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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

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

Let us pray.

Almighty God, who has made of one blood all the nations of the Earth, hallowed be Your Name. Give Your grace to our lawmakers so that their lives will give a witness to Your providential power and love. May the words of their mouths and the meditations of their hearts be acceptable to You. Give them courage in danger, steadfastness in trial, and perseverance in difficulty.

Lord, we also ask You to touch Senator MARK KIRK with Your healing hands, restoring him to robust health.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 24, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS 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. Mr. President, following leader remarks, the Senate will be in a period of morning business until 4 p.m. today. During that period of time, each Senator will be permitted to speak for up to 10 minutes. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. The Senate is going to recess from 12:30 p.m. to 2:15 p.m. today to allow for our weekly caucus meetings. The State of the Union is at 9 p.m. tonight. Senators will gather at 8:30 p.m. to proceed to the House of Representatives.

### THE ECONOMY

Mr. REID. Mr. President, for generations this was the American promise: If you worked hard and played by the rules, success would be within your reach. We call that success the American dream—to earn a decent wage, buy a home, put your children through school, and retire comfortably. For many people in this country, that dream has drifted further and further from reality. The recession cost many Americans their jobs, homes, savings, and basic economic security. Many are still struggling. Although the economy has made slow progress toward recovery, there is still much more work to be done before every American who wants to work can find a job.

But the terrible recession is only part of the problem. The same Wall Street greed that caused the financial collapse is fueling the greatest income

disparity since the Great Depression. In the last few decades, the average CEO's income has multiplied 250 times. Meanwhile, CEO's employees have watched their incomes creep up barely at all.

So America is at a crossroads. As President Lyndon Johnson said in 1965—and it is time to ask that now—and I quote:

... not only how to create wealth but how to use it; not only how fast we are going, but where we are headed.

That is what he said. And the path we choose will determine what kind of a country we will be. We can choose to be the kind of nation where the hard work of many pays off only for the richest few or we can be the kind of nation where every man and woman shoulders a fair share of the burden and reaps a fair share of the reward. We can be the kind of country where the rich get richer and the poor get poorer or we can be the kind of country where middle-class families share in the opportunity and the prosperity.

President Obama has called this choice a "make or break moment" for the middle class, and tonight he will lay out a roadmap that sets us on the path to fairness instead of inequality. I look forward to hearing President Obama's vision this evening. It begins with an economy that works for every American—regardless of the size of his or her checkbook. I expect the President to lay out commonsense ideas to spur American manufacturing, create jobs, and help small businesses compete and grow. His vision is fueled by homegrown, renewable energy. It is time to stop spending American dollars on foreign oil. It is time to hire American workers to build wind turbines and next-generation vehicles. The President will propose a new plan to make sure that today's students are ready for tomorrow's jobs and that today's workers remain competitive in our global economy.

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



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I expect the President to include ideas from Democrats and from Republicans. For 3 years, the President has reached out to Republicans. Now is the time to work with him on common ideas to produce legislation, not stalemate. I ask my Republican colleagues to give his bipartisan vision the consideration it deserves.

In 1947, President Truman delivered the first televised State of the Union Message. Truman was the 20th President to govern alongside a Congress controlled by the opposing party. The first was George Washington. He said Democrats in the executive branch and Republicans in the legislative branch could and should work hand in hand to shape the Nation. This is what he said:

There are ways of disagreeing; men who differ can still work together sincerely for the common good.

I hope Republicans in Congress will keep those words in mind tonight. Despite all our differences, together we can build an economy that works for the common good of all Americans.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

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

#### THE PRESIDENT'S POLICIES

Mr. McCONNELL. Mr. President, tonight the President of the United States will come to the Capitol to give us his sense of the state of the Union. This is a venerable tradition, and we welcome him. Yet it is hard not to feel a sense of disappointment even before tonight's speech is delivered because while we do not yet know all the specifics, we do know the goal. Based on what the President's aides have been telling reporters, the goal is not to conquer the Nation's problems, it is to conquer Republicans. The goal is not to prevent gridlock but to guarantee it.

Here is how the New York Times summed up the President's election-year strategy in a recent article entitled "Obama to Turn Up Attacks on Congress in Campaign." Here is the quote:

In terms of the president's relationship with Congress in 2012 . . . the president is no longer tied to Washington, D.C.

According to the story, winning a full-year extension of the cut in payroll taxes is the last—the last—"must do" piece of legislation for the White House.

Here is how a White House aide described the President's election-year strategy just a couple of weeks ago, presumably just as tonight's speech was being drafted. Referring to past displays of bipartisanship, he said:

[Then] we were in a position of legislative compromise by necessity. That phase is behind us. . . .

So, as I see it, the message from the White House is that the President has basically given up. He got nearly everything he wanted from Congress for the first 2 years of his Presidency. The results are in. It is not good. So he has decided to spend the rest of the year trying to convince folks that the results of the economic policies he put in place are somehow Congress's fault and not his.

Well, my message is this: This debate is not about what Congress may or may not do in the future, it is about what this President has already done. The President's policies are now firmly in place. It is his economy now. We are living under the Obama economy. The President may want to come here tonight and make it sound as if he just somehow walked in the door. A better approach is to admit that his 3-year experiment in big government has made our economy worse and our Nation's future more uncertain and it is time for a different approach. That is the message the American people delivered to the President in November of 2010, and they are still waiting.

The President will tell the American people tonight that he has a blueprint for the economy. What he will fail to mention is that we have been working off the President's blueprint now for 3 years—for 3 years. And what has it gotten us? Millions still looking for work, trillions in debt, and the first credit downgrade in U.S. history.

The President will propose ideas tonight that sound good and have bipartisan support. If he is serious about these proposals, if he really wants to enact them, he will encourage Democrats who run the Senate to keep them free from poison pills such as tax hikes on job creators that we know from past experience turn bipartisan support into bipartisan opposition.

If the President wants someone to blame for this economy, he should start with himself. The fact is, any CEO in America with a record like this after 3 years on the job would be graciously shown the door. This President blames the managers instead. He blames the folks on the shop floor. He blames the weather.

Well, you are certainly within your rights to walk away from the legislative process if you like, Mr. President. You can point the finger all you like. But you cannot walk away from your record.

I saw a survey the other day that contained a number of sobering findings. It was a poll of small business leaders. It said that more than 8 out of 10 of them now believe the U.S. economy is on the wrong track. Eight in

ten said they would rather have Washington stay out of the way than try to help them. Nearly 9 out of 10 said they would rather have more certainty from Washington than assistance. And it said that nearly one-third of all those surveyed said they are not hiring on account of the health care bill. One-third of them said they were not hiring on account of the health care bill. What this survey says to me is that the policies of this administration are literally crushing—crushing—the private sector. They are stifling job creation, and they are holding the economy back.

Americans want Washington to get out of the way. Yet this President continues to have the same two-word answer he has always had for seemingly every single problem we face: more government. And this is the economy we have to show for it.

Last week, the President had an opportunity to do something on his own about the ongoing jobs crisis. The only thing that stood in the way of the single biggest shovel-ready infrastructure project in America was him. The Keystone Pipeline was just the kind of project he had been calling for in speeches for months, and he said no; that one could wait. Here is a project he knew would create thousands of jobs instantly. He said no. A project that would not have cost taxpayers a dime. He said no. That would have brought more energy from our ally Canada and less from the Middle East. He said no. It all came down to one question: Was the Keystone Pipeline in the national interest? He said no.

As one columnist put it, his own standard was not the national interest, it was his own political interest. Americans want jobs, and the President is studying an election that took place 60 years ago to see how he can save his own job.

He sided with the liberal environmental base over the energy and security interests of the American people. That is exactly what we are now being told we can expect for the rest of the year.

In last year's State of the Union, the President talked about how we need to win the future—win the future. This year he just wants to win the next campaign. The President can decide he is not interested in working with Congress if his party only controls one-half of it. That is his prerogative. He can give up on bipartisanship, but we will not; our problems are too urgent. The economy is too weak. The future is too uncertain.

The President knows as well as I do that when he has called for action on things for which there exists bipartisan support, Republicans have been his strongest allies. Last year in the State of the Union, he called for free-trade agreements. We worked hard to get them done and we did. Since then he called for an extension of the highway and FAA bills and the jobs that come with them. We did both with strong bipartisan support. The President asked

for patent reform. We got that done too.

The President knows as well as we do we are happy to work with him whenever he is willing to work with us. If he turns his back on that good-faith offer, as we expect he will this year, we will remind people the problems we face are not about what Congress may or may not do in the future but what this President has already done—what has already happened.

Let the President turn his back on bipartisanship, let the press cover every futile speech and every staged event, but we intend to do our jobs. We invite him to join us.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 p.m. today, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first 30 minutes controlled by the majority leader or his designee and the second 30 minutes controlled by the Republican leader or his designee.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### BIPARTISAN COOPERATION

Mr. DURBIN. Mr. President, I listened to the speech just given by the Republican leader of the Senate. He expresses a sentiment Americans share; that it is time for us to work together in the Senate and the House, across the board in Washington, and solve the problems which American families face every single day.

I agree with him completely. Unfortunately, the record does not reflect the level of cooperation which the American people are expecting. It was hardly a month or two into the Obama administration when the Republican leader announced that his highest priority was to make certain Barack Obama was a one-term President.

It is difficult to establish a working relationship when the first words out of a Republican leader's mouth are: We are going to defeat you. Then, as we addressed the largest issues of the day, time and again, we found little or no bipartisan cooperation. I think back to the important, historic debate on health care. If there was ever a moment when we should have come together with a bipartisan solution, it was that moment.

Despite the best efforts of Senator BAUCUS, the Democratic Finance chair and others, we were unable to even get

a core group of Republicans to join us in this conversation about containing the overwhelming increase in the cost of health care. At the end of the day, after one of the most painfully long and rancorous debates in Senate history, not one single Republican Senator would vote for health care reform—not one.

The same thing held true when it came to Wall Street reform. Many of us felt the recession we are currently coming out of was created by mismanagement and greed at the highest levels of our financial institutions. Many of us were angered by the fact that we were called on, with a political gun to our heads, and told, if we do not pass a bailout program for the biggest banks in America, our economy will crater and the weakest, poorest people in America will suffer the most.

That was our choice, our Faustian choice given at that moment. Many of us were determined to never let that happen again. So we put together a Wall Street reform bill. Senator Chris Dodd of Connecticut, now retired, led the effort on the Democratic side, and we tried to come up with a bipartisan bill. We worked to do it. He was masterful in his day and did everything in his power to make it a bipartisan bill. Yet at the end of the day, not one single Republican would vote for Wall Street reform—not one.

Now, on the campaign trail, we hear from Republican candidates that they are going to repeal Wall Street reform. They are going to repeal health care reform. They are not creating an environment that is conducive to the level of cooperation of which Senator MCCONNELL earlier spoke.

I hope he is right; that even in this Presidential election year, we can find some common ground. There are several items which are immediately before us which require it: First, the extension of the payroll tax cut. This is a cut that helps working families across America and helps the economy. It will expire at the end of February if we do not reach a bipartisan agreement to extend it, along with unemployment benefits.

Secondly, postal reform. Many of the suggestions that have been made by the Postmaster General about saving money at the post office create real hardship in States such as Illinois, where some nine different mail processing facilities would be closed, closed in areas where I, frankly, could never justify it because they do a volume of work, do it well, and perform a valuable function. We have a chance. By May 15, the deadline which the Postmaster General agreed to in my office—by May 15, if we enact legislation signed by the President to save money and keep the post office running in the right direction, then we can avoid some of these onerous cuts and choices we have heard about.

But the burden falls on Congress, Democrats and Republicans, to achieve it. I hope we can.

#### CUBA AND HAITI

Mr. DURBIN. Mr. President, last week, I had the opportunity to visit two island nations near our shores, Cuba and Haiti. Each is facing enormous problems—in Cuba, how to reform a Communist dictatorship of over half a century into a modern democratic member of the community of nations, and in Haiti how to rebuild from a devastating earthquake of 2 years ago in a nation already one of the poorest on Earth.

I concluded the trip more optimistic about Haiti, despite all its challenges, than Cuba, which quite simply appeared frozen in time in an ideology which should be cast aside for a more modern view of how to progress in the 21st century.

Let me start with Cuba. I am no fan of the Castro regime, but I am also no fan of the foreign policy of the United States. When I look back at what we tried to achieve for over 50 years in Cuba, any honest, objective analysis will have to tell you we did not achieve our goal. Fidel Castro is not a casualty of our own foreign policy; he is a casualty of old age. He is still there, and his brother now reins as his successor in Cuba.

Despite some notable achievement in this nation of Cuba, in areas such as health and education—and I saw firsthand as I traveled around some of these achievements—the government has maintained a grip on this island which is unfair to many of the people who live there.

Political opposition is swiftly and harshly repressed, often with severe prison sentences and deeply troubling harassment. Those pursuing greater political freedom of government accountability at times even find their young children threatened, as was sadly noted in the New York Times on Sunday.

In this most recent incident, Maritza Pelegrino Cabrales found herself repeatedly harassed by government officials for associating with the Ladies in White, a group of wives, mothers, and daughters, of political prisoners. Incredibly, state security officers threatened to take away her 5- and 7-year-old daughters.

Other brave Cubans, such as Oswaldo Paya, who collected thousands of signatures on a petition calling for modest political change, found himself and his colleagues harassed and in some cases jailed. Tragically, the petition process for change was actually called for in the Cuban Constitution. He was only following the Constitution of his country, and he ended up being harassed and many who supported him arrested.

Nonetheless, under President Raul Castro, there has been some modest reform, the conditional release of some political prisoners, and some economic reform. There has also been some serious oil exploration underway off the coast of Cuba. I wanted to go to Cuba for the first time to visit that part of

Cuba, other than Guantanamo, to see what changes had taken place, to see what preparations the Cuban Government had made for offshore oil drilling within 50 miles of the State of Florida's coast, to see if the United States and Cuba could work together on potential environmental concerns related to such offshore drilling, to see if the 50-plus years of U.S. isolation were having the intended affect of creating a climate of political and economic reform.

Most important, I wished to talk to the Cuban Government about a 62-year-old American development worker, Alan Gross of Maryland, who has been imprisoned by the Cuban regime for more than 2 years. Gross was sentenced to 15 years for bringing Internet equipment to Cuba for the island's small Jewish community—15 years for bringing equipment to Cuba which any American could purchase at Radio Shack.

Fifteen years in prison, can anyone imagine that in today's world? That is a fact in Cuba. I sat for 2 hours with Mr. Gross. I am grateful the government let me do that. I did not know him in advance. I had heard a lot about him, but I took the measure of a man who is living under the most trying circumstances during that 2-hour meeting.

Alan Gross is no spy. He is no terrorist. He is no threat to Cuba or its future. He is a humble and kind man. He was not trying to overthrow their government. He was simply trying to expand communications and openness in Cuba. Now, while his family suffers in his absence back home, he languishes in a Cuban military hospital, a prisonlike atmosphere.

He told me what happened when he came to Cuba. He said: Understand, I used my American passport with my name and flew in on a Cuban-owned airline, landed in Havana and took every piece of equipment I was bringing in through Customs and stood there while they took each piece out of the box and inspected it. At one point, the Customs official said to him: What is this?

He said: It is a router.

He said: I am not sure you can bring it in.

At which point, Gross said: Then keep it. Just give me your name. I will come back and claim it as I leave the country.

The man said: No, wait a minute. Maybe if I charge you a duty you can bring it in.

Gross said: How much is the duty?

The man said: How much did it cost? Because it is 100 percent we are going to charge you.

He said: It cost \$100.

The duty is \$100 then.

He paid the \$100 and all the equipment passed through Customs, right on the table, inspected piece by piece. He brought it into the country. He stayed at a Cuban hotel. They knew where he was and his travels were well known,

as most travels are, to the Cuban Government. Then they arrested him and said he was guilty of trying to overthrow the government. It is hard to say with a straight face that Alan Gross was some agent of a government trying to overthrow the Cuban Government.

He languishes now over 2 years because of these accusations. They have taken away his shoes. He said at one point he could not have shoestrings because he might try to hang himself. It took him 7 months to convince them to allow his wife to bring him dental floss. He uses the dental floss for shoestrings. They took away his iPod. He has no access to music, and he sits there day after weary day. He told me his routine. It is a routine which I would find hard to imagine for any long period of time. He gets up at 6 o'clock. He is in a room with two other prisoners. He has mapped out a course on the floor he has measured that he walks every morning, back and forth and back and forth, for an hour and a half.

He says: If I do that route 500 times, it is the equivalent of 5 miles. So I walk that back and forth every morning when I get up. Then I get a little breakfast and listen to Cuban news. Finally, in the afternoon, they get a chance to go outside—1 hour outside. He says: They have some rebar hanging over a patio, and I do pullups to try to keep myself in decent physical condition.

