House of Representatives first met in New York City in 1789.

Mr. Livingood served during critical, historical and tragic events that include the fatal shootings of two United States Capitol Police officers, the terrorist attacks of September 11, 2001 and the anthrax attacks the following month in 2001.

Mr. President, during his tenure, Mr. Livingood has served with great resolution, balancing security needs while maintaining open access to the ''People's House.''

Mr. President, I congratulate Mr. Livingood on his well-earned retirement.

VOTE EXPLANATION

Mr. MORAN. Mr. President, I wish to explain my absence from rollcall votes 230 and 231 on Thursday, December 15, 2011.

I was unable to vote yesterday because I was back in Atchison, KS, paying my respects to slain police sergeant David Enzbrenner. Officer Enzbrenner was a veteran of the Atchison Police Department but, more important, he was a loving dad and a caring husband. Although I returned to Washington today to continue the important work being done in the Senate, my thoughts and prayers continue to be with Officer Enzbrenner's family and the Atchison community.

WELCOMING HOME U.S. TROOPS

Mr. AKAKA. Mr. President, I rise to welcome home 53 of the men and women of the Headquarters Element of the storied 25th Infantry Division, also known as Tropic Lightning, who will be returning to Schofield Barracks in Hawaii from their deployment to Iraq this Sunday, in time to join their loved ones for the holidays. I would like to recognize the entire 25th Infantry Division for their service in Iraq and Afghanistan over the past decade. I would also like to pay my respects and give my deepest condolences to the families of the 236 members of the 25th Infantry Division who made the ultimate sacrifice while serving in Iraq and Afghanistan, defending the American values and freedoms we enjoy.

Although I cannot be there in person, I send my warmest aloha and heartfelt gratitude to these soldiers and their families for their many sacrifices and dutiful service to our country.

Since its activation on October 1, 1941, the 25th Infantry Division has played a significant role in every major conflict we have had. In that tradition of outstanding service, the 6 major elements of the 25th Infantry Division—the division headquarters, the 4 brigade combat teams, and the combat aviation brigade—have made a total of 19 combat deployments since 2004. Thirteen of these deployments were to Iraq and another six were to Afghanistan. In addition, three separate Tropic Lightning battalion-sized aviation task forces have deployed to Iraq.

I commend MG Bernard S. Champoux, commanding general, and CSM Ray Devens, division command sergeant major, for their exceptional service and strong leadership of the 25th Infantry Division.

With this weekend's homecoming, the 25th Infantry Division represents the last U.S. military division to leave Iraq as part of the complete withdrawal of American combat forces following the successful Iraqi campaign.

I am pleased that the war in Iraq has finally come to an end, and I urge my colleagues to remember that the full cost of war includes the extended care of the soldiers, sailors, airmen, and marines who serve so bravely. These men and women have risked their lives to protect this country in its time of need, and we must honor our Nation's commitment to them afterwards. I would like to again thank these soldiers for their service, and may God bless them and their families in Honolulu.

OFFSETTING DISASTER FUNDING

Mr. LEAHY. Mr. President, Vermont and other the other States still reeling in the aftermath of Hurricane Irene have a huge stake in the misguided offset resolution sent to us by the House of Representatives. In fact, all Americans have a stake in this.

On the heels of unprecedented flooding this spring, the State of Vermont bore the full brunt of Irene in August. Our small State is stretched to the limit right now. Our people need the helping hand of Federal disaster recovery programs just as Vermonters, decade after decade, have always supported this safety net when other States have needed it.

These programs were already running on fumes before Irene and now the need is even greater in this tough year in which 48 States have had Federal disasters declared within their borders.

The Senate promptly started the effort to replenish the depleted disaster funds with a strong and responsible stand-alone bill in September. Our legislation is within the bounds of the budget agreement reached this summer, and after overcoming a partisan filibuster, we got that bill through the Senate in a bipartisan vote.

Now all these months later the House of Representatives sends us a smaller disaster aid bill along with a resolution that calls for the new disaster spending to be offset. In other words, undo the bipartisan budget agreement that we all agreed to back in August; change the long practice of Americans promptly helping fellow Americans in a disaster's aftermath; and pit disaster victims against those trying to get a loan to start their small business, those needing student loans, those needing nutrition and housing assistance, those developing alternative energy sources, or those performing cutting-edge research against disease.

The House resolution calling for disaster funding to be offset with across-the-board cuts is a weak and cynical response, and it should be rejected.

It is disappointing and incomprehensible that some in Congress continue to insist that assistance can only come at the cost of other programs relied upon by the American people. Some of these same voices had no problem with spending hundreds of billions of borrowed dollars on wars waged overseas, on rebuilding communities in Iraq and Afghanistan, and on giving tax breaks to the wealthiest among us. But now they insist on a different standard, different rules, for emergency recovery efforts desperately needed by Americans here at home. That is just wrong.

We need to come together as a country, as we always have in the past, to pass an emergency disaster bill that is adequate to the devastation faced by Vermonters and millions of other Americans. We are bound together as one nation, the United States. Americans help each other in time of need.

I know there are bipartisan majorities for passing a straightforward disaster relief package as we have for every other disaster in the past, but political point-scoring and my-way-or-no-way factionalism stand in the way. That is unconscionable.

Vermonters and countless others who are trying to get back on their feet after Irene and other calamities across our Nation do not have the luxury of time to waste on the temper tantrums of ideological factions in Congress. It is winter now; a harsh season in our part of the country. Some parts of Vermont already have seen over a foot of snow and more is on the way.

Statesmanship should never be out of season least of all, when our fellow Americans' livelihoods are at stake.

In the spirit of the holiday season, I continue to hope that reason and goodwill will prevail in the Senate on this ridiculous call to offset disaster relief, and on so many other issues before us that are critical to the American people.

375TH ANNIVERSARY OF THE NATIONAL GUARD

Mr. WHITEHOUSE. Today I rise to commemorate the 375th anniversary of the National Guard. As ceremonies are held across the country to celebrate this historic milestone, I wanted to pay tribute to our National Guard for the enormous contributions it has made to our country throughout the course of its proud history. The origin of the National Guard traces its roots back to the militias of the 13 original English colonies. The oldest units were organized on December 13, 1636, in the Massachusetts Bay Colony.

As the motto of the National Guard so aptly puts it, the force is ''Always Ready, Always There.'' Our Constitution bestows on the National Guard dual State and Federal missions. Whether aiding State law enforcement, responding to a national emergency or catastrophic natural disaster, or serving alongside our Active-Duty Forces overseas, the National Guard has always been and continues to be a force on which we can depend, in wartime and in peacetime.

Rhode Island has a distinguished record of National Guard service, which began in 1638 when the first colonial defensive force was established in Portsmouth, RI. The militia, which was known as the Traine Band, was formed to provide protection and security for the people. The group eventually evolved into the Rhode Island National Guard.

It was the Rhode Island militia that first engaged in offensive action against England during the lead up to the Revolutionary War. On July 19, 1769, members of the Rhode Island militia sunk the British schooner HMS Liberty in Newport. A few years later, on the night of June 10, 1772, Rhode Island volunteers organized under Captain Abraham Whipple, seized and burned the HMS Gaspee in Narragansett Bay. Then, on April 22, 1775, in response to shots fired at Lexington, MA, the Rhode Island General Assembly mobilized a 1,500-man ''Army of Observation'' to serve under the command of BG Nathaniel Greene. This force was sent to Boston to support the Continental Army in its fight for American independence. By the end of the Revolutionary War, more than 22 Rhode Island militia units had contributed to our country's glorious cause.

During the Civil War, more than 23,000 Rhode Island militiamen deployed in support of Union forces, and 16 soldiers received Medals of Honor. During the First World War, more than 3,800 members of the Rhode Island National Guard served in combat as part of the 26th ''Yankee'' Division. Furthermore, over 3,000 Rhode Island National Guard members were deployed to both the European and Pacific theaters to support operations in the Second World War. Rhode Island National Guard units also supported operations during the Korean and Vietnam wars, as well as Operation Desert Shield and Operation Desert Storm.

The Rhode Island National Guard has been particularly active meeting the operational demands of the post-9/11 era. Rhode Island has the second highest per capita National Guard deployment rate of all the States. It has fulfilled over 5,600 deployment requests, and many of its 3,200 members have deployed multiple times. In addition, the Rhode Island National Guard remains an indispensable asset in protecting the lives and property of Rhode Island citizens. The Guard played an instrumental role in 2010 responding to the historic floods in our State, from which we are still recovering. Today, the diverse mission of the Rhode Island National Guard is directed by MG Kevin R. McBride, adjutant general of the State of Rhode Island.

Since September 11, the National Guard has been deployed at unprecedented levels, with over 650,000 soldiers

and airmen mobilized in support of American operations overseas. In addition, thousands of National Guard members have responded to the litany of major disasters that devastated several areas of the country in the recent years. I applaud the National Guard for its vital work in protecting our country at home and abroad and commend its 375 years of dedicated service.

TRIBUTE TO GUION S. BLUFORD, JR.

Mr. CASEY. Mr. President, it is with great pleasure that I rise today to recognize Guion S. Bluford, Jr. for being the 2011 recipient of the Pennsylvania Society Gold Medal for Distinguished Achievement.

Mr. Bluford was born on November 22, 1942, to Guion Senior and Lolita Bluford in Philadelphia, PA. Mr. Bluford grew up in inner-city Philadelphia during a time of great prejudice and social change. As a youth he spent his free time reading about aviation technology, building model aircrafts, and dreaming of flying aircrafts.

Mr. Bluford attended Pennsylvania State University and joined the Air Force ROTC Program, receiving his FAA pilot license while still a senior in college. After graduating college in 1964 Mr. Bluford was assigned to the 556th Tactical Fighter Squadron in Vietnam and flew over 140 combat missions in Southeast Asia.

In 1978, Mr. Bluford was selected as one of NASA's class of 35 astronauts. On August 30, 1980, Mr. Bluford became America's first African American in space when he flew to orbit aboard the shuttle *Challenger*. During his career at NASA he flew on several other space missions, and when he retired in July 1993, he had logged more than 688 hours in space.

Mr. President, I ask my colleagues to join me in recognizing Mr. Guion S. Bluford, Jr., for his years of service to our country. I invite my colleagues to join me in recognizing Mr. Bluford for his recent award and wish him well in the future.

TRIBUTE TO MARTY PETERSON

Mr. RISCH. Mr. President, today I join with Idaho's senior Senator MIKE CRAPO to recognize and pay tribute to the exceptional dedication of Marty Peterson, who is retiring after 51 years of public service in our great State.

For nearly 20 years, Marty has served as the special assistant to the president of the University of Idaho. He has served seven U of I presidents during that time, giving them valuable insight into the politics of the State as he oversaw the government affairs work of the university.

Marty has an in-depth understanding of Idaho's government, having served as the budget director under Governors John Evans and Cecil Andrus. He also served on the staff of U.S. Senator Frank Church and was executive director of the Association of Idaho Cities. His counsel was always valuable and insightful.

It is no wonder, when Idaho was going to celebrate its 100th birthday in 1990, he was asked to oversee the planning and implementation of the State's centennial celebration. Twenty years later, he was the cochair of the committee that planned the rededication of Idaho's newly restored capitol building. Marty could always be counted on to deliver quality results.

His education and military service may have had something to do with his success. At the age of 17, as a junior in high school, he joined the Army National Guard. Marty served 8 years and was a staff sergeant when he was discharged.

Marty is a graduate of Columbia Basin College, the University of Idaho, and Harvard University's Senior Managers in Government Program. But through the years, Marty never stopped learning. He adapted, he studied and continued to provide good counsel to those who sought out his advice.

He consistently shares his time and expertise with community groups. Currently, he serves on the board of directors of the Foundation for Idaho History, North Idaho Chamber of Commerce, Idaho Humanities Council, and the James A. and Louise McClure Center for Public Policy, as well as on the advisory board for the School of Journalism and Mass Media at the University of Idaho.

In addition, he is the current president of the Historic Silver City Foundation and a past president of the City Club of Boise and the Idaho Hemingway House Foundation.

As a well-known Hemingway scholar, Marty has lectured on Hemingway throughout the United States, Spain, and Cuba. He has also been very involved in the preservation of Ernest Hemingway's home in Ketchum, ID and in Cuba.

Although Marty will be retiring from the working world at the end of 2011, we know he will continue serving these and other groups throughout the State. His retirement will give him more time to spend with his wife Barb and their family and especially the grandchildren.

When people ask us what makes Idaho such a great place, we could talk about the beautiful mountains, skiing, whitewater rafting, hunting and fishing, or a myriad of other things. But in reality, it is people such as Marty Peterson who work to make Idaho even better—that is why Idaho is so great.

It is with our sincere thanks and well wishes that Senator CRAPO and I recognize Marty Peterson for his many contributions to the State of Idaho and its people. We wish him a happy and productive retirement.

ANNIVERSARY OF BELARUS ELECTION

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to the courageous men and women who are struggling for freedom in Belarus.

Almost 1 year ago, on December 19, 2010, elections took place in Belarus. At that time, some in the United States and Europe hoped that this vote would be a turning point for Belarus and that its authoritarian ruler, Aleksandr Lukashenko, would finally begin to pursue the political and economic reforms demanded by his people.

In fact, the December 19 election was a turning point for Belarus—but not in the way that some had hoped. It soon became obvious that the election had been egregiously rigged by the regime. In response, thousands of Belarusians from every background peacefully took to the streets in protest. It was the most significant public demonstration the country had seen in over a half decade, and the Lukashenko regime responded with violence.

On that day, Belarusian security forces detained or arrested over 600 peaceful protestors. Hundreds more were surrounded by armored tanks and beaten by thugs dispatched by the regime. The Lukashenko regime arrested seven opposition candidates who participated in the vote, severely beating one candidate. In the year that has followed the election, hundreds of people—including several Presidential candidates—have been sentenced to lengthy prison terms in sham trials that have again revealed Belarus' judicial system to be nothing more than a political tool abused by the regime. It is a system that has institutionalized torture and denies its prisoners access to family, lawyers, medical treatment, and open legal proceedings.

I should note that the peaceful protests that erupted in Belarus 1 year ago took place just 2 days after a 26-year-old man in the Tunisian town of Sidi Bouzid set himself on fire, which in turn sparked a series of peaceful protests that overthrew the long-ruling dictator in that country—starting the Arab Spring. But as the winds of change sweep across north Africa and the Middle East, ousting some of the world's most entrenched regimes, it is important for us to remember that there remains one last dictatorship in Europe; that is, the Lukashenko regime in Belarus.

Despite the extraordinary changes taking place around the world, the Lukashenko regime has sustained, and even intensified, its crackdown against its own people. This is a regime that recently outlawed nearly all forms of public speech and peaceful assembly, including silent protest. It is a regime that, instead of responding to the legitimate demands of its people, has sought to cultivate close ties with other dictatorships, like the regime in Tehran. It is a regime that, according to reports, delivered military equipment to the Qadhafi regime in Libya in February 2011 just as it prepared to slaughter its own people.

Over the past year, I have been encouraged by the close cooperation between the United States and the European Union to hold accountable those in Belarus who are responsible for the brutal crackdown there. Continued transatlantic coordination on Belarus is vital. The Euro-Atlantic community of democracies must speak with one voice to ratchet up pressure on Lukashenko. And while the United States and the EU have taken strong and important steps, including imposing travel bans on nearly 200 Belarusian officials, freezing the assets that these officials hold in the West, and both renewing and imposing new sanctions on Belarusian state-owned enterprises, more can be done.

In particular, I hope that in the weeks ahead, the United States and the EU will implement sanctions against other state-owned entities that enrich the Lukashenko regime at the expense of the Belarusian people.

Furthermore, it is critical that at a moment when the Lukashenko regime is looking for a financial lifeline to keep himself in power, the United States and our allies work together to ensure that responsible international institutions and actors—including the IMF—do not lend money to that regime. It is clear—as we have seen over the past 2 years—that such funds will only be used by Lukashenko to prop up his illegitimate and repressive rule. And I continue to urge our own government to state publicly that the United States will not support any further IMF assistance to Belarus until we see credible political and economic reforms by Belarusian authorities, beginning with the immediate and unconditional release of all political prisoners in Belarus.

At the same time we are shocked and appalled by the cruelty and thuggishness of the Lukashenko regime, we should also take note of the remarkable courage and perseverance of the Belarusian people, who press on in their struggle for greater freedom and opportunity.

Over the past year, I have been honored to meet with Belarusian opposition leaders and activists. These conversations have been extremely powerful, as I have heard directly from the men and women who are facing repression on the front lines and looking for help from us in their noble struggle.

Today, I join my colleagues in saying to the brave people in Belarus who are striving to secure their fundamental freedoms: We have not and will not forget about you and your important cause. We remember your names. We will stand in solidarity with you and in support of you until you achieve your goal, which is a free and democratic Belarus. And we believe more than ever that the day will come when Belarus will be free.

The extraordinary revolutions that are taking place across the Middle East and north Africa should remind us all that the United States does best in the world when we stand with our values and the people who share them. And there is much we can do to help the Belarusian people.

To begin with, we must work with our European allies to ensure that the financial and technical assistance we have pledged to the Belarusian opposition is disbursed and implemented as quickly as possible, particularly for groups operating inside of Belarus. And we in Washington must continue to engage with the Belarusian opposition and its emerging leaders, and lend them our support.

Let me conclude by saying that I do not know when Belarus will be free, but I have no doubt that someday it will be free. I am confident that the future of Belarus belongs not to Lukashenko and his thugs but to the Belarusian people.

Indeed, the future of Belarus belongs to the dissidents who are in jail or who are being harassed—to Ales Byalitski, the founder of Belarus' largest human rights organization who recently celebrated his 49th birthday in prison. It belongs to Alyaksandr Klaskouski, a 33-year-old former traffic police officer in Minsk who pleaded with security forces on December 19 not to use force against peaceful protestors and who himself stood between riot police and unarmed protestors. He, too, is now serving time in a maximum security prison for his efforts. The future of Belarus belongs also to Natalia Kaliada, the director of the Belarus Free Theatre, who was arrested on December 19 but continues to press on in her work—to fight dictatorship with art. Natalia does this, as she put it in January when she testified before the Senate Foreign Relations Committee, because ''we want our spectators to think. When people start thinking, this is the most terrifying thing for a dictator.''

The future of Belarus belongs to every Belarusian who seeks a brighter future for their country—a future of democracy and opportunity. And we stand with them in their cause on this anniversary of the December 19, 2010, election—and on every anniversary to come, until Belarus is free.

TRIBUTE TO MARK JICKLING, CRS

Mr. JOHNSON of South Dakota. Mr. President, I want to recognize Mark Jickling, a dedicated public servant who has served as a financial economist with the Congressional Research Service and is retiring after nearly 33 years of providing expert analyses to the U.S. Congress on economic, finance and securities matters. He is widely respected in the Senate and House of Representatives, as well as among his CRS colleagues, for his broad knowledge and insights into financial and economic matters as well as his professionalism and collegiality. Thanks to his dedicated efforts, Congress has been better informed as it has sought to find legislative solutions to many of the issues facing the United States financial system.

Mr. Jickling graduated from the University of California at Berkeley and started work at the Library of Congress part-time with the Collections Management Division. His dedication and intellect led to his becoming an expert in economic matters about which he consistently delivered comprehensive, insightful and helpful analyses. He rose through the ranks to become an economist reaching the level of specialist, the highest level of analyst at CRS. He headed the Banking, Insurance, Securities and Macroeconomic Policy Section in the Government and Finance Division of CRS from 2005 to 2007, in which he oversaw the work of a dozen other analysts and specialists. He is the author or co-author of 100 CRS reports and countless confidential memos.

Mr. Jickling has worked on some of the most significant securities and banking issues facing the country. He wrote the first CRS reports on the impacts of the September 11 attacks on the markets and on the Enron scandal. At that time, he also coordinated CRS' internal ''Enron group.'' He assisted senior Congressional staff as they formulated legislative responses to the corporate accountability scandals.

From the onset of the recent financial crisis, Mr. Jickling has been instrumental in assisting Congress as we addressed the serious banking and market problems facing the country. He provided expert analysis on a daily basis to the Banking Committee and to others in Congress on housing finance, non-bank financial intermediation, financial derivatives, exotic financial products and markets, and many other issues. His dedication was shown by his working nights and weekends during this period. He significantly contributed to the quality of legislation that ultimately was enacted and cooperated effectively with Members and their staffs to produce the legislation. He was exactly the right person at the right time.

Mr. Jickling retires from the CRS having set a standard of superior service and having assisted a generation of CRS analysts in developing their skills. He leaves CRS to spend more time with his family and pursue some of his other interests, including the professional performance of music. His many accomplishments will remain a fitting tribute to his career and character.

Mr. Jickling will be greatly missed. I wish him and his family all the best in the future.

TRIBUTE TO DON DIXON

Mr. CRAPO. Mr. President, I rise today to recognize and honor Don Dixon, who is retiring from Senate service. Don has been a trusted advisor and dear friend for many years.