He is suffering from a deteriorating back problem, which causes partial paralysis in his right leg. They wanted to treat him with chemotherapy, but he refused. I find it hard to imagine how chemotherapy could apply to that situation. He is a man who has other medical issues of arthritis and other problems, gout and other conditions, which do not make for a very comfortable life and, of course, the wear and tear on his mind from being separated from his family for so long.

I was very moved by my discussion with Alan Gross—his bravery and particularly his warmth toward the Cuban people. I said to one of the ministers of the government afterwards: You ought to sit down and talk to this man. He doesn't hate Cuba or the people of Cuba. He certainly wasn't coming in to overthrow your government. He would come back to America and say we need a better, stronger relationship between our two nations. Much different than some might expect.

I appealed to the Cuban Government when I was there—twice, three times, in fact—to consider a humanitarian release of Alan Gross, to show some compassion for this man, to show a gesture that could help improve relations between our two countries that have seen enough division and animosity.

I know our Interests Section under the Chief of Mission, John Caulfield, has worked tirelessly on this issue as well. Sadly, the Cuban Government seems determined to keep Alan Gross as a pawn, an innocent hostage in the endless and dated standoff between our

two nations. I hope I am wrong in that conclusion, but I left Cuba feeling this poor man was a victim of international horse trading which has been going on for five decades. I hope the government will show compassion and mercy to Mr. Gross and let him come home after 2 years of imprisonment.

Recently, President Raul Castro released over 290 political prisoners, including some Americans. Alan Gross was not included. He should have been. There is still a chance—a chance for the Cuban Government to do the right thing for Alan Gross and do something that will allow us to say there is real progress when it comes to dealing, at least in this instance, with a man who I believe has been falsely accused.

I hope there are some in the Cuban leadership who are tired of the old way of doing things—tired of decades of isolation and worn-out slogans blaming the superpower United States for every problem in Cuba, tired of a system of political and economic isolation that has nothing to do with the United States anymore and a system that keeps its people from joining the community of nations and sharing the many impressive talents of the Cuban people.

Nonetheless, while deeply troubled by Cuba's political repression and the impasse on Alan Gross, I continue to believe we should look for new ways to establish a relationship with Cuba. I believe that dramatically opening Cuba to the world at large, and America in particular—the ideas and the energy of the American people—is the best way to bring real and lasting change to that island. We have tried isolation for more than 50 years with, at best, mixed results.

It became clear to me during my visit that some of the hard-liners who were part of that revolution back in the 1950s are still in power and still clinging to their old ideology. It is time for something new in Cuba, and it is time for something new in our policy—a new diplomacy with Cuba. There are a lot of people who disagree with me on this issue in this Chamber and on the outside, including many of my close friends. But ultimately we have the same goal: We want real freedom in Cuba and we want to work to make sure the United States has a friend 90 miles off our shore. I hope that day is near.

Mr. President, I then visited Haiti. It was my third trip to that poor country. It is the poorest nation on our side of the globe. And, of course, the poverty preceded an earthquake of a little over 2 years ago. It is a flight of about 90 minutes from Miami, but in many ways it is a world apart. Its proud and kind people have suffered unimaginable misfortune, both at the hands of repressive dictators and from Mother Nature.

The history of Haiti is fascinating. They overthrew slavery, took control of their nation, and for almost 50 years waited for the U.S. Government to recognize them as a nation. Because we

were divided in our country over the issue of slavery, it was too hot to handle. It was an issue we wouldn't touch until the Civil War began. Abraham Lincoln was President, and he recognized the Republic of Haiti for the first time as a sovereign nation.

Two years ago, the world showed an outpouring of generosity and humanity to help this country when it was devastated by an earthquake. As you travel around Port au Prince, as we did last week, you can still see the rubble, you can still see the pancaked buildings where so many people died. Thousands responded, donating time and endless efforts, and they still do.

The plane from Miami to Port au Prince was loaded with Americans—many of them wearing crosses around their necks, tee shirts advertising the charitable causes they were supporting—headed to Haiti to help. That spirit of giving has sustained the Haitian people through a very difficult time. Former Presidents Clinton and George W. Bush helped raise money for those efforts and the rebuilding efforts that followed.

Today, more than half of the 1 million displaced persons have left the camps in Port au Prince and around the Island of Haiti and found homes. Believe me, their homes are modest by American standards. To walk into an 8-foot-by-8-foot room and have the woman there tell me time and again that four or five people live in that room is hard for many Americans to imagine, but for these Haitians it is an improvement over where they were before.

Many of the changes in Haiti are fragile and there is a great deal of work to be done, but improvements are real. I recommend to those who go to Port au Prince to visit one project—several, actually, but one in particular—a group called GHESKIO, in partnership with the Centers for Disease Control. This group is showing what can happen with a modest, small investment by the United States.

Many years ago, I worked to pass legislation known as the Paul Simon Water for the Poor Act. It was not funded at any great level, but it was an opportunity to have some money available for developing nations around the world to find portable, clean, safe drinking water. How important is that? Right now, Haiti faces the threat of a cholera epidemic, which literally kills innocent people, and it is because they do not have safe drinking water.

But smack dab in the middle of Port au Prince, at this GHESKIO project, Dr. Deschamps—an amazing woman, who took me on a tour—pointed to the ground to a little piece of equipment and said: This is our well, and you built it with the Paul Simon Water for the Poor Act.

She said: We had to drill down 600 feet, but we found crystal clear water, and we bring it up, put it in a holding tank, treat it with chlorine, and we provide water for 100,000 people.

I asked her: How much did it cost to build the project? She said \$25,000. Imagine, \$25,000. Think of the cost in human terms, not to mention economic terms, of a cholera epidemic and the suffering that would follow.

This is a lesson for us in America, to learn that small contributions in the right places can dramatically change lives in the poorest places on Earth. The people in that camp and those who are served know the American people cared enough to let them drill a well which gives them safe water for their children and families. We can and should do more, even with our limited means.

We witnessed a group called Partners in Health led by a fellow by the name of Dr. Paul Farmer, an inspiring man whom I read about and have come to know personally. He continues to extend the reach of care and health care to the poorest people on that Haitian island. We visited one of his camps, where literally the day after the earthquake they went into a hospital and found 40 children in a hospital ward unattended. Because of the earthquake, people fled and died in the process, but these kids survived. It was Dr. Paul Farmer of Partners in Health who brought them in.

About one-fourth of these children are special needs children who could not survive were it not for his leadership. They are there being fed and cared for and clothed because of the kindness of this man and the wonderful volunteers who are part of his organization.

We went back to a project I visited years ago with Senator Mike DeWine from the State of Ohio. He and his wife Fran invited me down to meet Father Tom Hagan of Philadelphia, who in 1985 went down to Haiti with a group of students from Lafayette College and decided this was where he needed to spend the rest of his life. He created a group called Hands Together, and now that organization literally educates and feeds hundreds of poor children and elderly people in Haiti.

It is refreshing and rewarding to go see this work and to realize that amidst all the storm and fury of our political debate there are good people, many from our own country, who do such amazing things with little or no recognition. Father Tom Hagan of Hands Together in Port au Prince, in one of the poorest sections, is a living example of that.

I wanted to thank our own embassy staff, our Ambassador Ken Merten in Port au Prince. This is his third or fourth assignment in Haiti. He and his wife love Haiti. They speak Creole. He is a wonderful representative of the United States and works tirelessly to help these poor people.

We had a meeting with the new President of Haiti, President Martelly. I didn't know what to expect, Mr. President. Here is a man who made his name as a punk Reggae rap star and got elected President. So I didn't know

what I was going to find when I walked in the room. But what I found was a bundle of energy leaping off the couch and saying: Let's get these things done. Cut through the redtape. My people need it and they need it now. What a dramatic, positive change over some of his predecessors, and I was happy to meet with him.

Then, Prime Minister Conille, a medical doctor from Haiti who was working in the United Nations in New York making over \$200,000 a year as Chief of Staff to former President Clinton in his role as envoy from the United Nations to Haiti, gave up that post in New York to take the job of Prime Minister in Haiti for \$35,000 a year. This is a medical doctor and a wonderful man who clearly has no separate personal agenda. He just wants to help the people of this island.

I left Haiti very heartened by my meetings with those two individuals. Their energy, determination, and thoughtfulness give me hope for Haiti—a nation that needs so much more. They recognize Haiti will never be on the full path to recovery and long-term stability without educating its people and employing them and bringing the kind of leadership and foreign investment so that their nation can grow. We in the United States should support that effort.

I am going to urge Chairman JOHN KERRY of the Foreign Relations Committee—a committee on which the Presiding Officer and I serve—to advance the Haiti Reforestation Act. That is an issue which was brought up by many of the leaders we met with. I introduced it originally with Senator SUSAN COLLINS and Senator KERRY some months ago. We want to tackle one of Haiti's most entrenched, long-term problems, which has a spillover effect on a lot of key issues such as agriculture and the flooding that can hit this poor nation.

The last night we were in Haiti, in our room, there was a violent thunderstorm. The lady who ran our gathering place in the inn came to me and said: I will guarantee you in the morning there will be press reports that two or three people drowned and died because of this rainstorm. It is not uncommon in Haiti. That is why reforestation is part of the solution to that terrible problem.

I want to make sure my colleagues understand how important our involvement is. I asked how many groups had come down recently from Congress to visit Haiti. I was told that my colleague, Senator MARK RUBIO from the State of Florida, had been there a few days before. I know Senator BILL NELSON has spent time there with his wife making the right contacts and stopping in this nation. But for those in the Senate and House, of both political parties, who are looking for an opportunity to see where a small amount of American taxpayer dollars is making a huge difference in the lives of some of the poorest people in the Western Hemisphere, that hour-and-a-half trip

from Miami to Haiti is worth your time.

Mr. President, I yield the floor.

#### AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight at 9 p.m.

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

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

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. 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. ISAKSON. I would further ask to be recognized as if in morning business.

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

#### THE BUDGET

Mr. ISAKSON. We are back. Tonight, I understand, the Presiding Officer and I will be sitting together at the State of the Union event, which I am pleased to do. It is always a historic and seminal moment in our legislative process when the President of the United States talks about and lays out his plans for the future.

From watching this morning on television and from reading some of the accounts of what is thought will be said tonight—I don't know what is going to be said yet—one of the overriding themes is going to be that of fairness. I think that is an important point for us to focus on in a second, particularly with regard to our spending, our debt, and our deficit, about what is fair to the American people.

Last night—and I brought some notes—I did a telephone townhall meeting back to Georgia. We had thousands of people listening in on the call. I was able to take 17 questions in the course of an hour and one of the questions was from Fred in Barnesville, GA. Fred is a small businessperson. He asked this question: Senator, you were a small businessman; I am a small businessman. We had to operate within a budget. Why is it the U.S. Government doesn't have a budget? I think today is the 1,000th day we have been operating without a budget.

That was a fair question. So if we want to talk about fairness for a

minute, my contribution to fairness is going to be: What is fair to the American people, the American businessman, the American employer, the American employee? Let's think about it for a second.

A budget is a guide by which we try to live under. It is an appropriation of our priorities for the future based on what we think we will need to accomplish our goals. But if we are without a budget, then we have the tendency to do what America has done over the last 3 years; that is, exponentially increase its debt and its deficit. What that has done is put a pall on the recovery and a pall on the economy.

I would suggest the fairest thing we can do in the Congress and the fairest thing the administration can do is to see to it that we have a budget submitted, that it come to the floor of the House and Senate, that it be adopted, and then, more important, that we change our pace around here and live within that budget.

I have some suggestions as to how we do that, but first and foremost I urge the White House to submit a budget this year. I understand, from this morning's announcements, it will be delayed until February 13. That is fine with me. But the quicker we get it to us, the better we are. Then, let the Budget Committees of the House and Senate act, and let us end up with a framework—not just for 1 year but, as the Presiding Officer knows, for 10 years—because we forecast out those budgets and those complications of those budgets for 10 years.

But we have a broken system. We also have a broken will to do what is most important for the American people when it comes to spending their money. I wish to suggest how we change our habits and become a fairer legislative body and a fairer governing body for the American people.

Senator JEANNE SHAHEEN and I introduced a bill 1 year ago called the biennial budget. It amends the Budget Control Act of the United States of America and changes the way we do business. It portends that, in the future, instead of appropriating and budgeting for 1 year, we will do it in 2-year cycles, and we will always do our appropriating and our budgeting in the odd-numbered years so, in the even-numbered year of reelection, we are doing oversight and fiscal responsibility.

I think everybody in this room will admit we make an effort at oversight, to a certain extent, but practically speaking not near the oversight the American people have to do.

It is ironic that our country, our people, our families, our retirees, our business folks, our employees the last 4 years of the recession have sat around their kitchen table lots of times. They reprioritized what they could afford and what they couldn't. They reallocated their resources to take care of their family and their children and they have been frugal and they have been conservative because they have

to. They can't deficit spend. They can't borrow themselves into oblivion. They can't print the money and they can't write the checks. Don't you think the government of the people who are having to do that ought to have to at least live under the same set of circumstances?

We need for this room to become a big kitchen table, big enough for 100 people of good will to sit down together. We need a White House that will submit a budget we can then argue about and set the priorities of this country and try and put a governor on what we are spending, try and put some type of accountability for where we are going, try and forecast into the future what it is the American people can expect of all of us.

So when tonight the President talks about fairness, I hope one of his quotes will be: It is only fair to expect me, the President, to submit a budget to the Congress, and it is only fair for me, the President, to expect the Congress to act on that budget—because, after all, everything else flows from that. In the absence of budget responsibility, budget restrictions, budget projections, and a calculus for the future, we are spending without any governor or guide. It is akin to trying to drive from here to Alaska without a roadmap. I couldn't get there. I would probably have a wreck. I would probably run off the road because we don't know where we are going and we don't know how we are getting there.

Unfortunately, of all the institutions in America, there is only one that doesn't know where it is going and how it is getting there, and that happens to be the government of the United States of America.

So my message, this day of the State of the Union and this statement of fairness, let's be fair to the American people. Let's ask of ourselves what they are having to ask of themselves because of high deficits and high debt. Those living on fixed incomes are seeing interest rates of 0.25 percent—almost negligible. Markets have been flat in terms of investment. Real estate values are down 33 percent nationwide. I saw last night in Tampa, where the Presidential debate was, it is 52 percent. The worst it got post-1929 was 31 percent.

We have the most significant, serious financial crisis in the history of the United States of America, and it is impacting our families and our people.

So let's ask of ourselves, let's ask of our President what every American family has had to ask of itself—sit around our kitchen table and budget and prioritize. I would submit Senator SHAHEEN and I have a roadmap that works for process. It says do it in 2-year cycles, so we are committed to spending in 1 year and we are committed to savings, efficiency, accountability, and repealing out-of-date programs the other year.

Wouldn't it be a great change in the body of politics for you and for I to be

campaigning in even-numbered years, talking about what we are looking to save and cut, rather than what we are going to do to bring home the bacon?

I think the day of bacon coming home reckoning is here, and it is time for the next bacon to be brought home to be a sound budget and fiscal policy for the people of the United States of America.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

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

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

#### SENATOR MARK KIRK

Mr. THUNE. Mr. President, I wish to, similar to all my colleagues, express our sympathy and support and prayers for our colleague, Senator KIRK.

Senator KIRK is someone who is new to the Senate but served for a good number of years in the House of Representatives and has already made a tremendous impact in coming to the Senate—incredibly smart, hard-working, thoughtful, knowledgeable on so many different subjects. So obviously we will miss his presence in the near term but hope and pray for a full, quick, complete recovery and hope to have him back with us soon. I know I speak for many of my colleagues, but I certainly wish to express my and my family's prayers and support for Senator KIRK and for his family as he tries to get back on his feet. We wish him all the best as he does that and hope he will return soon and be able to get involved in many of the issues he was involved with and has been involved with since he has come to the Senate.

#### THE BUDGET

If he were here, I think he would be very involved in the debates we are going to be having in the coming days about the budget. Today marks the 1,000th day since we have actually acted on a budget in the United States. That is something many people here who are interested in fiscal policy are very concerned about. Senator KIRK is one of those. I consider myself to be one of those. We have a lot of people in the Senate who are very concerned about where we are as a nation, about the amount of spending, the amount of debt we have racked up and continue to pile up on an annual basis. It all starts with a budget.

We spend \$3.6 trillion of the American people's money on an annual basis. Yet we have not had a budget in the Senate for 1,000 days, literally now for 3 years, essentially, since the Senate last passed a budget.

We cannot continue with a straight face to go to the American people and

say we are being good stewards of their tax dollars when, in fact, we don't even go through the exercise annually of determining and prioritizing how we are going to spend their hard-earned tax dollars. This is something that cries out for reform.

My colleague Senator ISAKSON, who just spoke, has some proposals for budget reform that I think we ought to take up and we ought to vote on in the Senate. I have some ideas about budget reform. There is so much we need to do to change the budget process in the Congress because we have failed to pass a budget resolution, not just for the past 1,000 days but also for 5 of the last 7 election years, and we have only completed all the annual appropriations bills on time in 4 of the last 34 years. We clearly have a problem. I don't think there is anybody here who can't say this system is broken and needs to be fixed.