Approximately 15 years ago, I was blessed to have Don join my staff as my State director of agriculture. He

brought to the position his experience as a farmer and his sincere dedication to solving challenges facing the agricultural community. Throughout his Senate service, Don has covered thousands of miles and spent countless hours meeting with constituents and ensuring that their concerns and interests are properly addressed. It has been said that anytime two farmers meet in Idaho, Don is there. This illustration, while not too far from the truth, emphasizes Don's deep personal commitment to ensuring sound representation of Idaho agriculture. For example, he has assisted with multiple farm bills, gathering input from Idahoans to craft the best policy possible, contributing throughout the drafting and providing information to farmers and ranchers when the laws were enacted. He sacrificed weeks with his family when he stayed in Washington, DC, to assist with the crafting of the 2002 farm bill. I have always been able to count on Don to literally go the extra mile for constituents.

Don's dedication and exemplary service led to his appointment to serve as the Idaho State executive director of the U.S. Department of Agriculture's Farm Service Agency, FSA. While this appointment, unfortunately, led to Don leaving my staff for the first time in 2007, his work on behalf of the agricultural community during his time at FSA and his return to Senate service were welcomed. I feel blessed to have once again benefited from his on-the-ground knowledge of production and agricultural policy for the past 3 years.

His enthusiasm and sincere desire to do all that he can for people are part of what make Don exceptional. His unsurpassed energy, faith, and optimism also set him apart. The humor and get-up-and-go Don brings to any challenge has enabled many accomplishments for Idahoans, and Don is widely respected for his integrity and devotion to achieving results.

Although for many, retirement provides time to slow down and relax, knowing Don, he will likely work as hard in his retirement as he does on the job. ''Idle'' is not a word in Don's vocabulary. However, I hope that retirement provides Don with more time to spend with his family whom he loves so much: his wonderful wife Georgia; his children Lucinda, ''Cindy,'' Lorin, Paul, and Tobin; eight grandchildren; and six great-grandchildren. Lucky for me, Don is also one of my neighbors in my hometown of Idaho Falls, so I hope to see him often. We have shared many laughs over the years, and I look forward to sharing many more.

Don, you are model public servant, and I feel very fortunate to have benefitted from your wise counsel and hard work for so many years. I wish you the happy retirement you so greatly deserve for your years of dedicated service. Don, thank you for all that you have done on behalf of Idahoans.

ADDITIONAL STATEMENTS

TRIBUTE TO FRANKLIN OTIS CARROLL

• Mr. JOHNSON of South Dakota. Mr. President, I rise today to recognize and honor the public service of Mr. Franklin Otis Carroll, who is retiring from the U.S. Forest Service after 45 years of dedicated service to protecting our Nation's natural resources.

Frank was born on September 18, 1952, to Franklin and Betty Carroll, in Flagstaff, AZ. Blessed with a gift for expressing his opinion, Frank believed early in life that he was destined to pursue a career in the legal profession. But as he worked to pay for school, he took a job with the National Park Service as a firefighter at southern Arizona's Saguaro National Monument. From then on, he sought to follow in his father's footsteps and care for the lands we all enjoy. He has since served in four National Parks and in Forest Service Regions 2, 3, and 4—travelling from Arizona to Idaho to Minnesota before settling in the Black Hills of South Dakota.

Frank earned a degree in history and English at the University of New Mexico and a Masters Degree in Public Administration at Boise State. He and Audrey, his wife of nearly 34 years, raised three girls—Jessica, Lauren and Merri—and are looking forward to spending more time with their seven grandchildren.

Over the years, Frank has worked tirelessly to protect our public lands, first working on hand crews, then working his way up the ranks to becoming a top level fire boss. He has been a respected spokesman for forest health and land management practices that keep our lands green as we battle the Mountain Pine Beetle. Proactive in educating the public about our lands, Frank is the first person to pick up the phone to explain what is happening in the forest. During his tenure, Frank has built lifelong friendships with a wide variety of folks that continue to this day.

Rick Cables, a former Regional Forester for Region 2 who has known Frank for 35 years, describes Frank as, ''one of the most passionate and dedicated individuals in protecting our public lands that I have ever known. He is a talented communicator whose unique gift for communicating allows him to convey complex forest issues in simple terms so all can understand. When the Black Hills National Forest was looking to establish its new Forest Advisory Board, I could think of no one better to help in the process. I remember telling the supervisor at the time, John Twiss, he's someone that will push you harder to communicate more than you may want.''

Frank's life work has been the protection of public lands and he has done so with an intense love of the places where he lives. It is because of the work of people like Frank Carroll that the forest industry continues to thrive and maintain its crucial role throughout South Dakota.

I am proud to recognize and honor Frank's service to the United States Forest Service and am delighted to join with his family and friends in congratulating him on his retirement. I wish Frank and Audrey all the best as they begin a new chapter in their lives.•

REMEMBERING VIRGINIA GABRIEL

• Mr. LIEBERMAN. Mr. President, today I wish to pay tribute to Virginia Gabriel of Clarks Summit, PA, who passed away on September 26, 2011, at the age of 93. To those who knew and loved her, she will forever remain an inspiration, a motivator, and a role model.

It is no coincidence that Virginia was born into what has been called the greatest generation. Like so many others of her generation, she and her husband Steven responded when the country called on them during a time of great need. Their commitment to the Nation was visible on the day of their wedding. As they exchanged their vows on the altar, Steven's Navy unit waited outside for the ceremony to end, at which point he joined them and together they departed for their assignment, which ultimately took them to the Pacific theater. Like Steven, Virginia also engendered a sense of social responsibility towards our Nation. Remaining stateside during World War II, Virginia did what she could to help in the war effort. This commitment to help our Nation took her to Bridgeport, CT, where she secretly worked at the Singer sewing machine factory throughout the war manufacturing bomber sights for American aircraft.

Beyond Virginia's devotion to our country in its time of need, she will always be remembered for her abiding commitment to her family and by those who profited from her presence. She made life better for everyone around her by lifting their spirits through her kindness, generosity, laughter, and memorable smile. Her love of family and their awareness of that love was an incalculable source of strength which propelled them forward every day. Evoking the same sentiment that Senator Edward Kennedy had for his brother Robert, Virginia provided strength in time of trouble, wisdom in time of uncertainty, and sharing in time of happiness. The manner in which Virginia lived her life, and expected her family to live theirs, leaves behind a legacy that ensures she will always be by their side.•

RECOGNIZING KAKE, ALASKA

• Ms. MURKOWSKI. Mr. President, today I wish to celebrate 100 years of Kake, AK, as an incorporated first-class city. Kake Day, on January 8, 2012, will acknowledge the community's accomplishments, ranging from

government to education, as well as recognize the village as a Native community rich with history of the Kake Tlingit ways.

The Tlingit people have inhabited the region of Kake for thousands of years, controlling the trade routes around Kuiu and Kupreanof islands, enjoying the territory, raising families, and living off the land. The Tlingit of the Kake region gained a reputation among early explorers as being strong and powerful. Some encounters with early European and American explorers have been documented by historians as resulting in occasional skirmishes.

In the early part of the 20th century, Kake began to physically transform. Stores were built, a government school was installed, and a post office was established in 1904. Kake also became the first Native village to organize under Federal law, resulting in U.S. citizenship for community residents. In 1912, Kake was incorporated as a first-class city government in the territory of Alaska. This event is now known as Kake Day, and it is the 100th anniversary of that event that I wish to commemorate today.

Kake Day is not only a celebration of past accomplishments but also a celebration of the history of the Kake Tlingit ways. Kake has blended Western ways and the rich cultural traditions of its past to make Kake into the city it is today.

Recognized tribes—the Organized Village of Kake and the Central Council Tlingit and Haida Indian Tribes of Alaska—are essential components of Kake, alongside entities such as the Inside Passage Electric Cooperative. Important food sources link the old and the new ways of life, including salmon, halibut, shellfish, deer, bear, waterfowl, and berries.

Nearby, standing on a bluff overlooking Kake, is the world's largest totem pole, which serves as a reminder of the city's history and as a guide moving into the future. Standing at 132 feet, this properly sanctioned totem pole was carved by the Chilkats in 1967 for Alaska's centennial.

On the 100 year celebration of Kake Day, Alaskans will enjoy a parade, a protocol workshop, and song and dance featuring Keex' Kwan dancers. I am sure the event will be memorable for all involved.●

TRIBUTE TO LEE OSTERHOLM

● Mr. TESTER. Mr. President, today I wish to discuss the life of a great American, a fellow Montanan, and a true patriot who served his country proudly in World War II, Army SGT Lee Osterholm, a native of Butte, MT.

Born on April 24, 1919, Lee served in the Border Patrol in Texas prior to World War II. When our country was thrust into war, Lee answered the call of duty, enlisting in the U.S. Army on March 8, 1943, and was soon on the battlefields of Central Europe fighting for our very freedom.

Between 1943 and 1945 Lee's unwavering commitment to duty and courage under fire was evident as he led men into combat throughout the European theater and performed superbly in both the U.S. Army and U.S. Army Air Corps. Sadly he never received the recognition he deserved once the war ended and he was discharged on February 9, 1946.

Over 65 years later, his country is finally recognizing Lee's accomplishments by awarding him the Bronze Star posthumously. I ask unanimous consent that the citation to accompany this award be printed in the RECORD.●

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

The Bronze Star Medal is awarded to Sergeant Lee Osterholm, United States Army, Service Number 39–616–345: ''For exceptionally meritorious achievement in ground operations against hostile forces while assigned as Reconnaissance Sergeant, Company H, 387th Infantry Regiment, 97th Infantry Division, in the Central Europe Campaign, World War II. Sergeant Lee Osterholm's outstanding performance of duty, technical expertise, and unwavering commitment to mission accomplishment in ground combat in an active war zone were vital to successful combat operations in the Central Europe Campaign. His contributions and dedication to duty are in keeping with the finest traditions of the United States Army and reflect great credit upon himself, the 97th Infantry Division, and the United States Army in World War II.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

At 4:47 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, with amendment, in which it requests the concurrence of the Senate:

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

At 5:33 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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 94. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 16, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H. J. Res. 94. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

The enrolled joint resolution was subsequently signed subsequent to adjournment by the Acting President pro tempore (Mr. REID).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3094. An act to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 16, 2011, she had presented to the President of the United States the following enrolled bill:

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.

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–4354. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to test and evaluation budgets that are not certified by the Director, Test Resource Management Center (TRMC), to be adequate by March 31 of the year preceding the fiscal year for which such budgets are proposed; to the Committee on Armed Services.

EC–4355. A communication from the Acting Under Secretary of Defense (Acquisition,

Technology and Logistics), transmitting, pursuant to law, a report indicating that a report relative to the Department of Defense's purchases from foreign entities for fiscal year 2011 is not yet available and is expected to be submitted by April 2012; to the Committee on Armed Services.

EC–4356. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments'' (RIN2506–AC29) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4357. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Homeless Emergency Assistance and Rapid Transition to Housing: Defining 'Homeless' '' (RIN2506–AC26) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4358. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification of Part 23 Turbofan—and Turbojet-Powered Airplanes and Miscellaneous Amendments'' ((RIN2120–AJ22)(Docket No. FAA–2009–0738)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4359. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Various Airworthiness Standards for Transport Category Airplanes—Flight Rules'' ((RIN2120–AJ72)(Docket No. FAA–2010–0310)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4360. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures'' ((RIN2120–AJ52)(Docket No. FAA–2009–0660)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4361. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Evansville, IN'' ((RIN2120–AA66)(Docket No. FAA–2011–0429)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4362. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Driggs, ID'' ((RIN2120–AA66)(Docket No. FAA–2011–0837)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4363. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0971)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4364. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (139); Amdt. No. 3452'' (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4365. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (50); Amdt. No. 3453'' (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4366. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (36); Amdt. No. 3454'' (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4367. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (27); Amdt. No. 3455'' (RIN2120–AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4368. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Alternate Passenger Rail Service Pilot Program'' (RIN2130–AC19) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4369. A communication from the Attorney Advisor, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Transportation in the position of Under Secretary of Transportation for Policy, received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4370. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''The National Initiative for Increasing Seat Belt Use: Buckle Up America Campaign''; to the Committee on Commerce, Science, and Transportation.

EC–4371. A communication from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Business Investment Program'' (RIN0570–AA80) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4372. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Golden Parachute and Indemnification Payments; Technical Correction'' (RIN3133–AD73) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4373. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Community Development Revolving Loan Fund Access for Credit Unions'' (RIN3133–AD91) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4374. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''National Environmental Policy Act Compliance for Proposed Tower Registrations; Effects of Communications Towers on Migratory Birds'' (FCC 11–181) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4375. A joint communication from the Chairman of the House Committee on Transportation and Infrastructure, Chairman of the House Committee on Oversight and Government Reform, Chairman of the House Subcommittee on Investigations and Oversight, and Chairman of the House Subcommittee on National Security, Homeland Defense and Foreign Operations, transmitting a report entitled ''A Decade Later: A Call for TSA Reform''; to the Committee on Commerce, Science, and Transportation.

EC–4376. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1031)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4377. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR–GIE Avions de Transport Regional Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0721)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4378. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0716)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4379. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211–524G2–19; –524G2–T–19; –524G3–19; –524G3–T–19; 524H2–19; –524H2–T–19; –524H–36; and –524H–T–36 Turbofan'' ((RIN2120–AA64)(Docket No. FAA–2011–1109)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4380. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1159)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4381. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1232)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4382. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Blythe, CA'' ((RIN2120–AA66) (Docket No. FAA–2011–0585)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4383. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Luray, VA'' ((RIN2120–AA66) (Docket No. FAA–2011–0785)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4384. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Environment and Public Works.

EC–4385. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Standard Mileage Rates'' (Notice 2012–1) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Finance.

EC–4386. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recurring Item Exception to the Economic Performance Requirement'' (Rev. Rul. 2012–1) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Finance.

EC–4387. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment involving the transfer of F–110–GE–132 jet engines to the United Arab Emirates in the amount of $14,000,000 or more; to the Committee on Foreign Relations.

EC–4388. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of defense articles, to include technical and defense services to the Netherlands related to Airframe Doors, Weapons Bay Doors, Engine Inlet Duct Skins and Engine Inlet Duct Assemblies of the F-35 Joint Strike Fighter aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4389. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the design, development, testing and qualification of weapon kits to be installed on UH-60M helicopters owned and operated by the Armed Forces of the United Arab Emirates in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4390. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, inspection, and test of F404–GE–102 aircraft engines in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4391. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category XIX in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–4392. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category VII in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–4393. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services for the NATO Active Layered Theatre Ballistic Missile Defence Systems Engineering and Integration Contract in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4394. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Establishment of Consumer Operated and Oriented Plan (CO OP) Program'' (RIN0938–AQ98) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4395. A communication from the Associate General Counsel for General Law, Office of General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer, Department of Homeland Security, received in the Office of the President of the Senate on December 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4396. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4397. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, the audit report for fiscal years 2010 and 2011 financial statements; to the Committee on Homeland Security and Governmental Affairs.

EC–4398. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Ezogabine into Schedule V'' (Docket No. DEA–354) received in the Office of the President of the Senate on December 16, 2011; to the Committee on the Judiciary.

EC–4399. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Temporary Placement of Carisoprodol'' (Docket No. DEA–333) received in the Office of the President of the Senate on December 16, 2011; to the Committee on the Judiciary.

EC–4400. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the first quarter of fiscal year 2011 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CASEY, from the Joint Economic Committee:

Special Report entitled ''The 2011 Joint Economic Report'' (Rept. No. 112–101).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1134. A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

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. DEMINT:

S. 2008. A bill to repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 2009. A bill to improve the administration of programs in the insular areas, and for other purposes; considered and passed.

By Mr. KERRY (for himself and Ms. COLLINS):

S. 2010. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. FRANKEN, Mr. MENENDEZ, Mrs. BOXER, and Mr. BROWN of Ohio):

S. 2011. A bill to amend title 49, United States Code, to provide certain port authorities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 2012. A bill to require that labels on children's sleepwear that indicate the sleepwear is flame resistant to include the chemical name of the flame retardant used, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 2013. A bill to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States; to the Committee on Armed Services.

By Mr. AKAKA:

S. 2014. A bill to reform the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself and Mr. BARRASSO):

S. 2015. A bill to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 2016. A bill to amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARDIN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2017. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. BLUMENTHAL):

S. 2018. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2019. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to reduce helicopter noise pollution in certain residential areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 2020. A bill to protect all school children against harmful and life-threatening seclusion and restraint practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. 2021. A bill to nullify certain regulations regarding the mandatory replacement of certain traffic signs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. WICKER):

S. 2022. A bill to establish a demonstration program to test the viability of community integrated small-house nursing care homes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2023. A bill to establish a safety performance rating system for motorcoach services and operations; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 2024. A bill to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. MORAN:

S. 2025. A bill to postpone the remapping of areas protected by certain levees for purposes of the National Flood Insurance Act of 1968, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 2026. A bill to ensure that representative payees under the Social Security program are subject to criminal background checks; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. PORTMAN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Florida (Mr. NELSON), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. ROBERTS) and the Senator from Rhode Island (Mr. REED) 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. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 707

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. COONS), the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 1096

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1318

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1318, a bill to enhance pre- and post-adoptive support services.

S. 1403

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1403, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from California (Mrs. BOXER) 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. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1833

At the request of Mr. MANCHIN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor 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 Rhode Island

(Mr. REED) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1941

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1941, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1961

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. 1988

At the request of Mr. BLUNT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of 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.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2003

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and congratulating Girl Scouts of the USA on its 100th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2014. A bill to reform the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing the Postal Investment Act of 2011 which lays out many ideas to help strengthen the United States Postal Service through investment and innovation.

For many years, I have been an advocate for the Postal Service, its workers, and importantly, postal customers. The Postal Service represents a multibillion dollar industry on which all Americans rely for delivery of mail and packages. Unfortunately, in recent years, the downturn in the overall economy has negatively impacted the postal business, exacerbating a decline in the mail because of electronic diversion.

The 21st Century Postal Service Act, S. 1789, passed in November by the Homeland Security and Governmental Affairs Committee, contains many needed postal reforms and sensible compromises. Unfortunately, that bill also contained an unrelated measure reducing benefits for disabled and injured federal workers. As Chairman of the Federal Workforce Subcommittee, this issue concerned me enough that I had to vote against reporting the bill to the full Senate. However, I did think the bill contained important provisions that will help the Postal Service and I look forward to further debate. I am introducing the Postal Investment Act to add to that conversation. While this bill is not a comprehensive approach that can rescue the Postal Service on its own, it represents several new ideas that have not yet been debated.

Since 2006, we have required the Postal Service to pay roughly $5 billion per year in to an account to prefund its retiree health benefit liability. This is a payment that no other agency, and few private sector companies, must make. While prefunding this liability was a worthy goal, and it addressed an accounting problem in the Postal Accountability and Enhancement Act of 2006, it is crippling the Postal Service financially. The core of the Postal Investment Act would restructure the retirement health benefit prefunding requirement and allow for the funds set aside against the future liability to be invested in a diverse mix of government and non-government securities, instead of only in government securities as is now the case.

There are promising precedents for investing funds in this way in the Federal Government. In 2001, we passed the Railroad Retirement and Survivors' Improvement Act, which created a trust fund to invest railroad employee retirement assets in non-government securities. Assets of the Pension Benefit Guaranty Corporation also are invested in a diversified manner. Even in the turbulent economic times of the past few years, these funds have seen healthy returns on average, at a much higher rate than government securities alone.

I want to emphasize that the funds invested are there to cover a future liability to provide benefits to workers, some of whom have not been hired yet. Because of the long time horizon and significant assets of this fund, I believe that diversifying its investment would mean positive growth for the fund over time, and would bring it in line with many private sector retirement accounts. If we want the Postal Service to act more like a business, we could start by allowing it similar flexibility.

In addition to investing the fund, my bill would also suspend payments to the prefunding account in any years in which the Postal Service does not have the profits to invest. Unfortunately, under current law, the fund which was set up to insure against future default of the Postal Service is the very thing putting the Postal Service on the brink of default. I believe this new approach is a responsible way forward, which also recognizes the legitimate goal of prefunding this liability over a longer term.

Just as importantly, the Postal Service needs more flexibility in its business model to innovate. My bill contains several provisions to accelerate innovation in the Postal Service's products. Many of these are based on recommendations provided to Congress in a Postal Regulatory Commission, PRC, report released earlier this year. The bill would allow for pricing flexibilities for increased premium services subject to performance requirements. It would also explicitly allow the Postal Service, through the PRC, to create new classes of mail to meet evolving customer demands. For instance, there may be a market for a product with the speed of first class mail, but with none of the additional services that are part of first class. The bill also encourages the further development of experimental products to find new sources of revenue.

In order to create more accountability for product innovation, the bill would require the Postmaster General to designate a Chief Product Innovation officer to come up with new ideas and keep the public better informed of what the Postal Service is doing to find new products and services. My bill would also require more focus on retaining revenues for existing products by reducing uncollected postage.