It strikes me, at least, that as we went through the 2012 budget process, we failed again to complete the appropriations work on time, and so we had to go through this annual exercise of doing a nearly \$1 trillion omnibus spending bill at the eleventh hour yet again. During the past 3 years, we have consistently had record deficits of \$1.3 trillion or more.

Clearly, what we have in place is not working, and the American people are the ones who are paying the price for that because the debt per person is now over \$48,700. That is an increase of nearly \$14,000 on an individual basis since President Obama took office.

If we think about it on a per household basis, it represents \$126,000 per American family, per household that is their share of our Federal debt. That is a massive amount of money we pile onto people in this country.

If we add in the unfunded liabilities for Social Security and Medicare, which exceed \$40 trillion, then we start talking about over \$½ million in liability for every family in this country.

The national debt is now more than \$15 trillion, which is literally over 100 percent of our gross domestic product. To put that into perspective, 1 year ago, Greece was at 143 percent. We are not far behind. We are now 1 to 1, 100 percent debt to GDP. We are seeing the effect of high levels of sovereign debt on the economies of European countries such as Greece, and if we fail to get spending in our country on a sustainable path, we are going to face a similar crisis in the not-too-distant future. If we continue to see an economy that is struggling and growing at a very slow rate, we cannot grow that economy by making the Federal Government larger. If that is the case, the \$1 trillion stimulus bill that passed in 2009 would have brought unemployment down. But, as we know, the unemployment rate in this country is still at 8.5 percent.

So we have to unleash the economy. We need to cut spending in Washington, DC. We have to make the Fed-

eral Government smaller, not larger, and get Federal spending as a percentage of our gross domestic product, as a percentage of our entire economy, back to more of a historical average.

Today, the spending as a percentage of our GDP is about 25 percent. If we go over the last 40 years of American history, the average has been 20 to 21 percent. Ironically, there have only been five times since 1969 where the budget has actually been balanced. In those cases where the budget was balanced, spending as a percentage of GDP was 18.7 percent, on average.

So it can be done. But we have to get spending back to a more historic and reasonable level relative to our entire economy.

The debt to GDP, as I mentioned earlier, is also historic because we haven't seen debt-to-GDP levels such as this literally since the end of World War II. We would have to go back over half a century to find a time when we were carrying debt to GDP that was literally 1 to 1, where the amount of debt we have in this country is 100 percent of our entire economic output in a given year. That is a staggering number and one that should make us all very concerned about our future if we don't take steps to correct it.

I think that point was driven home by the former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, who has said in testifying before congressional committees that the greatest threat to America's national security is our national debt.

Think about that. He didn't say the Iranian nuclear program. He didn't say China. He didn't say North Korea. He didn't say al-Qaida. He said the greatest threat to America's national security is our national debt—that coming from the person who used to be the highest ranking military official in this country.

I think that speaks volumes about what we need to be focused on and why it is so important we start getting our budgetary, our fiscal house in order and why it is so important, frankly, that we pass a budget. One thousand days without a budget, and we spend \$3.6 trillion every single year of the American people's money.

I think, again, in order to get our fiscal house in order, in order to get our economy back on track, we have to cut spending. We have to reduce the amount we spend. That means we have to take on some of the big challenges before us, such as entitlement reform.

We all know about three-fifths of all Federal spending is what we call mandatory spending, and that represents programs such as Social Security, Medicare, and Medicaid that are not annually appropriated for by Congress but are a function of the law. If a person is eligible for a particular program they are going to get a benefit under that program. That type of spending in our budget represents about three-fifths of all Federal spending. If we add interest on the debt, which is also mandatory spending, we get up to about 65



cents out of every dollar spent right now is mandatory spending.

If we have programs such as Medicaid growing at three times the rate of inflation, and Medicare growing at two times the rate of inflation, it is pretty clear that is not sustainable over time. We have to figure out a way to get these programs where they are not growing at 12 percent a year or 8 percent a year—closer to the rate of inflation. That means we have to reform these programs if they are going to be sustainable and if they are going to be there for future generations of Americans. That can be done without impacting the benefits that people who are on those programs today receive and those who are nearing retirement age receive.

There is a real concern, there is a lot of hot political rhetoric about Republicans just want to cut benefits for seniors across this country. I think most of my colleagues know there have been several proposals put forward that would address the long-term challenges we face with regard to Medicare and Medicaid and for that matter Social Security, all of which would not impact people who are retired today nor those who are nearing retirement age but simply put in place some reforms that would impact younger Americans who, today, are working hard, putting money into these programs, but if we do not take steps to fix these programs they are not going to be around when those people retire.

Entitlement reform is so important in terms of getting Federal spending under control. That is why, notwithstanding the fact it is an election year, I hope there will be the political will in the Congress and with the President. Frankly, it is going to take Presidential leadership to do these types of things. We cannot do big things, we cannot conquer big challenges and big problems in this country absent Presidential leadership. There are 535 Members of Congress and there is only one President, one person who can sign a bill into law, one person who can engage the Congress and work toward a solution to some of these big problems.

So far this President has demonstrated no willingness to take on the challenges we face with regard to our budget. It was demonstrated last year when he submitted his budget. It was ultimately voted on in the Senate, voted down by a vote of 97 to 0. I think that tells us they have not been serious about taking on the major drivers of Federal spending in this country.

With regard to the other part of the budget, the discretionary part, we saw spending increase in that part of our budget by about 24 percent between 2008 and 2010. It literally grew at about 8 to 10 times the rate of inflation. So we need to get that side of our spending under control as well. Many of us supported legislative efforts that would roll back discretionary spending to 2008 levels to get us back into a place where we can defend the things we are doing

to the American people at a time when they are seeing their family budgets shrink, that they are seeing their personal assets shrink, and many of them are having a very hard time finding work. Cutting spending, reducing spending, reforming entitlement programs, getting our fiscal house in order, is just essential, absolutely essential if we want to put our country on a path and a track that will prevent us from heading for the train wreck that many of our allies, many of the countries in Europe, are facing right now simply because they made promises to their people they just could not keep.

We have to get our spending under control in this country and rein it in or that is our future. I hope for the sake of our children and grandchildren in this country we are willing to make the hard political decisions that will enable that to happen.

The second thing we have to do if we are going to get out of this sort of morass we are in right now, in addition to reducing spending, is we have to get the economy growing again. We have to expand this economy, grow this economy. It has been said the rising tide lifts all the boats. We need to get a tide that starts lifting all Americans. Instead of talking about how we are going to redistribute the pie, we need to make the pie bigger. The way we do that is to grow and expand the economy. If we start growing and expanding the economy we will get more Americans back to work, more people making money, more people investing. When more people are working, there are more people paying taxes and that gets revenue going up and that makes these other issues manageable. But we have to have economic growth and we have to have policies in place that promote economic growth.

Regrettably, the policies of the current administration have had the opposite effect. They have made it more difficult, more expensive to create jobs in this country. We need to put policies in place that will make it less expensive, less difficult to create jobs, and that will encourage people and provide the kind of economic certainty that gets people to invest their money, to put their capital to work, and to get Americans back to work in this country.

I think there are several things, obviously, that need to be done. No. 1, of course, is to reform the Tax Code. In my view, right now that is a roadblock, if you will, an obstacle, an impediment to economic growth. We are not competitive in the world marketplace because of our tax policies. What we need today is a clear, fair, simple tax code that does away with a lot of the special interest loopholes that exist today, one that broadens the tax base in this country but at the same time one that lowers rates so that businesses want to invest in America as opposed to moving their headquarters and taking their jobs overseas. We want to encourage investment. That means we have to re-

form our Tax Code and, as I said, we have to do away with a lot of the Tax Code that is riddled with loopholes. We have to do away with those loopholes and get our tax rates down to where they are competitive with countries around the world that are stealing business from us and taking jobs overseas.

Tax reform is, in my view, an essential element of an economic growth strategy that will get us on a path where the economy is growing and expanding and we are creating jobs in this country. That is going to take Presidential leadership just as entitlement reform is going to take Presidential leadership. We cannot do big things in this country absent Presidential leadership. This is another area where we have not seen that from this President.

I hope he will engage the Congress—again, notwithstanding the fact that this is an election year—in a debate and perhaps more than a debate, a solution to the problems in the Tax Code in this country that will get us on a competitive footing and make us more competitive in the world marketplace. The President is going to have to be involved in that debate or it is not going to happen, particularly in a political year.

We also have to get our arms around these overreaching, excessive regulations that are strangling small businesses in this country. I cannot tell you how many times, when I travel my State of South Dakota or anyplace else for that matter, that I hear from small businesses that the No. 1 obstacle right now to us creating jobs is this massive amount of regulation coming out of Washington, DC. In fact, there have literally been thousands and thousands of pages of new regulations that have been promulgated and issued since this President took office. They affect every sector of our economy.

The one we hear about the most probably is the EPA, but we have the Department of Labor, we have other agencies of government that are constantly putting forward new regulations which make it more difficult, more complicated to get people in this country back to work.

Just as a point of fact, regarding a recent set of regulations proposed by the Department of Labor—by the way, there was no complaint about this that there was no consultation with the people who would be impacted by this—there was really no reason we can come up with for why these regulations were put forward. But the Department of Labor, in their infinite wisdom, decided they knew better about how to run a farming operation or a ranching operation in this country, better than the people who are involved in those endeavors, and they have basically put forward some regulations that would put all kinds of new restrictions on young people working in family farming or ranching operations—incredibly prescriptive regulations, I might add,



detailed regulations that are going to change the culture and the economic fabric of ranching and farming in this country more than anything we have seen before.

Anybody who has been around a farming operation or enterprise in my part of the country realizes they are inherently family operations. Young people are involved in those operations. When the Department of Labor comes out and says young people cannot operate certain types of equipment or young people cannot work with farm animals that are older than 6 months or cannot be at an elevation that is any more than 6 feet, it is a complete contradiction to the way that work gets done in rural parts of this country. But that is what we have. We have a massive amount of new regulation coming out of the Department of Labor that will forever change the way farming operations are carried out and the way work gets done on a family farm.

That is the kind of thing I am talking about. It is overreaching. It is excessive. It goes beyond the pale in terms of what we need by way of regulation in this country. We need smart regulation. There are public health and safety reasons why we need that. But this kind of overreaching and excessive regulation is making it that much more difficult for people to get jobs in this country.

The final thing I will mention in regard to an economic agenda that I think will create jobs is the issue of energy security. We need an energy policy in this country that promotes domestic production, that recognizes that we have enormous amounts of resources at home, that we should not have to continue to import a lot of our energy from outside the United States. The Keystone Pipeline, which was just recently vetoed by the administration—turned down—is an example of that. It was studied 3 years extensively by many agencies of the government. At the EPA there were serious environmental impact statements done. They all cleared, they all teed this up to be done, and just this last week the President said: No, it is not in the national interest.

I, and I think a lot of people on both sides in the Senate, would argue this is in the national interest. It is a lot better for us to get 700,000 barrels of oil a day from a friendly neighbor such as Canada as opposed to a country such as Venezuela. We can continue to buy oil from Hugo Chavez or we can get the same, the equivalent amount of oil from a friendly neighbor such as Canada, bring it into this country where it is refined and creates jobs, puts people back to work, puts capital to work in this country, and gets investment in the United States. Instead, we are going to see that energy source go in the other direction. It is going to Asia, it is going to go to China, if we are not able to get projects like this approved.

Interestingly enough, there was a pipeline just like this that was built a

few years ago, and it goes right through the eastern part of my State and other States. This pipeline would go through the western part of my State of South Dakota as well as other States, but it would bring much of that energy resource into this country, create jobs, and help create economic growth in America as opposed to sending that energy overseas and making us even more dependent upon foreign sources of energy at home. It makes absolutely no sense.

If the President of the United States is serious in his rhetoric about focusing every morning on creating jobs, one would think the first thing he would want to do is support projects that create shovel-ready jobs, in this case 20,000 shovel-ready jobs and an investment of \$7 billion, and bring energy into this country that will make us more energy independent. That is absolutely right in the wheelhouse of what we ought to be looking for in terms of getting this country's economy back on track. Yet last week the President turned thumbs down on this proposal.

I would say again, in closing, in my view, if we are going to get our country back on track, we have to get our fiscal house in order, which means we have to reduce spending, get our spending as a percentage of our entire economy back into a form of historical norm of revenues. As I said, for the past 40 years that has been 18 percent of our economy. Today we are spending 25 percent, and we are on a trajectory such that not too far from now we are spending our entire economy on the Federal Government, not to mention State and local control. We have to get policies in place that will promote long-term economic growth and reverse the decline we have seen, the massive amount of debt we racked up over the past 3 years, and the huge job losses we have seen at the same time. If we can do that, we will at least be doing the people's work in terms of trying to address the major problems I think face most Americans and the things they are most concerned about every single day.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

#### VERMONT STUDENTS' ESSAYS

Mr. SANDERS. Mr. President, democracy; that is, government of the people, by the people and for the people, does not thrive or even survive unless we have a well-informed and well-educated public who are thinking about, discussing and debating the important issues facing our country.

In order to stimulate that goal, I have, for the last 2 years, sponsored an essay-contest asking Vermont's high school students what they think the United States should be doing to address the major problems we face as a nation. In other words, while tonight we hear the President's views about the State of the Union, the essays

these students wrote reflect Vermont students' views about the State of the Union.

I am delighted that 308 students, from 30 different schools throughout Vermont, thought about these challenges as they wrote their own State of the Union essay. And I want to thank each and every one of them for their participation in the contest and the time and effort they put into it. I also want to thank the five teachers who acted as judges for these contests. They are Brian Burgess of Hazen Union High School; Liz Lebrun of Poultney High School; Lois Little of Canaan Memorial High School; Joe Maley of South Burlington High School and Terri Vest of Twinfield Union High School.

The winner, selected by a panel of five Vermont teachers, is Jennifer Sikorski, a senior at Winooski High School. In addition to Jennifer, 18 students were named as finalists. The four runners-up were: Monica Allard, Milton High School; Kayleigh Ehler-Vock, South Burlington High School; Kate Raszka, Champlain Valley Union High School; Karolina Sowulewska, Burr and Burton Academy.

Because of the excellent quality of the essays, we also honored 14 other students with an honorable mention.

Mr. President, I ask unanimous consent that the winning essay be printed in the RECORD.

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

JENNIFER SIKORSKI, WINOOSKI HIGH SCHOOL  
(WINNER)

[January 23, 2012]

Ever since the Declaration of Independence was signed, the United States has constantly paved the way to peace and prosperity both for itself and the rest of the world. However, as the world economy rapidly disintegrates, new issues have emerged, from unemployment to the environment to gay rights, and in the midst of it all, America stands still, seemingly oblivious to the fact that its future is crumbling in front of it. It is time to pave the way to prosperity once again through these issues in order to ensure that someday we can thrive again.

Perhaps the biggest problem we face as a nation is unemployment. As of 2011, 8.5 percent of people in the U.S.—over 26 million Americans—are jobless. While it may seem as if putting such a large amount of people to work cannot happen, there is a chance that it can be done. As unemployment has been rising, the condition of our environment has been deteriorating due to deforestation and the emissions of greenhouse gases and carbon dioxide given off by the use of fossil fuels. Renewable energy such as solar and wind power, on the other hand, has remained a topic of interest, yet it is still somehow largely unavailable to the public. However, the environment can be preserved, if not improved, by phasing out fossil fuels in favor of solar and wind energy, while millions of Americans can return to work to plant trees to restore our forests and to build, distribute, and repair solar panels, wind turbines, and other renewable energy products. We are actually lucky in a way to have to face both of these issues at once, as they can both be improved simultaneously.

America has also had a long-standing tradition of leading the way in human rights,

with such important movements such as women's suffrage and civil rights abolishing discrimination based on gender and race. There is no reason why this tradition should not continue with gay rights as well. Currently, only seven states in the entire country allow same-sex marriage, and I am proud to live in one of the few states that has begun to lead the way. I have many friends and relatives that consider themselves gay or bisexual and are actively involved in the LGBT community, and I have witnessed their struggles as they have realized that many are intolerant of their lifestyles. The entire country should follow Vermont's example and legalize same-sex marriage to continue to encourage not only the rights of certain groups of people, but the rights of everyone.

In conclusion, the challenges that we face with unemployment, the environment, and gay rights are just some of the challenges that, when dealt with appropriately, will make our country stronger and greater than before. Though our current situation looks bleak, we can always work towards goals such as these that will help make America and the world a better place.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE BUDGET

Mr. CONRAD. Mr. President, in listening to some of our colleagues on the other side of the aisle—both in speeches here and in press statements they have made—I repeatedly hear them saying we have not had a budget for 1,000 days. That is just wrong. That is absolutely wrong. Sometimes I wonder if our colleagues are paying attention to what goes on here on the floor of the Senate. Have they already forgotten the Budget Control Act? Here it is. On August 2nd of last year, the Budget Control Act passed this body 74 to 26. More than half of our Republican colleagues voted for it. Didn't they know what they were voting on? The Budget Control Act contains the budget for this year and for next year. Weren't they paying attention? Don't they know what they voted on?

In many ways, the Budget Control Act is stronger than a typical budget resolution, and it is stronger in these ways: No. 1, it is more extensive than a traditional budget resolution. No. 2, it has the force of law. Unlike a budget resolution that is not signed by the President, the Budget Control Act that we passed last August, that provides the budget for this year and for next year, is a law passed by the House of Representatives, passed by the Senate, signed by the President of the United States—the Budget Control Act. It also set discretionary caps on spending for 10 years instead of the 1 year normally set in a budget resolution.

So when our colleagues come out here and say we have not had a budget in 1,000 days, wow, can they really have missed the vote, the debate, the consideration of the Budget Control Act? Did they really miss all that or—are they saying something they know to be untrue, because really those are the only choices you are left with. Either they do not know what they did or they are misrepresenting what we all did.

Not only does the Budget Control Act set discretionary caps for 10 years, it also provided enforcement mechanisms, including a 2-year “deeming” resolution, allowing budget points of order to be enforced. That is what a budget does. It sets the spending levels, it creates spending caps, and it provides enforcement mechanisms. All of that is in the Budget Control Act we passed on August 2nd of last year with a vote of 74 to 26. Not only did we pass it, but the Republican-controlled House passed it, and the President signed it. It is the law of the land. It sets the budget for this year. It sets the budget for next year. It provides enforcement mechanisms. It sets 10 years of spending caps. And it created a reconciliation-like supercommittee to address entitlement and tax reforms. That supercommittee did not come up with a result, but they were established in the Budget Control Act, and they were given the authority—just like a reconciliation provision would—to come back with a package that could not be filibustered and could not be altered and could pass with a simple majority. That is the fact.

So if we hear colleagues come out and say one more time that we have not had a budget for 1,000 days, I hope somebody will have the sense to stand up and say: Really? What was the Budget Control Act about? What was this legislation that passed not only the Senate on a vote of 74 to 26 but passed the House of Representatives, which is controlled by the other party, and was signed by the President of the United States?

Republican rhetoric aside, Congress did pass a budget—not through the normal way of a budget resolution but through an actual law. The Republican-controlled House passed it, the Democratic Senate passed it, and the President signed it.

The Budget Control Act set 10 years of spending caps, established a 2-year “deeming” resolution to enforce spending levels, and it created a reconciliation-like process to consider entitlement and tax reform.

I hope we have laid this issue to rest. So now if I hear colleagues come out and say that we have not had a budget for 1,000 days—I will know they have been put on fair notice. Maybe they missed somehow what they were voting on back in August. Maybe they gapped out. Maybe they forgot. But you know what, they voted for it. Every Member of the Senate voted on the Budget Control Act. Seventy-four to twenty-six—

add it up—that is 100. Everybody was here. And if they did not know what they were voting on, now they do. So if I hear another assertion that there has not been a budget for 1,000 days, I will know and the listeners will know that somebody is not telling the truth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### REMEMBERING JARED FRANCOM

Mr. LEE. Mr. President, today I rise with a heavy heart to mourn the loss of Ogden police officer Jared Francom.

Earlier this month, on the evening of January 4, 2012, Agent Francom was senselessly gunned down defending his fellow officers as they attempted to serve a search warrant in Ogden, UT. Five other officers—Sean Grogan, Kasey Burrell, Michael Rounkles, Nate Hutchinson, and Jason Venderwarf—were wounded in the gun battle.

A week later, a crowd of roughly 4,000 family members, friends, and supporters, including more than 1,000 uniformed officers, gathered at a public memorial for Jared to say goodbye to one of America's fallen heroes. The sentiment from all who knew him was the same: Jared was a devoted family man, a dedicated father to his two young daughters, a fun-loving brother and son to his family.

At the funeral, which I attended, I heard Jared's brother Ben say that he “taught people to care for each other and taught others to change the world like he was doing on the streets of Ogden.” Commenting on the outpouring of support, Jared's brother Travis said: “I know my brother would be proud, because we all are his family.”

Achieving a goal he had set for himself as a young boy, Agent Francom became a member of the Ogden police force 7 years ago and was assigned to the Weber-Morgan Narcotics Strike Force.

Jared's sacrifice should be a reminder to us of the incredible risks our brave law enforcement officers all take as they protect the people they serve. I have a deep and unwavering respect for the law enforcement community, and as a former assistant U.S. attorney I have seen up close how these men and women serve with honor, integrity, and dedication. Jared Francom was no exception. He will be remembered for giving his life in service to the people and to the community he loved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

#### THE BUDGET

Mrs. HUTCHISON. Mr. President, I rise because this week is going to be a very important week for voting on the President's request to raise our debt ceiling.

Our debt is \$15.2 trillion. The President is going to ask for a \$1.2 trillion increase in that debt. These are astronomical numbers. Anyone looking at this can see we are spiraling out of control in very short order.

To put it in perspective, the gross domestic product ratio to debt has been in the range of 40 percent debt to our gross domestic product. Today, we are surpassing 100 percent. We don't hear numbers such as these except in certain places in Europe. This is untenable.

When President Obama was sworn into office, the Federal debt was \$10.6 trillion. In just under 4 years, the United States has accumulated more than \$5 trillion in new debt. Let's place the President's request in context.

The \$1.2 trillion he is asking to increase the debt ceiling will not even cover last year's deficit, which was \$1.3 trillion. We are in an untenable situation and we must do something about it. I think most people who are focusing on this believe that. But instead, attempts to cut the deficit are met with proposals to do—what? Increase taxes, taxes to pay for current spending and even new spending on top of the current levels.

In the coming weeks, the President will unveil his fiscal year 2013 budget. Last year, the fiscal year 2012 budget the President put forward totaled \$3.7 trillion, and he proposed over \$1.6 trillion in new taxes over a 10-year period.

These figures demonstrate the fundamental problem we have in this country, which any small businessperson looking at this can tell us; that is, we have chronic deficit spending.

We must accept the fact that mandatory spending accounts for more than

half of all Federal spending, and the entitlement spending is open-ended. The reality is, Social Security is currently operating in the red. Benefits are exceeding payroll tax revenue. The programs that are in the entitlement section of our budget are in dire need of being updated. We must gradually reform Social Security to meet current life expectancy rates. I have introduced a bill to do that, along with Senator KYL.

It is very important that the President take the lead on entitlement spending. Yet from all the things we have heard from the President about what he is going to propose at the State of the Union address and what he is going to put in his budget, there is no entitlement reform included. Instead, it is more spending and more taxes to cover the spending.

The fact remains, we must change the course of this country. If we fail to do so, we are going to be at the same point later this year because that is when we could reach the new debt ceiling of \$16.4 trillion if the President's request is granted by Congress.

The precedent is vivid. Look how quickly the initial \$900 billion request set forth under the Budget Control Act last August has been exhausted—\$900 billion gone since August. This is January. That is a stunning figure. A coherent, comprehensive policy regarding our Nation's debt ceiling is nonexistent.

In order to correct our current fiscal problems, we must align spending to match incoming revenues. American businesses and households know this. They do it every month, every week. Why shouldn't our government be held to the same standards?

We have not had a true debt limit set by this administration. The President continually requests increases in the debt ceiling without addressing the core problem, which is spending.

While the Budget Control Act included discretionary spending caps and a 2013 sequestration, it did not go far enough. No targets were set forth for our debt limit or for our annual deficits.

We need to take our caps on spending further. Each year, the caps should bring us closer to a balanced budget. We should have a target to bring, over 10 years, the debt down to a specific level. We should be able to set this with leadership from the President. This year, we must focus on cutting our deficits and aligning spending with revenues.

We are going to have this vote on Thursday, we are told. We have the time and the means to implement a sensible reform for our entitlement programs. That is not going to happen in a vacuum, and it is not going to happen with just the President or with just the Republicans or with just the Democrats in Congress. We have to address entitlement issues together.

The Social Security bill I have introduced gradually increases the age at

which Social Security would be available to retirees. We all know people are living longer. They are working longer. They are healthier longer. The actuarial tables don't match the Social Security program that was put in place 50 years ago. It does not work. We have to take the reins.

If the President would work with Congress to do that, my bill increases the normal retirement age by 3 months per year. So it is a very gradual increase. No one would be affected over the age of 58 under my plan. But if one is 57, the normal retirement age would be 3 months later. So it is a plan that can work. With that minor adjustment, we could make 75 years of Social Security solvent, along with a small decrease in the cost-of-living increase but nothing on the core benefit. There would be no cut in the core benefit, only a 1-percent decrease in the cost-of-living increase. If inflation goes above 1 percent, there would be a cost-of-living adjustment.

I think everyone would rather have a sound Social Security system and know it is there for them as a cushion. As we know, Social Security was not supposed to be a retirement plan. It was supposed to be a safety net, and it is a safety net for many people in our country.

We are also trying to encourage more saving by people for security in retirement. That is why, when we are talking about the 15-percent tax on capital gains and dividends, it is because we are encouraging people to save for their retirement security. We are a country, unfortunately, that has a very low savings rate. Compared to most other countries in the world, Americans save very little. The 15-percent capital gains and dividends rate is meant to encourage savings and helping people to plan and support their own retirement in addition to Social Security.

If we made Social Security solvent, it would also bring down the deficit, and we could do it in a gradual way. If we and the President don't take the reins now in a bipartisan way and we keep marching along the same path, we are going to have drastic cuts in the actual benefit, in the core benefit going forward. That would be a tragedy. It would be wrong for our children. It would be wrong for the next generation for us not to be able to address this in a bipartisan way. I hope the President will mention this in the State of the Union address. I hope he will make that a part of his efforts in this last year of his administration before the election.

I haven't heard any talk of that. In the previews I have heard of the State of the Union address, we are not hearing anything about entitlement reform. Yet it is more than half of the federal budget. We know that we have to cut spending if we are going to actually bring down the deficits and start peeling away this cancerous debt we have accumulated in this country, \$5

trillion in the last 3 years and \$10 trillion accumulated up until 3 years ago.

It is my hope we will start a leadership in the administration tonight at the State of the Union—a leadership that we haven't seen yet because all we have seen are the same old tax-and-spend proposals we are used to seeing. It is nothing new and nothing fresh. But the people of America know we have to change course. The people of America in the polls say, by huge numbers, we are going in the wrong direction in this country. Seventy percent of Americans have said in the latest polls of "How do you feel about where we are now," 70 percent believe this country is going in the wrong direction.

Only we can do something about it, along with the President, and I hope he will provide the leadership. But I don't think raising the debt ceiling, with no plan in the future to cut spending is going to happen this week. That is not leadership, and I hope there will be a change in direction.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### LEGISLATIVE CHALLENGES

Mr. RUBIO. Mr. President, it is good to be back at work here in Washington, DC. We have the big State of the Union tonight, which is kind of the beginning of the legislative year. I am looking forward to the challenges and, hopefully, accomplishments we will have together both in this Chamber and in this building in the coming year.

As we prepare for the State of the Union, I think it is always a good time for us to reflect on where we are as a nation and where we have been. I think all of us can look back on the 20th century and say it was truly the American century. I was blessed to be born in that century and to be a beneficiary of so much of America's greatness. Those of us who have been beneficiaries of America's past have an obligation—certainly those who serve here—to be defenders of America's greatness in the future. At the core of everything we debate today are these issues about America's future and how we make the 21st century an American century as well.

If we examine some of what has really distinguished us from the rest of the world, that has made America and life in America different from life in other countries, there are three things that

come to mind. The first is this concept of fairness. We are a people who strongly believe in the concept of fairness. For Americans, fairness has meant equality of opportunity—in essence, the belief that it doesn't matter where you come from, it doesn't matter if your parents are poor, it doesn't matter if you grow up in a disadvantaged background, every single American should have the equality of opportunity, the same opportunity to succeed and accomplish their hopes and dreams.

Maybe we take that for granted from time to time, but that is not a universal concept. In multiple societies and economies around the world, I daresay that in the majority of them there is not a strong belief in this notion. In fact, people believe that what you are going to be in life should be determined by the circumstances of your birth. Not in America. This Chamber, the membership here—basically everywhere you go in America—is a testament to people who were born in a very different place or into very different circumstances than the ones they live in now and that which they have been able to achieve.

As Americans, we have always embraced the concept of prosperity, the ability to accomplish your economic dreams and hopes. Sometimes that means people make billions of dollars, and sometimes that means you make enough money to provide for your family and give them the opportunity to do even better than yourself, but we embrace the concept of prosperity.

Last but not least, we Americans have always embraced the concept of responsibility, the responsibility that all of us have as individuals, as neighbors, as members of a community, as family members. Deep in this concept of responsibility is the notion that while we want fairness and equality of opportunity and while we want prosperity, we are also a compassionate people who do not want to see others left behind. In essence, we do not want the price of our prosperity to be leaving people behind. To that end, Americans, as I outlined in a speech earlier last year, have always struggled and have fought for the notion of balancing those two important goals—being a nation of prosperity and also a nation of responsibility.

These are the central things, these are at the core of our values as a people that defined our greatness in the last century, and therefore they must remain at the core of who we are as a nation if we want the 21st century to be an American century as well. Let's examine some of the challenges to those three principles that are so important to our future.

On the issue of fairness, on the issue of equality of opportunity, what are the things standing in the way of equality of opportunity in America? In essence, what are the things keeping some people from climbing the ladder, from doing better than their parents

did, from being able to pursue and fulfill their dreams as they should in a nation so deeply committed to equality of opportunity?

In essence, there are a few things that are standing in the way. The first is skills. There are some Americans right now who do not have access to the kind of training they need to build the skills they need, for example, to create or to have a middle-class job. Part of that is our own doing as a nation. We have, for example, stigmatized career and technical education. For the life of me, I do not understand why we have done that. Not every kid wants to go to a 4-year university. Not every kid wants to graduate with a Ph.D. Some kids want to grow up and fix airplane engines or build things. That is good and important, necessary work. Yet we do not train our kids to do that. A number of jobs in America require more than a high school education but less than a 4-year degree in college. Why can't kids graduate from high school with a high school diploma and an industry certification and a career that will employ them right away? That is one of the impediments that are standing in the way of growing middle-class jobs. If we are truly committed to the principle of fairness, we should invest in that, encourage that, particularly at the State level.

There is another thing standing in the way of fairness, equality of opportunity; that is, the playing field is not always even. And there are two things in particular that stand out: our regulations and our Tax Code. It is not me saying that, it is the job creators, small businesspeople trying to make it. Let me tell you what I mean by that. We have a complicated Tax Code, and it is broken. Here is the deal. If you are a large, major, Fortune 500 company, you can afford the best lawyers and accountants in the world to navigate it. You may not like the large, complicated Tax Code, but you can deal with it. The people who cannot deal with a large, complicated Tax Code are the people who are trying to make it—the sole practitioner, the entrepreneur, the small businessperson starting out in the garage or spare bedroom of their home. They cannot deal with the taxes, and they cannot deal with the regulations because they cannot hire the army of specialists it takes to navigate these things.

In case you say somehow we are making this up or somehow this is coming out of nowhere, let me tell you that the U.S. Chamber of Commerce did a survey of small businesses earlier this year. They found that 86 percent of small businesses—which are, by the way, not just the backbone of America's economy, they are the backbone of America's prosperity—86 percent of them say they are worried that regulations, restrictions, and taxes are hurting their ability to do business. This is a fact.

In terms of there not being a playing field that is even in America, in my

opinion, the single greatest contributor to making it more difficult for people who are trying to make it is some of the policies—as well-intentioned as they may be—that are being implemented at the governmental level. We need to invest and commit deeply to this notion of fairness, which is defined in America as equality of opportunity.

The second thing we need to continue to believe in is prosperity. Prosperity in America has and must continue to mean private sector economic growth. The private sector grows and creates private jobs which employ people and turn those people into parents who can send their kids on to college and consumers who can spend money in our economy. The creation of middle-class jobs is not just the backbone of our economy, it is the backbone of our prosperity.

How are jobs created in the private sector? It is simple. Someone has an idea, they have a business or product they want to invest in, they have access to money, whether it is their own money or someone else's money, and they use that money to put that idea into practice. They start a business, it works, and as a result people get jobs, people are employed, and the cycle repeats itself. The job for us in Washington is to make it easier for people to do that at every level. No. 1 is to make it easier for people to have ideas, and that is the easiest one of all. Americans have not run out of good ideas, and Americans have not forgotten how to create jobs. There are plenty of great ideas. There are great business ideas for the 21st century. There are a bunch of them that exist in the minds of hundreds of thousands of Americans who are waiting for the chance to put that dream into practice.

The second thing we have to do is make it easier for them to get access to the money they need to start their businesses, and that means to encourage investment. I do not understand why we would punish or discourage investment. Why raise taxes on people who want to invest in businesses that allow these businesses to grow and hire more people? It is important we make that easier as well.