Finally, my bill contains several provisions related to the postal workforce. Like several other proposals introduced already, the bill would allow the Postal Service access to excess payments it has made over the years to the Federal Employee Retirement System. It would use those funds first to offer voluntary retirement incentives to employees to help right-size the workforce.

The bill also contains a provision which was developed after we were informed that postal workers may not be taking full advantage of the benefits of Medicare after they reach the age of eligibility. The 21st Century Postal Service Act originally contained a provision which would have shifted costs from the Postal Service to the Medicare program and postal retirees by requiring eligible retirees to sign up for Medicare Parts A and B, and reducing the Federal Employees Health Benefit package available to them. Instead, my bill would ask the Postal Service to work with the Office of Personnel Management and the Center for Medicare and Medicaid Services to educate the postal workforce about how the Medicare program can work to enhance their existing health benefits.

To address concerns that have been expressed about how the Postal Service works with its employee unions and management organizations on collective bargaining and consultation rights, the Postal Innovation Act offers ways to strengthen these relationships. It contains a provision clarifying arbitrators' broad authority to consider the factors he or she deems relevant should collective bargaining with a union fail. It also contains a provision clarifying the consultation process for managers, supervisors, and postmasters. In the case of labor and management agreeing to any future workforce reductions, the bill also clarifies that the process would be subject to existing procedures for other Federal employees.

Additionally, as the postal workforce has begun making concessions on pay and benefits and other contributions to the organization's solvency, this bill contains a provision intended to ensure that those at the very top of the Postal Service share in the sacrifice. This provision is modeled on an amendment drafted by Senator TESTER that was discussed but never settled on during Committee consideration of postal reform legislation. Currently, the Postmaster General and several other top executives at the Postal Service make more than $200,000 per year, in addition to bonuses, deferred compensation, and other benefits. I believe that running the Postal Service is public service, and the Postal Service simply cannot afford to treat the top management like corporate executives, especially when postal employees and so many other Americans face pay freezes. As important as his duties are, I believe it is wrong for the Postmaster General to be paid more than the Secretary of Defense. My bill would tie the top pay at the Postal Service to the Executive Level schedule used to determine pay for Federal executives.

I believe that the provisions I have outlined in this bill will serve as important ideas as we move forward with comprehensive postal reform. It is my sincere hope that we can work out our differences on the 21st Century Postal Service Act, which would be a workable proposal to address the future of the Postal Service without its flawed workforce provisions.

As we continue this debate, I hope to offer these ideas as ways to further strengthen the Postal Service and show my commitment to preserving that service for all Americans well into the future. I ask my colleagues to consider the proposals I have put forward and work with me and all members who have their own proposals to help enact lasting improvements for the United States Postal Service.

By Mr. WYDEN:

S. 2016. A bill to amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, over the last 10 months, I have been working with a diverse group of people in my State on ways to get healthier food and more local agricultural products to consumers throughout the country. Our group included folks from every part of the State, from gleaners to cattle ranchers to pear growers. Today, I am introducing legislation based on my discussions with that agricultural advisory group. What we came up with is a series of proposals that I believe will create agricultural jobs, increase access to healthy locally grown fruits and vegetables and reduce paperwork for small farmers while improving access to Federal loans.

This legislation, the Fresh Regional Eating for Schools and Health Act, or FRESH, will provide healthier choices for recipients of Federal programs, push the U.S. Department of Agriculture's, USDA's, technology agenda forward, increase flexibility for State and local stakeholders, and provide better tools for small and beginning farmers.

For too long, the Federal Government has pushed one size fits all solutions when it comes to nutrition and school lunches. That is why this bill allows States to put forward innovative approaches to increase nutrition outcomes for Supplemental Nutrition Assistance Program, SNAP, beneficiaries. Let me make it clear: under this waiver, no benefits will be reduced, and eligibility requirements will not be changed. But States will be allowed to provide incentives for eating healthy for SNAP recipients, and help those folks meet the nutritional guidelines the Federal Government has put out.

Another area where flexibility is needed is in the school lunch program. Right now, over $1 billion goes to Oregon schools to purchase food for school lunches from a USDA commodity warehouse. Meanwhile, I have heard time and time again from school lunch administrators in Oregon that they would prefer to use that money locally to purchase the healthy fruits and vegetables that are so plentiful in our State. This bill would give them the flexibility to use half of what they now get from USDA to buy local agriculture products. This approach not only enables schools to buy healthier food for their students but also helps keep that money in their local economy and support the family farmers down the road.

This bill also moves USDA nutrition programs into the 21st century when it comes to technology. It would push USDA to allow using smartphones and tablet technology to accept SNAP benefits, just as they can accept debit and credit cards today. This will open up access for SNAP beneficiaries to roadside food stands and farmers markets, and encourage innovation within the agency. SNAP recipients would also be allowed to use online grocery stores to purchase foods—a hugely helpful option for busy moms or elderly folks for whom a grocery store is just too hard to get to. For the WIC program, state agencies will be allowed to use technologies like videoconferencing to keep costs low when it comes to training and certification, particularly for stores in rural areas.

Folks will also get a better sense of how the over $70 billion a year taxpayers fund SNAP with is being spent if this bill passes. It requires companies that take in over $1 million a year from the SNAP program to provide the Federal Government with a receipt of just what they have provided.

For small farmers, this bill suspends the 15-year limit for farmers to use FSA-guaranteed operating loans and the 7-year limit for them to use FSA direct operating loans. By suspending these time limits indefinitely, farmers will have more access to these critical capital tools. It includes creation of a streamlined micro-loan program that will allow small farmers who just need a quick loan to repair their truck or buy some feed to borrow up to $5,000 on an expedited basis and with reduced paperwork.

For beginning farmers, this legislation provides an alternative to the requirement that they need three years of farm management experience to get direct loans to buy farm lands. Instead, it allows the completion of college degrees related to business and agriculture to be considered a substitute for hands-on experience. For example, Horticulture or Agricultural Business Management degrees would be acceptable as an alternative. This will give young folks more opportunities to get the capital needed to start a farm.

I am really proud of the efforts the Oregonians on my agricultural advisory committee made in helping provide common sense solutions for nutrition and farming programs. I want to thank them for helping to create these

proposals, and I am going to work hard with my colleagues on both sides of the aisle as we move to the next farm bill to include these ideas.

By Mr. CARDIN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2017. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am pleased to introduce the Democracy Restoration Act. The Democracy Restoration Act, or DRA, had been introduced in previous Congresses by former Senator Russ Feingold of Wisconsin and I am proud to follow his example. I want to thank Senator DURBIN for joining me as an original co-sponsor of this legislation.

As the late Senator Kennedy often said, civil rights is the ''unfinished business'' of America. The Democracy Restoration Act would restore voting rights in federal elections to approximately 5 million Americans who have been released from prison and are back living in their communities.

After the Civil War, Congress enacted and the states ratified the Fifteenth Amendment, which provides that ''the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.''

Unfortunately, many states passed laws during the Jim Crow period after the Civil War to make it more difficult for newly-freed slaves to vote in elections. Such laws included poll taxes, literacy tests, and disenfranchisement measures. Some disenfranchisement measures applied to misdemeanor convictions and in practice could result in lifetime disenfranchisement, even for individuals that successfully reintegrated into their communities as law-abiding citizens.

It took Congress and the states nearly another century to eliminate the poll tax, upon the ratification of the Twenty-Fourth Amendment in 1964. The Amendment provides that ''the rights of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.''

Shortly thereafter Congress enacted the Voting Rights Act of 1965, which swept away numerous State laws and procedures that had denied African-Americans and other minorities their constitutional right to vote. For example, the Act outlawed the use of literacy or history tests that voters had to pass before registering to vote or casting their ballot. The act specifically prohibits states from imposing any ''voting qualification or prerequisite to voting, or standard, practice, or procedure . . . to deny or abridge the right of any citizen of the United States to vote on account of race or color.'' Congress overwhelmingly reauthorized the Act in 2006, which was signed into law by President George W. Bush.

In 2011, I am concerned that there are still several areas where the legacy of Jim Crow laws and state disenfranchisement statutes lead to unfairness in Federal elections. First, state laws governing the restoration of voting rights vary widely throughout the country, such that persons in some States can easily regain their voting rights, while in other States persons effectively lose their right to vote permanently. Second, these state disenfranchisement laws have a disproportionate impact on racial and ethnic minorities. Third, this patchwork of state laws results in the lack of a uniform standard for eligibility to vote in Federal elections, and leads to an unfair disparity and unequal participation in Federal elections based solely on where an individual lives.

In 35 States, convicted individuals may not vote while they are on parole. In 10 States, a conviction can result in life-time disenfranchisement. Several States requires prisoners to seek discretionary pardons from Governors, or action by the parole or pardon board, in order to regain their right to vote. Several States deny the right to vote to individuals convicted of certain misdemeanors. States are slowly moving or repeal or loosen many of these barriers to voting for ex-prisoners. But studies show that a growing number of African-American men, for example, will be disenfranchised at some point in their life, partly due to mandatory minimum sentencing laws that have a disproportionate impact on minorities. Congress recently addressed part of this problem by enacting the Fair Sentencing Act to partially reduce the sentencing disparity between crack cocaine and powder cocaine convictions. While I welcome these steps, I believe that Congress should take stronger action now to remedy this problem.

The legislation would restore voting rights to prisoners after their release from incarceration. It requires that prisons receiving federal funds notify people about their right to vote in federal elections when they are leaving prison, sentenced to probation, or convicted of a misdemeanor. The bill authorizes the Department of Justice and individuals harmed by violation of this Act to sue to enforce its provisions. The bill generally provides State election officials with a grace period to resolve voter eligibility complaints without a lawsuit before an election.

The legislation is narrowly crafted to apply to federal elections, and retains the States' authorities to generally establish voting qualifications. This legislation is therefore consistent with Congressional authority under the Constitution and voting rights statutes, as interpreted by the U.S. Supreme Court.

I am pleased that this legislation has been endorsed by a large coalition of public interest organizations, including: civil rights and reform organizations; religious and faith-based organizations; and law enforcement and criminal justice organizations. In particular I want to thank the Brennan Center for Justice, the ACLU, the Leadership Conference on Civil and Human Rights, and the NAACP for their work on this legislation.

This legislation is ultimately designed to reduce recidivism rates and help reintegrate ex-prisoners back into society. When prisoners are released, they are expected to obey the law, get a job, and pay taxes as they are rehabilitated and reintegrated into their community. With these responsibilities and obligations of citizenship should also come the rights of citizenship, including the right to vote.