I would like to talk again about small businesses. The survey I outlined a minute ago showed that 78 percent of small businesses say taxes and regulations coming from Washington also make it harder for them to hire more employees. So in addition to making it easier for people to make money available to investors to allow these ideas to go into practice, we also have to lower the cost of doing business and the barriers to entry, and the equation is pretty straightforward.

If you are an employee working for somebody and decide you can do a better job than your boss and want to start your own business and want to compete against him, well, the regulations that impact that industry and the tax code that applies to that industry are too complicated and too bur-

densome so you cannot do it. If you are a small business trying to grow, no matter how much money you have invested, you may not be able to deal with that as well.

By the way, there are two industries I hope we will look at as real growth opportunities and prosperity in America. We are an energy-rich country and advances in technology have made certain deposits of energy once inaccessible to us accessible. Natural gas is a great example. We need to stop punishing investment in the energy sector by raising taxes. We need to stop passing regulations that put entire areas of this country completely off limits and make it difficult to access our energy deposits. I think energy is an area on which we should focus.

The other is manufacturing. As labor costs rise around the world, there is no reason more and more manufacturing cannot return to the United States. But this is not going to happen if we regulate people looking to do manufacturing in a way that they decide America is not the place they should do business and if the tax treatment of America puts us at a competitive disadvantage.

Let me close by saying that the opportunity before us is real. The 21st century holds promise, promise that holds no parallel in human history. I don't think it is an exaggeration to say we can see the kind of economic growth here and around the world that we have never seen before. That is how promising the 21st century is. It all comes down to a choice. We have to make a choice. Are we prepared to abandon the principles and ideals that made us unique and special or are we going to reembrace those principles and ideals and in so doing make this new century an American century as well?

When I hear some of the talk in this building, it concerns me. When I hear people telling the American people that the way to protect their jobs is to raise their bosses' taxes, I think that is counterproductive. When I hear policymakers in Washington pitting the American people against each other, telling people that the only way they can do better is if someone else is worse off, I get concerned. Not only is it not true, that type of thought has never worked anywhere in the world. In fact, people flee from countries that think in that way.

The American experience has been something very important. The American experience has been that this is a country where everybody can do better, where the people who have made it can stay there, and the people who are trying to make it can join them. We have never believed that the way for us to do better is for other people to do worse. We have never believed in order to climb the ladder, we have to pull somebody else down. For me, it is not theory, it is the experience of my life.

My parents raised me with middle-class jobs in the service sector. My dad,

for example, was a bartender, and I thank God every night there was someone out there willing to risk their money to build a hotel in Miami Beach and later in Las Vegas where he could later work. I thank God there was enough prosperity in America so people could go on vacation and leave tips in my dad's tip jar. With the money he raised as a bartender, he gave me the opportunity to do what he never had a chance to do.

We had help along the way. I had student loans and grants from the government to help me get my education. I went to a public school system, and that is an important role for government to play.

Let's not forget we cannot have more government than our economy can afford. That is why those of us who desperately want to see a country that continues to have prosperity but also compassion believe safety net programs should exist to help those who cannot help themselves and help those who have fallen to stand and try again. That is why we believe we have to have a strong and robust economy.

What is startling is that we, the largest and most prosperous Nation in human history, have built a government so massive that not even the richest country in the history of the world can afford it, and we cannot continue on that road either.

I will close by saying that I hope this new year will be the beginning of our work toward a new American century. I know it worked in the past. I know this is a nation where anyone from anywhere can accomplish anything. It is not just something I read about in a magazine. I have seen it in my own life. There is no reason it cannot continue here if only we are creative.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for up to 18 minutes.

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

#### THE BUDGET

Mr. SESSIONS. Mr. President, today, state of the Union day, marks 1,000 days since this Senate has fulfilled its statutory responsibility of passing a budget. This is not a little bitty matter, and it implicates the leadership of the Democratically controlled Senate and their willingness to address the American people honestly and effectively concerning the very significant financial threats this Nation faces.

Indeed, President Obama, on April 29, 2009, when we last had a budget, said this:

A budget serves as an economic blueprint for the Nation's future.

That is true. It is not an insignificant document that just has a bunch of numbers; it is a blueprint for the Nation's future. We either have one or we don't. He went on to say a budget is necessary "to lay a new foundation for growth and to strengthen our economy."

I believe that is certainly true because the whole world, our own economy, U.S. businesses and investment, and the American people are concerned that we don't have a plan for our future that gets us off of the debt path—some would say an economic growth death path—that we are on. They want to see that we have a plan to do better.

We will have a speech tonight. I suspect it will be grand in sound and have some popular phrases. But the question is, when it is over will we have a plan that can be examined? Will we have a plan that will lead us on an improved—dramatically improved—debt path or will we remain in business-as-usual mode, in denial?

A budget resolution is legally required by the Congressional Budget Act of 1974. It was passed because Congress hadn't been passing budgets effectively. So the Congress passed a law and said we must do it. We are going to require ourselves to do it.

By law the President must submit a budget to the Congress by the first Monday in February. The President has submitted one for 2012. He submitted it to the Congress last year. It was not a good budget. It was what I have called the most irresponsible budget ever submitted to Congress. I chose those words carefully because we have never been, as a nation, in a more systemic danger from debt as we are today. Our population is aging. Our growth is not solid. The number of people on Medicare and Medicaid and Social Security has increased. We need growth and prosperity. We are in danger if we don't change it. That is why the world is worried about the United States. That is also why Europe is having such a serious problem. So it is important that we have a budget and we lay this out.

So the law requires the President to submit the budget to the Congress by the first Monday in February. We did it last year. It was not a good budget because it increased spending, it increased taxes, and it increased spending more than taxes. Over the 10-year budgetary window or plan, it increased the debt more than if we had not had the budget, if we had just gone on automatic pilot for spending growth in our country. That is why it was a failed budget plan. When the Senate finally voted on it—I brought it up after the majority leader brought up the House budget to try to defeat it. I brought up the President's budget and asked my Democratic colleagues if they supported their President's budget. It failed 97 to 0. Not a single Senator voted for that plan because it was irre-

sponsible. It put us on a worse course than we were already on, and nobody wanted to be on record as voting for it.

Now, once the President's budget has come in, the Senate Budget Committee, by law, is required to report a budget resolution to the Senate by April 1. Congress is required to complete action on a concurrent resolution on the budget no later than April 15. It is a challenge. In the past it has been a real challenge. People have worked hard to meet that goal.

Last year, while the Senate did not act, the Republican House met its requirements under the Budget Act to consider and pass a budget resolution in both their Budget Committee—Congressman PAUL RYAN's committee—and in the full House of Representatives. The chairman of the Senate Budget Committee, however, did not even offer a budget for consideration in committee, which precluded its consideration before the full Senate.

The budget process exists in one respect to compel the President and Congress to set forth a plan for the disposition of the taxpayers' money for the upcoming fiscal year and a minimum of 4 fiscal years. The budget has to be a 5-year budget. Often it is 10 years. The President submitted a 10-year budget which I think is preferable to a 5-year budget, and most people agree. Setting forth such a plan requires setting priorities; does it not? A household does a budget. A city, county, or State does a budget. They have to choose with their limited resources the priorities they can fund and determine how to use those scarce dollars, which in our case includes discretionary spending which is subject to the annual appropriation process, as well as the mandatory spending programs which are provided for under the rules set forth in permanent law. Those programs include food stamps, Medicaid, Medicare, Social Security, and a lot of other programs.

So mandatory spending programs currently comprise almost 60 percent of our spending. They are on automatic pilot. If a person reaches a certain age or if a person loses their job or their income falls below a certain level, they are entitled to certain benefits. A person can walk into a government office and ask for food stamps or ask for governmental assistance, and if that person qualifies it must be given whether the government has any money or not. If those programs are out of control and are growing too fast and are not properly managed, Congress has to change laws, not just change the budget to deal with it. So this is almost 60 percent of our budget today, the mandatory part.

So the budget process, through the use of reconciliation, is the only mechanism available to Congress to compel oversight and review of mandatory spending programs. Without the discipline provided by the budget process, these programs proceed on automatic pilot. So, importantly, the numbers

that were deemed by the Budget Control Act, which was passed last summer in the wee hours of the morning just to avoid a governmental shutdown, that Budget Control Act, not subject to any amendments and not brought up for debate, set spending levels. But it could only set the number for discretionary spending.

The Budget Control Act effectively told Chairman CONRAD to provide discretionary spending at the levels of the Budget Control Act caps and for mandatory—the 60 percent—to stay the same, and revenue policies—taxing policies—at levels estimated in the Congressional Budget Office March 2011 baseline. So mandatory spending and tax increases and tax policies would be controlled by the Congressional Budget Office baseline, business as usual—the definition of business as usual for 60 percent of our budget.

So the so-called deemed budget is not a real budget, and the process used to adopt it is not the kind of process that is legitimate. It is not the kind of process that is required. In the Budget Act, we must have a committee markup. We must have 50 hours of guaranteed debate on the floor of the Senate and an unlimited number of amendments can be offered—a public, open discussion about the dangers facing this country and how Senators are going to deal with them, and they have to vote and they have to vote multiple times. The Democratic leadership, supported by Democratic Members, did not want to go through that process. That is why the Democratic leader, Senator REID, said it is foolish to have a budget. He did not mean it was foolish for America to have a budget. He meant it was foolish for them to have to vote publicly and be accountable for the serious challenges facing this country. I think that was a big reason for the shellacking a lot of Members of Congress took in the last election.

The American people want Congress to be accountable. Congress works for them. We are not on our own up here to do whatever we want to. The American people are watching us. Forty cents of every \$1 we spend is borrowed. Are the American people not legitimately unhappy with us? Why should they be satisfied with Congress? Why should we be looked up to as people who are leading the country effectively? We will not even bring up a budget.

I just want to say, the Republicans fought for a budget. I am the ranking Republican member of the Budget Committee. We pleaded with the majority. We protested. But the leadership in the Senate has the power to set the agenda, and a minority cannot call a budget hearing in the Budget Committee, nor can they require a real budget to be brought forth for full debate on the floor of the Senate.

So this is where we are, I just have to say, because our colleague, whom I truly respect and like, Senator CONRAD, was saying we do not need a budget today. Apparently, they are not



going to produce one again this year. That is not right. We do need a budget, and we need to go through the process because the American people need to know what the debt commission told us; which is, we do not have the money to keep spending as we are spending today.

So a real budget would have required a weighing of the spending demands placed on the Federal Government and the available revenues and reached a consensus on what activities the government would pursue and how the government would pay for it, including the amount that would be added to the debt—how much are we going to increase the debt and how much will be left to future generations.

So the failure of our Democratic leadership in the Senate is to not seriously and credibly address our mandatory spending programs, which all experts and observers tell us are on an unsustainable course. Everyone tells us that. What we are doing today is unsustainable. For example, the budget the President submitted calls for deficits every single year for the next decade. It goes from about \$1.3 trillion now—it was going to drop down, for the lowest single year, to a deficit of \$740 billion, and in years 7, 8, 9, and 10, it would be going back again to almost \$1 trillion.

We spend this year \$650 billion on Social Security. By the 10th year, according to the Congressional Budget Office analysis of the President's budget, the interest we would pay on the debt alone—just the interest—would be \$940 billion. Today it is \$240 billion. This is how we get into the European crisis. This is why experts and economists have told us our spending and debt situation is unsustainable. That is not a frivolous word. They mean it is unsustainable.

Contending that the creation of the supercommittee absolved the Senate of that responsibility to produce a budget is laughable and it is not credible and I reject that. Instead, we are told that the deeming of a budget and spending caps—and only discretionary spending—determined in secret and brought out in the eleventh hour before the Senate for an up-or-down vote, without amendment, to avoid a government shutdown—to contend that meets the requirements placed on this Chamber for responsibility and fiscal rectitude just cannot be sustained. Nothing could be further from the truth. Passing a real budget is indeed not easy, particularly now because we have such a serious financial crisis. Tough decisions are going to have to be made. Perhaps our Democratic leadership does not want to show Americans how much their big spending agenda truly costs. That is what a budget shows over 10 years: how much we plan to spend, how much we are going to cut, how much we are going to tax. Maybe they do not want the people to know how much they intend to raise taxes and how much of that falls not just on the

rich but on the middle class. I can show you the budget the President submitted. It goes beyond the rich. It was a big tax increase.

The failure to propose and openly debate on the floor a detailed, long-term fiscal plan may be considered by some to be smart. But it is sending our country toward the fiscal cliff. Our Democratic colleagues wish to pretend for the Nation that they have an actual budget plan. If they want to do that, they must find in their files the secret document they produced last year and finally, once and for all, make it public.

Senator CONRAD said: I have a budget. He said: We are going to have a committee markup, and I am going to present to our conferences the majority's budget plan to the Budget Committee. He was prepared to do that. He was prepared to do that, I thought. I was ready to get prepared to have the hearing. So when we got ready, somehow it did not happen. It got put off. It got put off again. Then, in the days that followed and we made a fuss, Senator REID eventually said, basically: I made that decision not to have a budget. It is foolish to have a budget.

So we never saw this budget. He said publicly they had one. Are they ashamed of it? Were they afraid to bring it out? Did no one want to see it? We were prepared with our little calculators to see how much taxes were going to increase, how much spending was going to increase, how much debt was going to increase. When are we going to change our debt trajectory and make the country better, put us on a sounder path? That is what we wanted to know, and we were told we were going to get it. We did not.

So instead of an open, accountable process, where the public votes are taken, where our constituents can hold us responsible for the leadership we provide, we got, at the eleventh hour, deals, a month of secret meetings, and political maneuvers. The primary aim of the process, it looks to me, was political advantage, not the advantage for the people of the United States.

So I believe when the majority leader and his majority colleagues chose to block the lawfully mandated budget process and not bring up a budget—not have committee hearings and actual votes, not have 50 hours of floor debate, not being able to allow amendments that deal with the budget and spending—they put politics over the Nation's interest. They rejected a duty they have, by all just deserts in logic and also by law. They did so for their political convenience.

I think if they continue to fail to produce a budget, to allow it to be discussed, to show what their plans are for the future, they have forfeited the leadership they have asked for in the Senate. If they cannot produce a budget and they do not have the gumption to lay out their plan for the future and have numbers that can be studied and examined, added and subtracted—if

they cannot do that, if they are not willing to face up to that responsibility, they do not deserve to lead the Senate because, at this point in history, I think it is the most significant matter we face.

Our economy is not doing well. Our debt is surging. This year, the debt came in, as of September 30, another \$1.3 trillion. Three consecutive years of deficits over \$1 trillion, averaging \$1.3 trillion. Can you imagine that? The highest deficit President Bush ever had—and it was too high—was \$450 billion. But for 3 years we have averaged \$1.3 trillion.

The debt is surging out of control, and the Budget Control Act that purports to change that trajectory only reduced the projected deficit over 10 years by \$2.1 trillion, when every expert—Democrats, Republicans, liberals and conservatives—before our Budget Committee told us we need to have \$4 trillion over 10 years in reduced deficits.

Because under the projections we have from the Congressional Budget Office, we are on track to add \$13 trillion more to the debt in 10 years—\$13 trillion more—doubling the now over \$13 trillion in debt we have.

That is why we cannot continue. We need a plan to change that. Instead, we got a minimum reduction, I guess, from approximately \$13 trillion to \$11 trillion out of the Budget Committee. So we will add \$11 trillion to the debt over the next 10 years rather than \$13 trillion. That is not enough change. Mr. President, \$4 trillion, in my opinion, based on the studies and the hearings and the testimony of the witnesses I have heard, is not enough. We need to do a good bit more than that. The House proposed a better plan by far. It would have changed our debt course, but the Senate did not do its responsibility to meet that challenge or the position of the House.

I appreciate the opportunity to share these thoughts. We look forward tonight to the President's State of the Union. I hope he will do more than do his normal eloquent processes and lay out a real plan, a plan that can be studied, a plan that can be evaluated, to put this Nation on a sound fiscal course. Because until we do that, jobs will not be created, and we will not see growth. There is a lack of confidence in our economy, and the greatest foundation of that lack of confidence is the debt.

I will just add briefly, there are things we can do to create growth and jobs without an increase in spending and without increase in debt. How do we do it? We eliminate every single regulation that is unwise. We reform our Tax Code into a growth-oriented Tax Code as much as possible. We produce more American energy and stop making policies that prohibit the production of American energy, creating American jobs, creating wealth in the United States, stopping the export of that wealth to Venezuela or



Saudi Arabia or other places such as that.

We have to end this health care bill that was passed. Already, health care premiums for average Americans have gone up—for a family of four: \$2,400. Already? It was supposed to bring those costs down. That is a hammer blow to the middle class.

So we are talking about jobs, growth, progress. Those are the kinds of things we need. We can do it without more government debt and more government spending. That is what I will be looking for tonight.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. 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.

#### EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. 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.

#### DATA PRIVACY DAY

Mr. LEAHY. Mr. President, on January 28, 2012, privacy advocates, industry leaders, and government officials from across our Nation will celebrate Data Privacy Day 2012. I am pleased to join these stakeholders in calling attention to the need to better secure our privacy and security in cyberspace.

In the digital age, our Nation faces the challenge of securing our computer networks from cyber threats and cyber crime, while at the same time, encouraging innovation and protecting Americans' right to privacy. Even as the Internet and other rapidly advancing technologies spur economic growth and expand opportunity, there is growing uncertainty and unease about how Americans' sensitive personal information is collected, shared, and stored. Data Privacy Day provides an important reminder about the importance of data privacy.

After a record year of high-profile data breaches in the private sector and throughout government, it is more important than ever that Congress step forward and enact meaningful data privacy legislation. As the chairman of the Senate Judiciary Committee, I continue to work toward that goal.

Last year, I reintroduced comprehensive data privacy legislation that will better protect Americans' sensitive personal data and reduce the risk of data security breaches. The Personal Data Privacy and Security Act would

establish a single nationwide standard for data breach notification and require that companies that have databases with sensitive personal information establish and implement data privacy and security programs. This bill would also help law enforcement better combat cyber crime by strengthening and clarifying the penalties for violations of the Computer Fraud and Abuse Act and creating a new criminal offense for cyber attacks involving government computers that manage critical infrastructure information.

The Senate Judiciary Committee favorably reported this bill in September 2011. The committee has previously reported similar legislation three times. I urge the 112th Congress to finally enact this much needed legislation.

In the coming weeks, the Senate is expected to consider comprehensive cyber security legislation. Protecting our Nation's data from breaches is at the very core of a comprehensive strategy for improving cyber security. That is why President Obama included a data breach proposal that closely mirrors the Personal Data Privacy and Security Act in his cyber security proposal to Congress. That is why consumer and privacy advocates, business leaders, and Members of Congress on both sides of the aisle continue to call for the enactment of data privacy legislation. And that is why I will continue work to ensure that meaningful data privacy legislation is included in any cyber security legislation the Senate considers this year.

I will also continue the important work that the Judiciary Committee began last year to update the Electronic Communications Privacy Act, ECPA, so that our digital privacy laws keep pace with changes in technology. Updating this law to reflect the realities of our time is essential to keeping us safe from cyber threats.

Again, I thank and commend the many stakeholders and leaders from across the Nation who are holding events to commemorate Data Privacy Day. I look forward to working with these stakeholders and with Members of Congress on both sides of the aisle and in both Chambers to ensure that the right to privacy is ensured in the digital age.

#### TRIBUTE TO PASTOR DAVID WOOD

Mr. LEAHY. Mr. President, Chris Bohjalian is one of the treasures of Vermont, as well as being a gifted writer. We Vermonters are fortunate to be able to read his weekly column. They almost always deal with some aspect of life in the State he and I share.

Marcelle and I were especially touched by his column on Christmas Day about Pastor David Wood, of the United Church of Lincoln, VT.

So many of us go to church on Christmas Day, shake hands with those officiating at the service and thank them for what they have done, and then go home to be with our families.

What Chris has done is talk about the Herculean tasks of Pastor David Wood. It reminds us that those who give us spiritual guidance and consolation do far more than what we see on holidays and holy days. I would ask unanimous consent that Chris Bohjalian's column about the extraordinary David Wood be printed in the RECORD.

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

[From the Burlington Free Press]

IDYLL BANTER: BURNING THE CHRISTMAS CANDLE AT BOTH ENDS

(By Chris Bohjalian)

Look, I know Santa just pulled an all-nighter, flew through serious turbulence over Iceland, and had to put up with—yet again—Prancer's "attitude" that no one has yet to write a song about him. (You live on nothing but lichen between Thanksgiving and Christmas, and watch what happens to your temper.) But my great friend and the pastor of the United Church of Lincoln, David Wood, just performed four church services in 16 hours.

Yup. Four in 16. This is what happens when Christmas falls on a Sunday.

"From a spiritual point of view, I love it when Christmas comes on a Sunday. From a practical point of view, it's terrifying," David told me.

Specifically, last night there were three services at the church here in Lincoln. There was a 7 p.m. pageant for families—and this year the pageant was mighty impressive, with St. Nicholas himself sharing the story of the Nativity. Then there was an 8:30 p.m. service that was more traditional, just as joyous, but at least marginally less raucous. Finally, at 11:30 p.m., there was the quiet, contemplative, communal service that ended shortly after midnight—on Christmas Day. And while the church's youth pastor, Todd Goodyear, did the heaviest lifting at that very first service, David was still plenty involved.

In any case, after three services in five hours last night, David finally collapsed into bed about quarter to 1 on Christmas morning . . . and was back in the sanctuary today, preaching, 10 hours later.

That workload might not daunt Santa, but it would most mortals.

It has always seemed to me that the majority of priests and ministers and rabbis and imams work incredibly hard. Certainly David does. To wit: I will never forget when my wife was in labor with our daughter a little over 18 years ago. When Grace arrived—so did David. The labor was 22 hours, but still he was there within 40 minutes of Grace's arrival. Two months ago, my wife had six hours of kidney surgery. I had told David about it the day before. Sure enough, there he was the next day at the hospital. And it's not like my wife gets preferential treatment. (Given the number of Humane Society shelter cats she has tried to foist on David's family, he should be giving her a very wide berth.) He is always comforting someone or some family in hospitals in two counties. And then there are the funerals. And the christenings. And the baptisms. And the marriages. And the meetings. And the counseling. And the Yankees. (We all have our flaws.) David has been the pastor here in Lincoln since 1979, so this is not the first time that Christmas has fallen on a Sunday on his watch. He knows what to expect: "Everything speeds up. Nothing slows down." Consequently, he had his sermons done weeks ahead of time. He had a plan in place to get the props from the pageant removed

from the sanctuary in time for the 8:30 service. And, once again, he made sure that all six church fire extinguishers were distributed discretely to volunteer firefighters before that first Christmas Eve service, since it would end with the congregation—including the children—raising and lowering lit candles while we all sang “Silent Night.”

But despite the borderline bedlam that can mark this time of the year for us all, he tries not to lose sight of the blessings that come with that chaos. “What is most special for me every Sunday, but even more as we approach Christmas and Easter, is the realization that I get to speak the good news to people. Christian faith isn’t about rules and regulations, it is about our relationship with a God who loves us enough to choose to be with us.”

Indeed. So, while I remain impressed as heck with what Santa Claus and his reindeer just pulled off, I am mighty grateful as well for the work of David Wood and his peers.

Merry Christmas. Happy Hanukkah. Peace.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING ELIOT ELEMENTARY SCHOOL

• Ms. COLLINS. Mr. President, today, I commend Eliot Elementary School of Eliot, ME, on being named a 2011 National Blue Ribbon School of Excellence. This prestigious recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

Created in 1982, the Blue Ribbon Schools Award is considered the highest honor an American school can obtain. Schools singled out for this national recognition reflect the goals of our Nation’s education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

This award recognizes that Eliot Elementary students achieve at the highest level academically. Eliot Elementary School is a top-performing school on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction. The school works closely with families to forge a strong school community where students are connected and encouraged to pursue their interests.

I applaud not only the students but also the administrators, teachers, staff, and parents of Eliot Elementary School. Together, they are succeeding in their mission to generate excitement and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I am pleased that the U.S. Department of Education has selected Eliot Elementary School for this well-deserved honor, and I congratulate the communities of Eliot and South Ber-

wick for this outstanding achievement.●

#### EVERYBODY WINS!

• Mr. HARKIN. Mr. President, I would like to take a moment to recognize two individuals for their extraordinary service to the Everybody Wins! Program in Iowa.

As many of my colleagues know, Everybody Wins! is a literacy and mentoring program for elementary school students. The program gives adults the opportunity to spend one lunch hour a week reading with a child in a public school.

Fourteen years ago, Senator Jim Jeffords recruited me to join him as a volunteer for the Everybody Wins! Program in Washington, D.C. Since then, I have been an Everybody Wins! volunteer at Brent Elementary School in Washington D.C. I have seen the tremendous impact this program has both on the adult volunteers and their young student partners.

I was very happy when Everybody Wins! was launched in my home State of Iowa in 2002. Two people I want to recognize today joined Everybody Wins! as volunteer readers and founding board members in 2003. Both of them retired in the last year after contributing to the solid foundation on which the Iowa program rests today.

Mary Ann Nielsen joined the board of Everybody Wins! Iowa in the spring of 2003. She continued her service, including as president of the board, until May of 2011. Her work on the board included serving on three executive director search committees, as well as on the personnel and executive committees.

Amy Elbert also joined the board in the spring of 2003, and continued her service until May of 2011. She devoted substantial time and energy to fundraising, two executive director search committees, as secretary of the board, and as chair of the outreach committee. Amy also has enjoyed reading relationships through the program for the past 4 years.

For their commitment to our youth, to literacy, and their long-time contributions to Everybody Wins! Iowa, I extend my sincere thanks to Mary Ann and Amy and wish them all the best in their future endeavors.●

#### REED COLLEGE

• Mr. MERKLEY. Mr. President, with great pride I wish to congratulate Reed College in Portland, OR, on its 100 years of delivering excellent higher education. Reed College has consistently demonstrated its devotion to academia and to developing the intellectual spirit of its students through demanding curricula, insightful research and stimulating classroom conversation. I am certain that the next century will prove to be as fruitful as the last for Reed and its students and that the strong academic tradition will continue to thrive in the Eastmoreland neighborhood of Portland.

Reed’s story is much like the city of Portland’s. The founders of Reed wanted to approach higher education differently. They wanted to focus on creating leaders who think outside the box and who know that the answers of the past are not necessarily the answers of the future. Reed has put an emphasis on the progress of the individual student, emphasizing intellectual development over the pursuit of grades.

Colleges and universities like Reed allow people to continue their pursuit of knowledge, to debate problems and to develop ideas. Higher education is also a driving force behind social mobility and has broken down divisions of race, religion, gender and socio-economic class. Reed College embraces this mission, as reflected in the small class sizes filled with diverse students.

One hundred years of commitment to liberal arts education has produced 31 Rhodes Scholars, a great number of Fulbright grant recipients and countless well-educated members of the Oregon community and our Nation. To Colin Diver, the President of Reed College, and to the faculty and students of Reed: congratulations on a century of academic excellence.●

#### REMEMBERING JUDGE LIONEL “RED” NOONAN

• Mr. SESSIONS. Mr. President, I was saddened over the holidays to learn of the death of a good man and friend, Judge Lionel “Red” Noonan of Mobile, AL, at the age of 86. Judge Noonan was a wonderful man. He knew it was all about service to others, and the courtesy, ease, and empathy he displayed to all he came upon was noticed and appreciated and remembered. Many think good politicians are the smooth folks, always ready with the right words, always thinking, always plotting, but Judge Noonan was a great politician because he served his constituents with grace and it came back to him in respect and in votes.

As a practicing lawyer in probate court, he always treated me the way he treated everyone. I was a rock-ribbed young Republican and he a loyal Democrat, yet I couldn’t have been more fairly treated by him. I had always heard, from my Republican friends, what a good man he was. As I have gotten older, I have come to see that in a place such as Mobile, where people really know one another, those who have good reputations are invariably good people. Judge Noonan’s good reputation was justly earned over a lifetime of honest dealing.

The Republicans were always hoping that he would switch parties and join them. That is in itself a high compliment to be courted by two parties. But to the Democrats he remained true.

Judge Noonan retired in 2001 after serving 18 years as the Mobile County probate judge. Prior to that he had served 8 years in the Alabama State

Senate and was a 4-year starting full-back for the Alabama Crimson Tide after World War II.

He and his wonderful wife Ruby have been a fine team. They have always been active politically for causes they believed in in the classical sense of the American ideal of good government and what is good for America. Of course, there is the sausage making part of politics. Sometimes, it is not all cookies and cream. Politics can be tough. Yet, for Ruby and Red, it was always about what would make Mobile, AL, and America a better place, and I have always admired that in them.

His wife Ruby has lost a great partner, his children, Ruth, Kelly, and Lionel, Junior, a great father and mentor, and Mobile, one of the best loved citizens to ever have walked the streets.●

#### 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 four withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 24, 2012—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

*To the Congress of the United States:*

Mr. Speaker, Mr. Vice President, members of Congress, distinguished guests, and fellow Americans:

Last month, I went to Andrews Air Force Base and welcomed home some of our last troops to serve in Iraq. Together, we offered a final, proud salute to the colors under which more than a million of our fellow citizens fought—and several thousand gave their lives.

We gather tonight knowing that this generation of heroes has made the United States safer and more respected around the world. For the first time in nine years, there are no Americans fighting in Iraq. For the first time in two decades, Osama bin Laden is not a threat to this country. Most of al Qaeda's top lieutenants have been defeated. The Taliban's momentum has been broken, and some troops in Afghanistan have begun to come home.

These achievements are a testament to the courage, selflessness, and team-

work of America's Armed Forces. At a time when too many of our institutions have let us down, they exceed all expectations. They're not consumed with personal ambition. They don't obsess over their differences. They focus on the mission at hand. They work together.

Imagine what we could accomplish if we followed their example. Think about the America within our reach: A country that leads the world in educating its people. An America that attracts a new generation of high-tech manufacturing and high-paying jobs. A future where we're in control of our own energy, and our security and prosperity aren't so tied to unstable parts of the world. An economy built to last, where hard work pays off, and responsibility is rewarded.

We can do this. I know we can, because we've done it before. At the end of World War II, when another generation of heroes returned home from combat, they built the strongest economy and middle class the world has ever known. My grandfather, a veteran of Patton's Army, got the chance to go to college on the GI Bill. My grandmother, who worked on a bomber assembly line, was part of a workforce that turned out the best products on Earth.

The two of them shared the optimism of a Nation that had triumphed over a Depression and fascism. They understood they were part of something larger; that they were contributing to a story of success that every American had a chance to share—the basic American promise that if you worked hard, you could do well enough to raise a family, own a home, send your kids to college, and put a little away for retirement.

The defining issue of our time is how to keep that promise alive. No challenge is more urgent. No debate is more important. We can either settle for a country where a shrinking number of people do really well, while a growing number of Americans barely get by. Or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules. What's at stake are not Democratic values or Republican values, but American values. We have to reclaim them.

Let's remember how we got here. Long before the recession, jobs and manufacturing began leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. Folks at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that weren't, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who couldn't afford or understand them. Banks had made huge bets and bonuses with other people's money. Regulators had looked the other way, or didn't have the authority to stop the bad behavior.

It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hard-working Americans holding the bag. In the six months before I took office, we lost nearly four million jobs. And we lost another four million before our policies were in full effect.

Those are the facts. But so are these. In the last 22 months, businesses have created more than three million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. Together, we've agreed to cut the deficit by more than \$2 trillion. And we've put in place new rules to hold Wall Street accountable, so a crisis like that never happens again.

The state of our Union is getting stronger. And we've come too far to turn back now. As long as I'm President, I will work with anyone in this chamber to build on this momentum. But I intend to fight obstruction with action, and I will oppose any effort to return to the very same policies that brought on this economic crisis in the first place.

No, we will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits. Tonight, I want to speak about how we move forward, and lay out a blueprint for an economy that's built to last—an economy built on American manufacturing, American energy, skills for American workers, and a renewal of American values.

This blueprint begins with American manufacturing.

On the day I took office, our auto industry was on the verge of collapse. Some even said we should let it die. With a million jobs at stake, I refused to let that happen. In exchange for help, we demanded responsibility. We got workers and automakers to settle their differences. We got the industry to retool and restructure. Today, General Motors is back on top as the world's number one automaker. Chrysler has grown faster in the U.S. than any major car company. Ford is investing billions in U.S. plants and factories. And together, the entire industry added nearly 160,000 jobs.

We bet on American workers. We bet on American ingenuity. And tonight, the American auto industry is back.

What's happening in Detroit can happen in other industries. It can happen in Cleveland and Pittsburgh and Raleigh. We can't bring back every job that's left our shores. But right now, it's getting more expensive to do business in places like China. Meanwhile, America is more productive. A few weeks ago, the CEO of Master Lock told me that it now makes business sense for him to bring jobs back home. Today, for the first time in fifteen years, Master Lock's unionized plant in Milwaukee is running at full capacity.

So we have a huge opportunity, at this moment, to bring manufacturing

back. But we have to seize it. Tonight, my message to business leaders is simple: ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed.

We should start with our tax code. Right now, companies get tax breaks for moving jobs and profits overseas. Meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it.

So let's change it. First, if you're a business that wants to outsource jobs, you shouldn't get a tax deduction for doing it. That money should be used to cover moving expenses for companies like Master Lock that decide to bring jobs home.

Second, no American company should be able to avoid paying its fair share of taxes by moving jobs and profits overseas. From now on, every multinational company should have to pay a basic minimum tax. And every penny should go towards lowering taxes for companies that choose to stay here and hire here.

Third, if you're an American manufacturer, you should get a bigger tax cut. If you're a high-tech manufacturer, we should double the tax deduction you get for making products here. And if you want to relocate in a community that was hit hard when a factory left town, you should get help financing a new plant, equipment, or training for new workers.