In 2007, President George W. Bush signed the Second Chance Act into law, after overwhelming approval and strong bipartisan support in Congress. The legislation expanded the Prison Re-Entry Initiative, by providing job training, placement services, transitional housing, drug treatment, medical care, and faith-based mentoring. At the signing ceremony, President Bush said: ''We believe that even those who have struggled with a dark past can find brighter days ahead. One way we act on that belief is by helping former prisoners who have paid for their crimes. We help them build new lives as productive members of our society.''

The Democracy Restoration Act is fully consistent with the goals of the Second Chance Act, as Congress and the States seek to reduce recidivism rates, strengthen the quality of life in our communities and make them safer, and reduce the burden on taxpayers.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

DECEMBER 16, 2011.

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, a coalition of civil rights, social and criminal justice, and other legal and advocacy organizations, are writing to urge your support and co-sponsorship of the Democracy Restoration Act of 2011, a bill that seeks to restore voting rights in federal elections to people who are out of prison and living in the community. The current patchwork of laws that disfranchise people with criminal records has created an inconsistent and unfair federal electoral process, perpetuating entrenched racial discrimination. As organizations dedicated to promoting democracy and justice as well as equal rights for all Americans, we strongly support passage of this legislation.

Currently, 5.3 million American citizens are denied the right to vote because they have a criminal conviction in their past. Four million of these people are out of prison, living in the community, paying taxes and raising families; yet they remain disfranchised for years, often decades, and sometimes for life. The United States is one of the few western democratic nations that

excludes such large numbers of people from the democratic process. Congressional action is needed to restore voting rights in federal elections to the millions of Americans who have been released from incarceration, but continue to be denied their ability to fully participate in civic life. Fortunately, Senator Ben Cardin and Representative John Conyers are lead sponsors of the Democracy Restoration Act of 2011, which is intended to address these injustices.

Criminal disfranchisement laws are rooted in the Jim Crow era. They were enacted alongside poll taxes and literacy tests and were intended to keep African Americans from voting. By 1900, 38 states denied voting rights to people with criminal convictions, most of which disfranchised people until they received a pardon. The intended effects of these laws continue to this day. Nationwide 1-3% of African-American men have lost the right to vote. If current incarceration rates continue, three in ten of the next generation of African American men will lose the right to vote at some point in their lifetimes. This racial disparity also impacts the families of those who are disfranchised and the communities in which they reside by diminishing their collective political voice.

In this country, voting is a national symbol of political equality and full citizenship. When a citizen is denied this right and responsibility, his or her standing as a full and equal member of our society is called into question. The responsibilities of citizenship—working, paying taxes and contributing to one's community— are duties conferred upon those reentering society. To further punish individuals who are back in the community by denying them a right of citizenship counters the expectation that citizens have rehabilitated themselves after a conviction. The United States should not be a country where the effects of past mistakes have countless consequences—and no opportunity for redress.

Passage of the Democracy Restoration Act of 2011 will ensure that all Americans living in their communities will have the opportunity to participate in our electoral process. A strong, vibrant democracy requires the broadest possible base of voter participation, and allowing all persons who have completed their prison time to vote is the best way to ensure the greatest level of participation.

We urge you to support the passage of the Democracy Restoration Act of 2011.

If you have any questions, please contact Deborah J. Vagins of the ACLU Washington Legislative Office or Nicole Austin-Hillery of the Brennan Center for Justice.

Sincerely,

American Civil Liberties Union; APIA Vote; Brennan Center for Justice; Center for the Study of the American Electorate; CitiWide Harm Reduction; Commission on Social Action of Reform Judaism; Crossroad Bible Institute; Demos; Desiree Alliance; Drug Policy Alliance; Drug Policy Forum of Hawaii; Fair Elections Legal Network; The Fortune Society's David Rothenberg Center for Public Policy; Illinois Consortium on Drug Policy; International CURE; Law Enforcement Against Prohibition; Lawyers' Committee For Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Maryland CURE; NAACP; NAACP Legal Defense and Educational Fund, Inc.; New Mexico Women's Justice Project; A New PATH (Parents for Addiction Treatment & Healing); North Carolina Harm Reduction Coalition; NORML; The Office of Social Justice, Christian Reformed Church of North America (CRCNA); ProjectVote; Queers for Economic Justice; South Asian Americans Leading Together (SAALT); State Rep. Edward J. Orlett (Ret) -Ohio; StoptheDrugWar.org; The Sentencing Project; Women With A Vision, Inc.

DECEMBER 16, 2011

DEAR MEMBER OF CONGRESS: We, the undersigned religious organizations, reflecting diverse faith traditions, in one voice write to urge you to support and co-sponsor the Democracy Restoration Act, a bill which seeks to restore federal voting rights to millions of Americans living and working in our communities who have been disenfranchised because of a criminal conviction in their past. As people of faith, we believe all people are created in God's image. We are deeply concerned that state disenfranchisement laws continue to deprive our neighbors of their fundamental right to vote and relegate them to second-class citizenship.

From Joseph saving untold numbers from famine, to Peter being the rock upon which Christ's church was built, our scriptures bear powerful witness of the great achievements that can be made by persons who have spent time in prison. It is consistent with the best of our democratic values and our moral heritage to encourage former prisoners to participate constructively with their communities in ways such as voting.

Accordingly, we join the many Americans who believe that continuing to deny the franchise to millions of our fellow citizens who have rejoined our communities is unwise and unjust. Our support for the Democracy Restoration Act rests squarely on our obligation to be merciful and forgiving, our commitment to treat others with the respect and dignity that God's children deserve, and our steadfast belief in the human capacity for redemption.

We applaud your efforts to restore the franchise to persons who have been released from prison, and we urge you to pass the Democracy Restoration Act.

Yours truly,

The Aleph Institute, an organization for Jewish renewal; Christian Reformed Church of North America; Crossroad Bible Institute; Evangelicals for Social Action; The Institute for Prison Ministries at the Billy Graham Center; Masjid An-Nur, an Islamic center in Minneapolis, MN; Mennonite Central Committee; National Advocacy Center of the Sisters of the Good Shepherd; National Hispanic Christian Leadership Conference; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church USA, Office of Public Witness, Washington, DC; Progressive National Baptist Convention, Inc.; Restorative Justice Ministries Network of North America; Sojourners, a Christian ministry based in Washington, DC; United Church of Christ, Justice and Witness Ministries; The United Methodist Church, General Board of Church and Society; Unitarian Universalist Association of Congregations.

DECEMBER 16, 2011

DEAR MEMBER OF CONGRESS: We, the undersigned law enforcement and criminal justice leaders, urge you to support and co-sponsor the Democracy Restoration Act, a bill which seeks to restore federal voting rights to the nearly four million Americans living, working and paying taxes in our communities who have been disenfranchised because of a criminal conviction in their past. We support the restoration of voting rights because continuing to disenfranchise individuals after release from prison is ineffective law enforcement policy and violates core principles of democracy and equality.

There is no credible evidence that denying voting rights to people after release from prison does anything to reduce crime. In our judgment, just the opposite is true. Every year over 600,000 people leave prison. We must find new and effective ways to foster reintegration back into the community and prevent recidivism. We believe that bringing people into the political process makes them stakeholders in the community and helps steer former offenders away from future crimes.

The hallmark of a democratic government is that it reflects the views of the governed, views that are most readily expressed through the ballot box. As law enforcement and criminal justice officials, we are deeply committed to securing our system of American democracy. Carving a segment of the community out of the democratic process is inconsistent with America's best traditions and highest values.

People who commit crimes must and will serve all terms of their sentence. But once the criminal justice system has determined that they are ready to return to the community, they should receive both the rights and responsibilities that come with the status of being a citizen. Restoring the right to vote is simply good law enforcement policy.

To protect basic public safety and strengthen the core of our democracy, we urge you to use your leadership to pass this important legislation.

Sincerely,

American Correctional Association; Association of Paroling Authorities International; American Probation and Parole Association; James H. Austen; Blacks in Law Enforcement of America; Correctional Association of New York; Charles J. Hynes, District Attorney, Kings County, New York; International Community Corrections Association; Doug Jones; Peg Lautenschlager; Jorge Montes, Principal at Montes & Associates; Oklahoma Department of Corrections; Police Foundation; Providence Police Department; Rhode Island Department of Corrections.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2019. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to reduce helicopter noise pollution in certain residential areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Los Angeles Residential Helicopter Noise Relief Act of 2011, which is cosponsored by Senator BOXER.

This legislation is very simple. It directs the Federal Aviation Administration to develop and enforce regulations to control helicopter noise and improve helicopter safety above Los Angeles.

FAA must complete the regulations within three years, in consultation with the local community, and it must include an exemption for public safety aircraft.

The bill is a companion to legislation with the same name introduced by Representative BERMAN.

This legislation is long overdue.

Under current law, helicopter pilots can and do fly practically wherever they want above Los Angeles, and no agency limits their activity.

The Federal Aviation Administration controls our Nation's airspace exclusively, but it imposes no restrictions on helicopter flight paths, elevation, or hovering.

If a helicopter wants to hover over a home in Los Angeles for an hour, it can.

One neighborhood leader told the New York Times this summer that he was afraid of complaining too loudly about the noise helicopters create because he feared helicopter operators would retaliate, legally, by parking over his house.

City officials and State agencies permit the location of helicopter landing pads, but they have absolutely no power to govern what the chopper does once it takes off. They can do nothing to discourage tourist pilots from flying low and banking hard for the promise of a tip.

Bottom Line: This is, for all intents and purposes, an unregulated industry.

This reality is increasingly frustrating to Los Angeles residents who are experiencing what many people say is the most intense period of helicopter use in memory.

Every day brings a steady swarm of helicopters buzzing above Southern California's bedroom communities in what many officials say are greater numbers than ever before.

There are media helicopters, traffic helicopters, tour helicopters, paparazzi and film crew helicopters, corporate helicopters and private commuter helicopters.

Downtown L.A. has a helicopter parking lot in the clouds; helipads lie atop nearly every skyscraper.

But the city's residents may have finally reached their breaking point in July, after two consecutive weekends of extreme helicopter noise.

First, the helicopters hovered for hours on end as Prince William and his new bride, Kate, settled into Hancock Park, a Los Angeles community.

Then, a week later, the helicopters monitoring the impact of closing Interstate 405 were even worse.

Los Angeles resident Sue Rosen told the New York Times that there were, at any given time, at least five helicopters hovering over her house watching the 405. ''The noise was nerve-wracking,'' she said. ''The house was vibrating.''

The same week, a helicopter thumped loudly above the Hollywood Bowl at the exact moment Gustavo Dudamel was leading the Los Angeles Philharmonic through the adagio in the overture to Mozart's ''Abduction From the Seraglio.''

Although the Hollywood Bowl has worked aggressively with helicopter operators to establish a voluntary no-fly zone during concert nights, they have no power to enforce it, and pilots ignore it.

Noise from helicopters above the Hollywood bowl has been so loud some years that the Symphony had to stop playing.

As one pilot explained: the Hollywood Bowl managers ''are always calling the towers telling them to get us away. But they can't do anything.'' Only FAA can act.

Only the FAA has the authority to improve the lives of millions of Californians bothered by helicopters by establishing common sense rules that increase safety and reduce noise.

But to date, FAA leaders have ignored this problem. In fact, FAA has not even tracked noise and annoyance complaints.

This bill directs the FAA to take this matter seriously.

FAA would be required to bring about safer, more pleasant skies above Los Angeles in cooperation with the local communities.

The air above our cities is a common Federal resource that only Congress has the power to protect, and today the air above Los Angeles is polluted with helicopter noise.

This is therefore a very important bill for the quality of life in America's second largest city.

I hope my colleagues will support this legislation and work with us to enact it as part of FAA reauthorization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Los Angeles Residential Helicopter Noise Relief Act of 2011''.

SEC. 2. REGULATIONS TO REDUCE HELICOPTER NOISE POLLUTION IN CERTAIN RESIDENTIAL AREAS.

(a) REGULATIONS REQUIRED.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations for helicopter operations in Los Angeles County, California, that include requirements relating to the flight paths and altitudes associated with such operations to reduce helicopter noise pollution in residential areas, increase safety, and minimize commercial aircraft delays.

(b) EXEMPTIONS.—In prescribing regulations under subsection (a), the Administrator shall exempt helicopter operations related to emergency, law enforcement, or military activities from the requirements described in that subsection.

(c) CONSULTATIONS.—In prescribing regulations under subsection (a), the Administrator shall make reasonable efforts to consult with local communities and local helicopter operators in order to develop regulations that meet the needs of local communities, helicopter operators, and the Federal Aviation Administration.

By Mr. HARKIN.

S. 2020. A bill to protect all school children against harmful and life-threatening seclusion and restraint practices; to the Committee on Health, Education, Labor and Pensions.

Mr. HARKIN. Mr. President, throughout my career in public service I have been committed to ensuring that children in this country receive a quality education. I believe that each child should be educated in a supportive, caring, stimulating environment in which they are treated as an individual and provided with the tools they need to succeed. I also believe no child should be subjected to abusive disciplinary strategies or violent behavioral interventions while in school and no child should be secluded or unnecessarily restrained. I have fought to ensure that all children be treated fairly in schools in this country, and as a result I am pleased to introduce today the Keeping All Students Safe Act. This important legislation will protect school children against ineffective harmful and life-threatening seclusion and restraint practices.

In 2009 the Government Accountability Office conducted a study on seclusion and restraint in schools. This study revealed that although the Children's Health Act of 2000 amended Title V of the Public Health Service Act and regulated the use of seclusion and restraint on residents and children in hospital facilities that receive Federal funds, there was no Federal law restricting the use of seclusion and restraint in schools. In a hearing on May 19, 2009 parents of children who were injured or killed as a result of the use of seclusion and restraint in schools testified before the House Committee on Education and Labor. This testimony from parents highlighted the very real need for this legislation. The Keeping All Students Safe Act addresses many of the concerns raised at that hearing and by the G.A.O. study. The act specifically prohibits seclusion, the use of locked or barred rooms where children are left unattended, without supervision. The act also prohibits mechanical and chemical restraints, physical restraints that are life-threatening, including those that restrict breathing, and aversive behavioral interventions that compromise a student's health and safety.

The G.A.O. study also revealed that restraint and seclusion-related fatalities and injuries most often involve children with disabilities. This vulnerable population must especially be protected from this type of abuse, and this legislation seeks to do just that. The Keeping All Students Safe Act prohibits the use of all types of restraint and seclusion in all schools receiving Federal financial assistance, and prevents the use of this type of intervention from being included in any child's individualized education plan. This prohibition is included in the act because we know that planning for the use of restraint or seclusion has been shown to actually increase their use.

Although the act does allow for the use of restraint in emergency situations to prevent serious bodily injury to the student, other students in the classroom, or staff, it also requires

staff to be trained and certified by a State-approved crisis intervention training program as to how to approach these types of emergency situations. This will help to ensure that in the rare instances where restraint is necessary to prevent serious bodily injury, all techniques will be administered appropriately and unnecessary injury can be avoided.

Another issue uncovered by the G.A.O. study was that no web site, Federal agency, or other entity currently collects comprehensive data related to the use of restraint and seclusion in our Nation's schools. This Act will remedy this situation, as it requires each State educational agency to prepare and submit a report documenting, among other information, any instances in which physical restraint was imposed upon a student. This will allow us to track the use of restraint and to determine if our efforts to decrease it are being successful.

Support for this Act comes from many sectors of the education community. Organizations such as Easter Seals, United Cerebral Palsy, The Arc of the United States, the National Disabilities Rights Network and the Council of Parent and Attorney Advocates all support this legislation. In addition, in the House, our colleague, Representative GEORGE MILLER, introduced in April a companion bill with bi-partisan support.

This act is an important step towards protecting all children within our Nation's schools from the use of restraint and seclusion. No child should be subjected to physical restraint or seclusion as a disciplinary technique or behavior intervention strategy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Keeping All Students Safe Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPLICABLE PROGRAM.—The term ''applicable program'' has the meaning given the term in section 400(c)(1) of the General Education Provisions Act (20 U.S.C. 1221(c)(1)).

(2) CHEMICAL RESTRAINT.—The term ''chemical restraint'' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

(3) ESEA DEFINITIONS.—The terms—

(A) ''Department'', ''educational service agency'', ''elementary school'', ''local educational agency'', ''parent'', ''secondary school'', ''State'', and ''State educational agency'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(B) ''school resource officer'' and ''school personnel'' have the meanings given such terms in section 4151 of such Act (20 U.S.C. 7161).

(4) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of—

(A) funds;

(B) services of Federal personnel; or

(C) real and personal property or any interest in or use of such property, including—

(i) transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(5) FREE APPROPRIATE PUBLIC EDUCATION.—For those students eligible for special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the term ''free appropriate public education'' has the meaning given the term in section 602 of such Act (20 U.S.C. 1401).

(6) MECHANICAL RESTRAINT.—The term ''mechanical restraint''—

(A) has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ''student's'' for ''resident's''; and

(B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(i) restraints for medical immobilization;

(ii) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(7) PHYSICAL ESCORT.—The term ''physical escort'' means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

(8) PHYSICAL RESTRAINT.—The term ''physical restraint'' means a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.

(9) POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.—The term ''positive behavioral interventions and supports''

(A) means a school-wide systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, including those with the most complex and intensive behavioral needs; and

(B) encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrence of challenging behaviors, and teach appropriate behaviors to students.

(10) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(11) SECLUSION.—The term ''seclusion'' means the isolation of a student in a room, enclosure, or space that is—

(A) locked; or

(B) unlocked and the student is prevented from leaving.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education, and, where appropriate, the Secretary of the Interior and the Secretary of Defense.

(13) SERIOUS BODILY INJURY.—The term ''serious bodily injury'' has the meaning given the term in section 1365(h) of title 18, United States Code.

(14) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ''State-approved crisis intervention training program'' means a training program approved by a State that, at a minimum, provides training in evidence-based practices shown to be effective—

(A) in the prevention of the use of physical restraint;

(B) in keeping both school personnel and students safe in imposing physical restraint in a manner consistent with this Act;

(C) in the use of data-based decisionmaking and evidence-based positive behavioral interventions and supports, safe physical escort, conflict prevention, behavioral antecedents, functional behavioral assessments, de-escalation of challenging behaviors, and conflict management;

(D) in first aid, including the signs of medical distress, and cardiopulmonary resuscitation; and

(E) certification for school personnel in the practices and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(15) STUDENT.—The term ''student'' means a student who—

(A) is enrolled in a public school;

(B) is enrolled in a private school and is receiving a free appropriate public education at the school under subparagraph (B) or (C) of section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(B), (C));

(C) is enrolled in a Head Start or Early Head Start program supported under the Head Start Act (42 U.S.C. 9831); or

(D) receives services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to promote the development of effective intervention and prevention practices that do not use restraints and seclusion;

(2) to protect all students from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any restraint imposed for purposes of coercion, discipline or convenience, or as a substitute for appropriate educational or positive behavioral interventions and supports;

(3) to ensure that staff are safe from the harm that can occur from inexpertly using restraints; and

(4) to ensure the safety of all students and school personnel and promote positive school culture and climate.

SEC. 4. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

Each State and local educational agency receiving Federal financial assistance shall have in place policies that are consistent with the following:

(1) PROHIBITION OF CERTAIN ACTION.—School personnel, contractors, and resource officers are prohibited from imposing on any student—

(A) seclusion;

(B) mechanical restraint;

(C) chemical restraint;

(D) aversive behavioral interventions that compromise health and safety;

(E) physical restraint that is life-threatening, including physical restraint that restricts breathing; and

(F) physical restraint if contraindicated based on the student's disability, health care needs, or medical or psychiatric condition, as documented in a health care directive or medical management plan, a behavior intervention plan, an individualized education program or an individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or other relevant record made available to the State or local educational agency.

(2) PHYSICAL RESTRAINT.—

(A) IN GENERAL.—Physical restraint may only be implemented if—

(i) the student's behavior poses an immediate danger of serious bodily injury to self or others;

(ii) the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

(iii) less restrictive interventions have been ineffective in stopping the immediate danger of serious bodily injury to the student or others, except in a case of a rare and clearly unavoidable emergency circumstance posing immediate danger of serious bodily injury.

(B) LEAST AMOUNT OF FORCE NECESSARY.—When implementing a physical restraint, staff shall use only the amount of force necessary to protect the student or others from the threatened injury.

(C) END OF PHYSICAL RESTRAINT.—The use of physical restraint shall end when—

(i) a medical condition occurs putting the student at risk of harm;

(ii) the student's behavior no longer poses an immediate danger of serious bodily injury to the student or others; or

(iii) less restrictive interventions would be effective in stopping such immediate danger of serious bodily injury.

(D) QUALIFICATIONS OF INDIVIDUALS ENGAGING IN PHYSICAL RESTRAINT.—School personnel imposing physical restraint in accordance with this subsection shall—

(i) be trained and certified by a State-approved crisis intervention training program, except in the case of rare and clearly unavoidable emergency circumstances when school personnel trained and certified are not immediately available due to the unforeseeable nature of the emergency circumstance;

(ii) engage in continuous face-to-face monitoring of the student; and

(iii) be trained in State and school policies and procedures regarding restraint and seclusion.