My message is simple. It's time to stop rewarding businesses that ship jobs overseas, and start rewarding companies that create jobs right here in America. Send me these tax reforms and I'll sign them right away.

We're also making it easier for American businesses to sell products all over the world. Two years ago, I set a goal of doubling U.S. exports over five years. With the bipartisan trade agreements I signed into law, we are on track to meet that goal—ahead of schedule. Soon, there will be millions of new customers for American goods in Panama, Colombia and South Korea. Soon, there will be new cars on the streets of Seoul imported from Detroit, and Toledo, and Chicago.

I will go anywhere in the world to open new markets for American products. And I will not stand by when our competitors don't play by the rules. We've brought trade cases against China at nearly twice the rate as the last administration—and it's made a difference. Over a thousand Americans are working today because we stopped a surge in Chinese tires. But we need to do more. It's not right when another country lets our movies, music, and software be pirated. It's not fair when foreign manufacturers have a leg up on ours only because they're heavily subsidized.

Tonight, I'm announcing the creation of a Trade Enforcement Unit that will be charged with investigating unfair

trade practices in countries like China. There will be more inspections to prevent counterfeit or unsafe goods from crossing our borders. And this Congress should make sure that no foreign company has an advantage over American manufacturing when it comes to accessing finance or new markets like Russia. Our workers are the most productive on Earth, and if the playing field is level, I promise you—America will always win.

I also hear from many business leaders who want to hire in the United States, but can't find workers with the right skills. Growing industries in science and technology have twice as many openings as we have workers who can do the job. Think about that—openings at a time when millions of Americans are looking for work.

That's inexcusable. And we *know* how to fix it.

Jackie Bray is a single mom from North Carolina who was laid off from her job as a mechanic. Then Siemens opened a gas turbine factory in Charlotte, and formed a partnership with Central Piedmont Community College. The company helped the college design courses in laser and robotics training. It paid Jackie's tuition, then hired her to help operate their plant.

I want every American looking for work to have the same opportunity as Jackie did. Join me in a national commitment to train two million Americans with skills that will lead directly to a job. My Administration has already lined up more companies that want to help. Model partnerships between businesses like Siemens and community colleges in places like Charlotte, Orlando and Louisville are up and running. Now you need to give more community colleges the resources they need to become community career centers—places that teach people skills that local businesses are looking for right now, from data management to high-tech manufacturing.

And I want to cut through the maze of confusing training programs, so that from now on, people like Jackie have *one* program, *one* website, and *one* place to go for all the information and help they need. It's time to turn our unemployment system into a reemployment system that puts people to work.

These reforms will help people get jobs that are open today. But to prepare for the jobs of tomorrow, our commitment to skills and education has to start earlier.

For less than one percent of what our Nation spends on education each year, we've convinced nearly every State in the country to raise their standards for teaching and learning—the first time that's happened in a generation.

But challenges remain. And we know how to solve them.

At a time when other countries are doubling down on education, tight budgets have forced States to lay off thousands of teachers. We know a good teacher can increase the lifetime income of a classroom by over \$250,000. A

great teacher can offer an escape from poverty to the child who dreams beyond his circumstance. Every person in this chamber can point to a teacher who changed the trajectory of their lives. Most teachers work tirelessly, with modest pay, sometimes digging into their own pocket for school supplies—just to make a difference.

Teachers matter. So instead of bashing them, or defending the status quo, let's offer schools a deal. Give them the resources to keep good teachers on the job, and reward the *best* ones. In return, grant schools flexibility: to teach with creativity and passion, to stop teaching to the test, and to replace teachers who just aren't helping kids learn.

We also know that when students aren't allowed to walk away from their education, more of them walk the stage to get their diploma. So tonight, I call on every State to require that all students stay in high school until they graduate or turn eighteen.

When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July. Extend the tuition tax credit we started that saves middle-class families thousands of dollars. And give more young people the chance to earn their way through college by doubling the number of work-study jobs in the next five years.

Of course, it's not enough for us to increase student aid. We can't just keep subsidizing skyrocketing tuition; we'll run out of money. States also need to do their part, by making higher education a higher priority in their budgets. And colleges and universities have to do *their* part by working to keep costs down. Recently, I spoke with a group of college presidents who've done just that. Some schools redesign courses to help students finish more quickly. Some use better technology. The point is, it's possible. So let me put colleges and universities on notice: if you can't stop tuition from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury—it's an economic imperative that every family in America should be able to afford.

Let's also remember that hundreds of thousands of talented, hardworking students in this country face another challenge: the fact that they aren't yet American citizens. Many were brought here as small children, are American through and through, yet they live every day with the threat of deportation. Others came more recently, to study business and science and engineering, but as soon as they get their degree, we send them home to invent new products and create new jobs somewhere else.

That doesn't make sense.

I believe as strongly as ever that we should take on illegal immigration. That's why my Administration has put

more boots on the border than ever before. That's why there are fewer illegal crossings than when I took office.

The opponents of action are out of excuses. We should be working on comprehensive immigration reform right now. But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, and defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

You see, an economy built to last is one where we encourage the talent and ingenuity of *every* person in this country. That means women should earn equal pay for equal work. It means we should support *everyone* who's willing to work; and every risk-taker and entrepreneur who aspires to become the next Steve Jobs.

After all, innovation is what America has *always* been about. Most new jobs are created in start-ups and small businesses. So let's pass an agenda that helps them succeed. Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow. Expand tax relief to small businesses that are raising wages and creating good jobs. Both parties agree on these ideas. So put them in a bill, and get it on my desk this year.

Innovation also demands basic research. Today, the discoveries taking place in our federally-financed labs and universities could lead to new treatments that kill cancer cells but leave healthy ones untouched. New lightweight vests for cops and soldiers that can stop any bullet. Don't gut these investments in our budget. Don't let other countries win the race for the future. Support the same kind of research and innovation that led to the computer chip and the Internet; to new American jobs and new American industries.

Nowhere is the promise of innovation greater than in American-made energy. Over the last three years, we've opened millions of new acres for oil and gas exploration, and tonight, I'm directing my Administration to open more than 75 percent of our potential offshore oil and gas resources. Right now, American oil production is the highest that it's been in eight years. That's right—eight years. Not only that—last year, we relied less on foreign oil than in any of the past sixteen years.

But with only 2 percent of the world's oil reserves, oil isn't enough. This country needs an all-out, all-of-the-above strategy that develops every available source of American energy—a strategy that's cleaner, cheaper, and full of new jobs.

We have a supply of natural gas that can last America nearly one hundred years, and my Administration will take every possible action to safely develop this energy. Experts believe this will support more than 600,000 jobs by the end of the decade. And I'm requir-

ing all companies that drill for gas on public lands to disclose the chemicals they use. America will develop this resource without putting the health and safety of our citizens at risk.

The development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don't have to choose between our environment and our economy. And by the way, it was *public* research dollars, over the course of thirty years, that helped develop the technologies to extract all this natural gas out of shale rock—reminding us that Government support is critical in helping businesses get new energy ideas off the ground.

What's true for natural gas is true for clean energy. In three years, our partnership with the private sector has already positioned America to be the world's leading manufacturer of high-tech batteries. Because of federal investments, renewable energy use has nearly doubled. And thousands of Americans have jobs because of it.

When Bryan Ritterby was laid off from his job making furniture, he said he worried that at 55, no one would give him a second chance. But he found work at Energetx, a wind turbine manufacturer in Michigan. Before the recession, the factory only made luxury yachts. Today, it's hiring workers like Bryan, who said, "I'm proud to be working in the industry of the future."

Our experience with shale gas shows us that the payoffs on these public investments don't always come right away. Some technologies don't pan out; some companies fail. But I will not walk away from the promise of clean energy. I will not walk away from workers like Bryan. I will not cede the wind or solar or battery industry to China or Germany because we refuse to make the same commitment here. We have subsidized oil companies for a century. That's long enough. It's time to end the taxpayer giveaways to an industry that's rarely been more profitable, and double-down on a clean energy industry that's never been more promising. Pass clean energy tax credits and create these jobs.

We can also spur energy innovation with new incentives. The differences in this chamber may be too deep right now to pass a comprehensive plan to fight climate change. But there's no reason why Congress shouldn't at least set a clean energy standard that creates a market for innovation. So far, you haven't acted. Well tonight, I will. I'm directing my Administration to allow the development of clean energy on enough public land to power three million homes. And I'm proud to announce that the Department of Defense, the world's largest consumer of energy, will make one of the largest commitments to clean energy in history—with the Navy purchasing enough capacity to power a quarter of a million homes a year.

Of course, the easiest way to save money is to waste less energy. So

here's another proposal: help manufacturers eliminate energy waste in their factories and give businesses incentives to upgrade their buildings. Their energy bills will be \$100 billion lower over the next decade, and America will have less pollution, more manufacturing, and more jobs for construction workers who need them. Send me a bill that creates these jobs.

Building this new energy future should be just one part of a broader agenda to repair America's infrastructure. So much of America needs to be rebuilt. We've got crumbling roads and bridges. A power grid that wastes too much energy. An incomplete high-speed broadband network that prevents a small business owner in rural America from selling her products all over the world.

During the Great Depression, America built the Hoover Dam and the Golden Gate Bridge. After World War II, we connected our States with a system of highways. Democratic and Republican administrations invested in great projects that benefited everybody, from the workers who built them to the businesses that still use them today.

In the next few weeks, I will sign an Executive Order clearing away the red tape that slows down too many construction projects. But you need to fund these projects. Take the money we're no longer spending at war, use half of it to pay down our debt, and use the rest to do some nation-building right here at home.

There's never been a better time to build, especially since the construction industry was one of the hardest-hit when the housing bubble burst. Of course, construction workers weren't the only ones hurt. So were millions of innocent Americans who've seen their home values decline. And while Government can't fix the problem on its own, responsible homeowners shouldn't have to sit and wait for the housing market to hit bottom to get some relief.

That's why I'm sending this Congress a plan that gives every responsible homeowner the chance to save about \$3,000 a year on their mortgage, by refinancing at historically low interest rates. No more red tape. No more run-around from the banks. A small fee on the largest financial institutions will ensure that it won't add to the deficit, and will give banks that were rescued by taxpayers a chance to repay a deficit of trust.

Let's never forget: Millions of Americans who work hard and play by the rules every day deserve a Government and a financial system that do the same. It's time to apply the same rules from top to bottom: No bailouts, no handouts, and no copouts. An America built to last insists on responsibility from everybody.

We've *all* paid the price for lenders who sold mortgages to people who couldn't afford them, and buyers who *knew* they couldn't afford them. That's why we need smart regulations to prevent irresponsible behavior. Rules to

prevent financial fraud, or toxic dumping, or faulty medical devices, don't *destroy* the free market. They make the free market work better.

There is no question that some regulations are outdated, unnecessary, or too costly. In fact, I've approved fewer regulations in the first three years of my presidency than my Republican predecessor did in his. I've ordered every federal agency to eliminate rules that don't make sense. We're revising over 500 more, just a fraction of reforms that will save business and citizens more than \$10 billion over the next five years. We got rid of one rule from 40 years ago that could have forced some dairy farmers to spend \$10,000 a year proving that they could contain a spill—because milk was somehow classified as an oil. With a rule like that, I guess it was worth crying over spilled milk.

I'm confident a farmer can contain a milk spill without a federal agency looking over his shoulder. But I will not back down from making sure an oil company can contain the kind of oil spill we saw in the Gulf two years ago. I will not back down from protecting our kids from mercury pollution, or making sure that our food is safe and our water is clean. I will not go back to the days when health insurance companies had unchecked power to cancel your policy, deny you coverage, or charge women differently from men.

And I will not go back to the days when Wall Street was allowed to play by its own set of rules. The new rules we passed restore what should be any financial system's core purpose: getting funding to entrepreneurs with the best ideas, and getting loans to responsible families who want to buy a home, start a business, or send a kid to college.

So if you're a big bank or financial institution, you are no longer allowed to make risky bets with your customers' deposits. You're required to write out a "living will" that details exactly how you'll pay the bills if you fail—because the rest of us aren't bailing you out ever again. And if you're a mortgage lender or a payday lender or a credit card company, the days of signing people up for products they can't afford with confusing forms and deceptive practices are over. Today, American consumers finally have a watchdog in Richard Cordray with one job: to look out for them.

We will also establish a Financial Crimes Unit of highly trained investigators to crack down on large-scale fraud and protect people's investments. Some financial firms violate major anti-fraud laws because there's no real penalty for being a repeat offender. That's bad for consumers, and it's bad for the vast majority of bankers and financial service professionals who do the right thing. So pass legislation that makes the penalties for fraud count.

And tonight, I am asking my Attorney General to create a special unit of

federal prosecutors and leading state attorneys general to expand our investigations into the abusive lending and packaging of risky mortgages that led to the housing crisis. This new unit will hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.

A return to the American values of fair play and shared responsibility will help us protect our people and our economy. But it should also guide us as we look to pay down our debt and invest in our future.

Right now, our most immediate priority is stopping a tax hike on 160 million working Americans while the recovery is still fragile. People cannot afford losing \$40 out of each paycheck this year. There are plenty of ways to get this done. So let's agree right here, right now: No side issues. No drama. Pass the payroll tax cut without delay.

When it comes to the deficit, we've already agreed to more than \$2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we're poised to spend nearly \$1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. Right now, Warren Buffett pays a lower tax rate than his secretary.

Do we want to keep these tax cuts for the wealthiest Americans? Or do we want to keep our investments in everything else—like education and medical research; a strong military and care for our veterans? Because if we're serious about paying down our debt, we can't do both.

The American people know what the right choice is. So do I. As I told the Speaker this summer, I'm prepared to make more reforms that rein in the long term costs of Medicare and Medicaid, and strengthen Social Security, so long as those programs remain a guarantee of security for seniors.

But in return, we need to change our tax code so that people like me, and an awful lot of Members of Congress, pay our fair share of taxes. Tax reform should follow the Buffett rule: if you make more than \$1 million a year, you should not pay less than 30 percent in taxes. And my Republican friend TOM COBURN is right: Washington should stop subsidizing millionaires. In fact, if you're earning a million dollars a year, you shouldn't get special tax subsidies or deductions. On the other hand, if you make under \$250,000 a year, like 98 percent of American families, your taxes shouldn't go up. You're the ones struggling with rising costs and stagnant wages. You're the ones who need relief.

Now, you can call this class warfare all you want. But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense.

We don't begrudge financial success in this country. We admire it. When Americans talk about folks like me paying my fair share of taxes, it's not because they envy the rich. It's because they understand that when I get tax breaks I don't need and the country can't afford, it either adds to the deficit, or somebody else has to make up the difference—like a senior on a fixed income; or a student trying to get through school; or a family trying to make ends meet. That's not right. Americans know it's not right. They know that this generation's success is only possible because past generations felt a responsibility to each other, and to their country's future, and they know our way of life will only endure if we feel that same sense of shared responsibility. *That's* how we'll reduce our deficit. *That's* an America built to last.

I recognize that people watching tonight have differing views about taxes and debt; energy and health care. But no matter what party they belong to, I bet most Americans are thinking the same thing right now: nothing will get done this year, or next year, or maybe even the year after that, because Washington is broken.

Can you blame them for feeling a little cynical?

The greatest blow to confidence in our economy last year didn't come from events beyond our control. It came from a debate in Washington over whether the United States would pay its bills or not. Who benefited from that fiasco?

I've talked tonight about the deficit of trust between Main Street and Wall Street. But the divide between this city and the rest of the country is at least as bad—and it seems to get worse every year.

Some of this has to do with the corrosive influence of money in politics. So together, let's take some steps to fix that. Send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow. Let's limit any elected official from owning stocks in industries they impact. Let's make sure people who bundle campaign contributions for Congress can't lobby Congress, and vice versa—an idea that has bipartisan support, at least outside of Washington.

Some of what's broken has to do with the way Congress does its business these days. A simple majority is no longer enough to get *anything*—even routine business—passed through the Senate. Neither party has been blameless in these tactics. Now both parties should put an end to it. For starters, I ask the Senate to pass a rule that all judicial and public service nominations receive a simple up or down vote within 90 days.

The executive branch also needs to change. Too often, it's inefficient, outdated and remote. That's why I've asked this Congress to grant me the authority to consolidate the federal bureaucracy so that our Government is



leaner, quicker, and more responsive to the needs of the American people.

Finally, none of these reforms can happen unless we also lower the temperature in this town. We need to end the notion that the two parties must be locked in a perpetual campaign of mutual destruction; that politics is about clinging to rigid ideologies instead of building consensus around common sense ideas.

I'm a Democrat. But I believe what Republican Abraham Lincoln believed: that Government should do for people only what they cannot do better by themselves, and no more. That's why my education reform offers more competition, and more control for schools and States. That's why we're getting rid of regulations that don't work. That's why our health care law relies on a reformed private market, not a Government program.

On the other hand, even my Republican friends who complain the most about Government spending have supported federally-financed roads, and clean energy projects, and federal offices for the folks back home.