(E) PROHIBITION ON USE OF PHYSICAL RESTRAINT AS PLANNED INTERVENTION.—The use of physical restraints as a planned intervention shall not be written into a student's education plan, individual safety plan, plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), individualized education program or individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or any other planning document for an individual student.

(3) OTHER POLICIES.—

(A) IN GENERAL.—The State or local educational agency, and each school and educational program served by the State or local educational agency shall—

(i) establish policies and procedures that ensure school personnel and parents, including private school personnel and parents, are aware of the State, local educational agency, and school's policies and procedures regarding seclusion and restraint;

(ii) establish policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(iii) establish policies and procedures for planning for the appropriate use of restraint in crisis situations in accordance with this Act by a team of professionals trained in accordance with a State-approved crisis intervention training program; and

(iv) establish policies and procedures to be followed after each incident involving the imposition of physical restraint upon a student, including—

(I) procedures to provide to the parent of the student, with respect to each such incident—

(aa) a verbal or electronic communication on the same day as each such incident; and

(bb) within 24 hours of each such incident, written notification; and

(II) after the imposition of physical restraint upon a student, procedures to ensure that all school personnel in the proximity of the student immediately before and during the time of the restraint, the parent, the student, appropriate supervisory and administrative staff, and appropriate IEP team members, participate in a debriefing session.

(B) DEBRIEFING SESSION.—

(i) IN GENERAL.—The debriefing session described in subparagraph (A)(iv)(II) shall occur as soon as practicable, but not later than 5 school days following the imposition of physical restraint unless it is delayed by written mutual agreement of the parent and school. Parents shall retain their full legal rights for children under the age of majority concerning participation in the debriefing or other matters.

(ii) CONTENT OF SESSION.—The debriefing session described in subparagraph (A)(iv)(II) shall include—

(I) identification of antecedents to the physical restraint;

(II) consideration of relevant information in the student's records, and such information from teachers, other professionals, the parent, and student;

(III) planning to prevent and reduce reoccurrence of the use of physical restraint, including consideration of the results of any functional behavioral assessments, whether positive behavior plans were implemented with fidelity, recommendations of appropriate positive behavioral interventions and supports to assist personnel responsible for the student's educational plan, the individualized education program for the student, if applicable, and plans providing for reasonable accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(IV) a plan to have a functional behavioral assessment conducted, reviewed, or revised by qualified professionals, the parent, and the student; and

(V) for any student not identified as eligible to receive accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), evidence of such a referral or documentation of the basis for declining to refer the student.

(iii) COMMUNICATION BY THE STUDENT.—When a student attends a debriefing session described in subparagraph (A)(iv)(II), information communicated by the student may not be used against the student in any disciplinary, criminal, or civil investigation or proceeding.

(4) NOTIFICATION IN WRITING ON DEATH OR BODILY INJURY.—In a case in which serious bodily injury or death of a student occurs in conjunction with the use of physical restraint or any intervention used to control behavior, there are procedures to notify, in writing, within 24 hours after such injury or death occurs—

(A) the State educational agency and local educational agency;

(B) local law enforcement; and

(C) a protection and advocacy system, in the case of a student who is eligible for services from the protection and advocacy system.

(5) PROHIBITION AGAINST RETALIATION.—The State or local educational agency, each school and educational program served by the State or local educational agency, and school personnel of such school or program shall not retaliate against any person for having—

(A) reported a violation of this section or Federal or State regulations or policies promulgated to carry out this section; or

(B) provided information regarding a violation of this section or Federal or State regulations or policies promulgated to carry out this section.

SEC. 5. INTERACTION.

(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law (including regulations) or to restrict or limit stronger restrictions on the use of restraint, seclusion, or aversives in Federal or State law (including regulations) or in State policies.

(b) DENIAL OF A FREE APPROPRIATE PUBLIC EDUCATION.—Failure to meet the minimum standards of this Act as applied to an individual child eligible for accommodations developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or for education or related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) shall constitute a denial of a free appropriate public education.

SEC. 6. REPORT REQUIREMENTS.

(a) IN GENERAL.—Each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the following information:

(1) The total number of incidents in which physical restraint was imposed upon a student in the preceding full academic year.

(2) The information described in paragraph (1) shall be disaggregated—

(A) by the total number of incidents in which physical restraint was imposed upon a student—

(i) that resulted in injury to students or school personnel, or both;

(ii) that resulted in death; and

(iii) in which the school personnel imposing physical restraint were not trained and certified as described in section 4(2)(D)(i); and

(B) by the demographic characteristics of all students upon whom physical restraint was imposed, including—

(i) the subcategories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(ii) age; and

(iii) disability category.

(b) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under subsection (a) shall—

(1) be carried out in a manner to ensure an unduplicated count of the total number of incidents in the preceding full academic year in which physical restraint was imposed upon a student; and

(2) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 9, the Secretary may award grants to State educational agencies to assist in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards described in this Act;

(2) improving State and local capacity to collect and analyze data related to physical restraint; and

(3) improving school climate and culture by implementing school-wide positive behavioral interventions and supports.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A State educational agency receiving grant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property with such funds, shall be in a public agency and a public agency shall administer such funds, materials, equipment, and property.

(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating evidence-based strategies, policies, and procedures to reduce and prevent physical restraint in schools, consistent with the minimum standards described in this Act.

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for 1 or more of the following:

(1) Developing and implementing a high-quality professional development and training program to implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including technical assistance for data-driven decisionmaking related to positive behavioral interventions and supports in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavioral interventions and supports with fidelity.

(4) Supporting other local positive behavioral interventions and supports implementation activities consistent with this subsection.

(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint in the schools located in the State, consistent with the minimum standards; and

(2) submit to the Secretary a report on such progress.

SEC. 8. ENFORCEMENT.

(a) USE OF REMEDIES.—If a State educational agency fails to comply with the requirements under this Act, the Secretary shall—

(1) withhold, in whole or in part, further payments under an applicable program in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d);

(2) require a State or local educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program;

(3) issue a complaint to compel compliance of the State or local educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e); or

(4) refer the State to the Department of Justice or Department of Education Office of Civil Rights for an investigation.

(b) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State or local educational agency that is subject to the withholding of payments under subsection (a)(1) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subsection.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2012 and each of the 4 succeeding fiscal years.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on December 16, 2011.

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

PRIVILEGES OF THE FLOOR

Mr. HOEVEN. Mr. President, I ask unanimous consent that Russell Evenmo, an intern in my office, be permitted floor privileges for today. It is his last day and I wish to get him on the floor, if I could.

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

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that at 9 a.m. tomorrow morning, Saturday, December 17, the Senate proceed to the consideration of Calendar No. 257, H.R. 3630; that the majority leader be recognized to offer a Reid-McConnell substitute amendment agreed to by both leaders—a 2-month extension of the payroll tax reduction, doc fix, and unemployment insurance; that following the reporting of the amendment, the Senate proceed to vote in relation to the substitute; that there be no amendments in order to the substitute or the bill prior to the vote; that the amendment be subject to a 60-vote threshold; that if the substitute amendment is agreed to, the bill, as amended, be read the third time and passed; that if the Reid-McConnell substitute amendment is not agreed to, the majority leader be recognized; that upon the disposition of H.R. 3630, the Senate proceed to the consideration of the conference report with respect to H.R. 2055; that there be 15 minutes of debate, 5 minutes each for Senators INOUYE, COCHRAN, and MCCAIN; that upon the use or yielding back of time, the conference report be temporarily set aside and, notwithstanding the lack of receipt of the papers from the House with respect to H.R. 3672, the Senate proceed to the consideration en bloc of the following items: H.R. 3672, a bill regarding emergency disaster funding, and H. Con. Res. 94, a correcting resolution to provide offsets for the emergency disaster funding; that there be no amendments in order to the bill or the concurrent resolution prior to votes in relation to those measures; that following the reporting of the bill and the concurrent resolution, the Senate proceed to votes on the measures in the following order: passage of H.R. 3672, adoption of H. Con. Res. 94, and adoption of the conference report to accompany H.R. 2055, the Omnibus appropriations bill; that there be 2 minutes equally divided prior to each vote; that each of the votes be subject to a 60 affirmative vote threshold; that no motions or points of order be in order prior to the votes other than budget points of order and the applicable motions to waive; further, the cloture motion with respect to the motion to proceed to H.R. 3630 be vitiated; finally, that the House be immediately notified of the Senate's action following the votes.

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

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Friday, December 16 through Monday, January 23, 2012, the majority leader be recognized to sign duly enrolled bills and joint resolutions.

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

ORDERS FOR SATURDAY, DECEMBER 17, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Saturday, December 17, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to the consideration of Calendar No. 257, H.R. 3630, the House payroll bill that we have talked about, as provided under the previous order.

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

PROGRAM

Mr. REID. Senators should expect a series of rollcall votes tomorrow morning beginning at 9 a.m. in relation to a 2-month extension of the payroll tax, unemployment insurance, the doc fix, disaster aid, and the omnibus appropriations conference report.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Saturday, December 17, 2011, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JOHN THOMAS FOWLKES, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE BERNICE B. DONALD, ELEVATED.

KEVIN MCNULTY, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE GARRETT E. BROWN, JR., RETIRING.

DEPARTMENT OF THE TREASURY

RICHARD B. BERNER, OF MASSACHUSETTS, TO BE DIRECTOR, OFFICE OF FINANCIAL RESEARCH, DEPARTMENT OF THE TREASURY, FOR A TERM OF SIX YEARS. (NEW POSITION)

DEPARTMENT OF STATE

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be brigadier general

COLONEL JEFFREY K. BARNSON
COLONEL ABEL BARRIENTES
COLONEL KIMBERLY A. CRIDER
COLONEL THERON G. DAVIS
COLONEL CHRISTOPHER L. EDDY
COLONEL LYMAN L. EDWARDS
COLONEL JOHN C. FLOURNOY, JR.
COLONEL KATHRYN J. JOHNSON
COLONEL KENNETH D. LEWIS, JR.
COLONEL STEPHEN J. LINSENMEYER, JR.
COLONEL VINCENT M. MANCUSO
COLONEL UDO K. MCGREGOR
COLONEL ERIC S. OVERTURF
COLONEL KAREN A. RIZZUTI
COLONEL VINCENT M. SARONI
COLONEL JAMES P. SCANLAN

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 16, 2011 withdrawing from further Senate consideration the following nomination:

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.