The point is, we should *all* want a smarter, more effective Government. And while we may not be able to bridge our biggest philosophical differences this year, we can make real progress. With or without this Congress, I will keep taking actions that help the economy grow. But I can do a whole lot more with your help. Because when we act together, there is nothing the United States of America can't achieve.

That is the lesson we've learned from our actions abroad over the last few years.

Ending the Iraq war has allowed us to strike decisive blows against our enemies. From Pakistan to Yemen, the al Qaeda operatives who remain are scrambling, knowing that they can't escape the reach of the United States of America.

From this position of strength, we've begun to wind down the war in Afghanistan. Ten thousand of our troops have come home. Twenty-three thousand more will leave by the end of this summer. This transition to Afghan lead will continue, and we will build an enduring partnership with Afghanistan, so that it is never again a source of attacks against America.

As the tide of war recedes, a wave of change has washed across the Middle East and North Africa, from Tunis to Cairo; from Sana'a to Tripoli. A year ago, Qadhafi was one of the world's longest-serving dictators—a murderer with American blood on his hands. Today, he is gone. And in Syria, I have no doubt that the Assad regime will soon discover that the forces of change can't be reversed, and that human dignity can't be denied.

How this incredible transformation will end remains uncertain. But we have a huge stake in the outcome. And while it is ultimately up to the people of the region to decide their fate, we

will advocate for those values that have served our own country so well. We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings—men and women; Christians, Muslims and Jews. We will support policies that lead to strong and stable democracies and open markets, because tyranny is no match for liberty.

And we will safeguard America's own security against those who threaten our citizens, our friends, and our interests. Look at Iran. Through the power of our diplomacy, a world that was once divided about how to deal with Iran's nuclear program now stands as one. The regime is more isolated than ever before; its leaders are faced with crippling sanctions, and as long as they shirk their responsibilities, this pressure will not relent. Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal. But a peaceful resolution of this issue is still possible, and far better, and if Iran changes course and meets its obligations, it can rejoin the community of nations.

The renewal of American leadership can be felt across the globe. Our oldest alliances in Europe and Asia are stronger than ever. Our ties to the Americas are deeper. Our iron-clad commitment to Israel's security has meant the closest military cooperation between our two countries in history. We've made it clear that America is a Pacific power, and a new beginning in Burma has lit a new hope. From the coalitions we've built to secure nuclear materials, to the missions we've led against hunger and disease; from the blows we've dealt to our enemies; to the enduring power of our moral example, America is back.

Anyone who tells you otherwise, anyone who tells you that America is in decline or that our influence has waned, doesn't know what they're talking about. That's not the message we get from leaders around the world, all of whom are eager to work with us. That's not how people feel from Tokyo to Berlin; from Cape Town to Rio; where opinions of America are higher than they've been in years. Yes, the world is changing; no, we can't control every event. But America remains the one indispensable nation in world affairs—and as long as I'm President, I intend to keep it that way.

That's why, working with our military leaders, I have proposed a new defense strategy that ensures we maintain the finest military in the world, while saving nearly half a trillion dollars in our budget. To stay one step ahead of our adversaries, I have already sent this Congress legislation that will secure our country from the growing danger of cyberthreats.

Above all, our freedom endures because of the men and women in uniform who defend it. As they come home, we must serve them as well as

they served us. That includes giving them the care and benefits they have earned—which is why we've increased annual VA spending every year I've been President. And it means enlisting our veterans in the work of rebuilding our Nation.

With the bipartisan support of this Congress, we are providing new tax credits to companies that hire vets. Michelle and Jill Biden have worked with American businesses to secure a pledge of 135,000 jobs for veterans and their families. And tonight, I'm proposing a Veterans Job Corps that will help our communities hire veterans as cops and firefighters, so that America is as strong as those who defend her.

Which brings me back to where I began. Those of us who've been sent here to serve can learn from the service of our troops. When you put on that uniform, it doesn't matter if you're black or white; Asian or Latino; conservative or liberal; rich or poor; gay or straight. When you're marching into battle, you look out for the person next to you, or the mission fails. When you're in the thick of the fight, you rise or fall as one unit, serving one Nation, leaving no one behind.

One of my proudest possessions is the flag that the SEAL Team took with them on the mission to kill bin Laden. On it are each of their names. Some may be Democrats. Some may be Republicans. But that doesn't matter. Just like it didn't matter that day in the Situation Room, when I sat next to Bob Gates—a man who was George Bush's defense secretary; and Hillary Clinton, a woman who ran against me for president.

All that mattered that day was the mission. No one thought about politics. No one thought about themselves. One of the young men involved in the raid later told me that he didn't deserve credit for the mission. It only succeeded, he said, because every single member of that unit did their job—the pilot who landed the helicopter that spun out of control; the translator who kept others from entering the compound; the troops who separated the women and children from the fight; the SEALs who charged up the stairs. More than that, the mission only succeeded because every member of that unit trusted each other—because you can't charge up those stairs, into darkness and danger, unless you know that there's someone behind you, watching your back.

So it is with America. Each time I look at that flag, I'm reminded that our destiny is stitched together like those fifty stars and those thirteen stripes. No one built this country on their own. This Nation is great because we built it together. This Nation is great because we worked as a team. This Nation is great because we get each other's backs. And if we hold fast to that truth, in this moment of trial, there is no challenge too great; no mission too hard. As long as we're joined in common purpose, as long as we



maintain our common resolve, our journey moves forward, our future is hopeful, and the state of our Union will always be strong.

Thank you, God bless you, and may God bless the United States of America.

BARACK OBAMA.  
THE WHITE HOUSE, January 24, 2012.

#### MESSAGES FROM THE HOUSE

At 11:54 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1141. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

H.R. 3117. An act to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

#### ENROLLED BILL SIGNED

At 5:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1141. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 3117. An act to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; to the Committee on Environment and Public Works.

The following bill was read, and referred as indicated:

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Environment and Public Works by unanimous consent.

#### MEASURES DISCHARGED

The following bill was discharged from the Committee on Homeland Security and Governmental Affairs, and referred as indicated:

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Environment and Public Works.

#### 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-4492. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Suspending Random Row Diversion Regulations Under the Marketing Order for Tart Cherries" (Docket No. AMS-FV-11-0047; FV11-930-1 FR) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4493. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of (14) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4494. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report entitled "Navy Fisher House Annual Report, Fiscal Year 2011"; to the Committee on Armed Services.

EC-4495. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Benjamin C. Freakley, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4496. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hong Kong, China; to the Committee on Banking, Housing, and Urban Affairs.

EC-4497. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions" (RIN3133-AD95) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4498. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Interim Rule; Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4499. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4500. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Suspension of Community Eligibility for Repealing Its Floodplain Management Regulations" ((44 CFR Part 64) (Docket No. FEMA-2011-0020)) received during adjournment of the Senate

in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4501. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4502. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components" (RIN0694-AF38) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4503. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings (Regulation DD)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4505. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4506. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4507. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure (Regulation C)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4508. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Equal Credit Opportunity (Regulation B)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4509. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the continuation of the national emergency that was declared in Executive Order 13396 on February 7, 2006, with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-4510. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting, Procedures and Penalties Regulations; Transnational Criminal Organizations Sanctions Regulations" (31 CFR Parts 501 and 590) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4511. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury transmitting, pursuant to law, (7) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-4512. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Joint Final Rule: Community Reinvestment Act Regulations, Technical Amendments" (RIN3064-AD90) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4513. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's 2012 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-4514. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for fiscal year 2011 of the Commerce Department's Bureau of Industry and Security (BIS); to the Committee on Banking, Housing, and Urban Affairs.

EC-4515. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4516. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Consolidated Appropriations Act of Fiscal Year 2012 and the Disaster Relief Appropriations Act of Fiscal Year 2012; to the Committee on the Budget.

EC-4517. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedure for Automatic Commercial Ice Makers" (RIN1904-AC38) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Energy and Natural Resources.

EC-4518. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf—Acquire a Lease Non-competitively; Correction" (RIN1010-AD71) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Energy and Natural Resources.

EC-4519. A communication from the Acting Assistant Secretary, National Park Service,

Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore-Off-Road Vehicle Management" (RIN1024-AD85) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2012; to the Committee on Energy and Natural Resources.

EC-4520. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report related to the Colorado River System Reservoirs for 2012; to the Committee on Energy and Natural Resources.

EC-4521. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Attendance at NRC Staff-Sponsored Meetings" (NRC Management Directive 3.5) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4522. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance for Fuel Cycle Facility Change Process" (Regulatory Guide 3.74) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Environment and Public Works.

EC-4523. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance on Making Changes to Emergency Plans for Nuclear Power Plants" (Regulatory Guide 1.219) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Environment and Public Works.

EC-4524. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "EPAAR Clause for Compliance with EPA Policies for Information Resources Management" (FRL No. 9616-2) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4525. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for the State of Oregon" (FRL No. 9615-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4526. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Alaska" (FRL No. 9616-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4527. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9480-1) received during adjournment of the Senate in the Office of the President of

the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4528. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Partial Disapproval of Air Quality Implementation Plans; California; San Joaquin Valley; Reasonably Available Control Technology for Ozone" (FRL No. 9616-5) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4529. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 PM2.5 and 8-Hour Ozone NAAQS. . . ." (FRL No. 9506-8) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4530. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia, and West Virginia; Determinations of Attainment of the 1997 Fine Particulate Standard for the Metropolitan Washington, DC-MD-VA and Martinsburg-Hagerstown, WV-MD Nonattainment Areas" (FRL No. 9616-6) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4531. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Rome; Fine Particulate Matter 2002 Base Year Emissions Inventory" (FRL No. 9617-2) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4532. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9615-5) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4533. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Mexico: Final Authorization of State-initiated Changes and Incorporation-by-Reference of State Hazardous Waste Management Program" (FRL No. 9613-6) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4534. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Colorado: Smoke, Opacity and Sulfur Dioxide Rule Revisions; Regulation 1" (FRL No. 9614-8) received during adjournment of the

Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4535. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Imperial County Air Pollution Control District" (FRL No. 9617-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4536. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Placer County Air Pollution Control District" (FRL No. 9618-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4537. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation of Revised ASTM Standards that Provide Flexibility in the Use of Alternatives to Mercury-Containing Industrial Thermometers" (FRL No. 8880-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

#### 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 Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. BROWN of Ohio):

S. 2034. A bill to impose sanctions with respect to human rights abuses committed against the people of Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. TESTER):

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to authorizing regulation of contributions to candidates for State public office and Federal office by corporations, entities organized and operated for profit, and labor organizations, and expenditures by such entities and labor organizations in support of, or opposition to such candidates; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself and Mr. HOEVEN):

S. Res. 353. A resolution congratulating the North Dakota State University football team for winning the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Alabama

(Mr. SHELBY) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 84

At the request of Mr. VITTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 84, a bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 490

At the request of Mr. TESTER, his name was added as a cosponsor of S. 490, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1035

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1035, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler systems as section 179 property and classify certain automated fire sprinkler systems as 15-year property for purposes of depreciation.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1354

At the request of Mrs. HAGAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1354, a bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes.

S. 1360

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may

make certain political expenditures, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1381

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1381, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne disease, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1435

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1435, a bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance for needy families program, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1451

At the request of Mr. VITTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1576

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) 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. 1747

At the request of Mrs. HAGAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor

of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1781

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1781, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1832

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1850

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the names of the Senator from Georgia

(Mr. CHAMBLISS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1897

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1897, a bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes.

S. 1911

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1964

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1964, a bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2003

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Montana (Mr. TESTER) 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. 2030

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2030, a bill to provide protection for consumers who have prepaid cards, and for other purposes.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 34

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S.J. Res. 34, a joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Dakota (Mr. THUNE) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S.J. Res. 34, *supra*.

S. RES. 285

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 285, a resolution supporting the goals and ideals of World Habitat Day, October 3, 2011.

S. RES. 352

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 352, a resolution expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 353—CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2011 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. CONRAD (for himself and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

S. RES. 353

Whereas the North Dakota State University (referred to in this preamble as "NDSU") Bison won the 2011 National Collegiate Athletic Association Division I Foot-

ball Championship Subdivision title game in Frisco, Texas, on January 7, 2012, in a hard fought victory over the Sam Houston State University Bearkats by a score of 17 to 6;

Whereas the NDSU Bison and coach Craig Bohl had an incredible 2011 season with a record of 14 wins and 1 defeat;

Whereas the Bison had a season full of highlights, including a 37 to 24 win over the University of Minnesota Gophers on September 24, 2011;

Whereas, during the championship game, the NDSU Bison offense scored 17 points against the Sam Houston State Bearkats, led by key plays from quarterback Brock Jensen, running back D.J. McNorton, and punter Matt Voigtlander;

Whereas the stifling Bison defense shut down the Bearkats, limiting the Bearkats to just 2 field goals;

Whereas Bison linebacker Travis Beck, the Most Outstanding Player of the game, secured a momentum-changing interception in the final minutes of the game to preserve the win for the Bison;

Whereas the Bison, who were previously a dominant force in the National Collegiate Athletic Association Division II, have continued to strive for excellence since moving up a division in 2004 and have proven they are able to compete and win in Division I;

Whereas Coach Bohl and his staff have instilled character and confidence in the NDSU players and have done an outstanding job with the Bison football program;

Whereas the leadership of President Dean Bresciani and Athletic Director Gene Taylor has helped bring both academic and athletic excellence to NDSU;

Whereas the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title was a victory not only for the NDSU football team, but also for the entire State of North Dakota: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the North Dakota State University football team, the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision champions;

(2) commends the North Dakota State University players, coaches, and staff for their hard work and dedication; and

(3) recognizes the students, alumni, and loyal fans for supporting the Bison on their successful quest to capture the first Division I trophy for North Dakota State University.

## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 2, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on the following bills: S. 1739, a bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; S. 356, a bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; and S. 908, a bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the committee on Indian Affairs will meet on Thursday, February 9, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "U.S. Department of Justice Opinion on Internet Gaming: What's at Stake for Tribes?"

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 24, 2012, at 9:45 a.m.

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

## UNANIMOUS CONSENT AGREEMENT—H.J. RES. 98

Mr. REID. Mr. President, I ask unanimous consent that following any leader remarks on Thursday, January 26, the Republican leader or his designee be recognized to move to proceed to the consideration of Calendar No. 294, H.J. Res. 98, a joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit; that the time until noon be for debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; that at noon, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, that all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

## CONGRATULATING THE NORTH DAKOTA STATE UNIVERSITY FOOTBALL TEAM

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 353.

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

The bill clerk read as follows:

A resolution (S. Res. 353) congratulating the North Dakota State University football team for winning the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title.

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



Mr. REID. Madame President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 353) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 353

Whereas the North Dakota State University (referred to in this preamble as "NDSU") Bison won the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title game in Frisco, Texas, on January 7, 2012, in a hard fought victory over the Sam Houston State University Bearkats by a score of 17 to 6;

Whereas the NDSU Bison and coach Craig Bohl had an incredible 2011 season with a record of 14 wins and 1 defeat;

Whereas the Bison had a season full of highlights, including a 37 to 24 win over the University of Minnesota Gophers on September 24, 2011;

Whereas, during the championship game, the NDSU Bison offense scored 17 points against the Sam Houston State Bearkats, led by key plays from quarterback Brock Jensen, running back D.J. McNorton, and punter Matt Voigtlander;

Whereas the stifling Bison defense shut down the Bearkats, limiting the Bearkats to just 2 field goals;

Whereas Bison linebacker Travis Beck, the Most Outstanding Player of the game, secured a momentum-changing interception in the final minutes of the game to preserve the win for the Bison;

Whereas the Bison, who were previously a dominant force in the National Collegiate Athletic Association Division II, have continued to strive for excellence since moving up a division in 2004 and have proven they are able to compete and win in Division I;

Whereas Coach Bohl and his staff have instilled character and confidence in the NDSU players and have done an outstanding job with the Bison football program;

Whereas the leadership of President Dean Bresciani and Athletic Director Gene Taylor has helped bring both academic and athletic excellence to NDSU;

Whereas the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title was a victory not only for the NDSU football team, but also for the entire State of North Dakota: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the North Dakota State University football team, the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision champions;

(2) commends the North Dakota State University players, coaches, and staff for their hard work and dedication; and

(3) recognizes the students, alumni, and loyal fans for supporting the Bison on their successful quest to capture the first Division I trophy for North Dakota State University.

#### DISCHARGE AND REFERRAL—H.R. 1791

Mr. REID. I ask unanimous consent that the Homeland Security and Government Affairs Committee be dis-

charged from further consideration of H.R. 1791 and the bill be referred to the Committee on Environment and Public Works.

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the Senate recess until 8:30 p.m. tonight and proceed as a body at 8:40 p.m. to the Hall of the House of Representatives for the joint session of Congress provided under the provisions of H. Con. Res. 96; that upon the dissolution of the joint session, the Senate adjourn until 9:30 a.m. on Thursday, January 26, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate begin consideration of the motion to proceed to H.J. Res. 98 under the previous order.

Madam President, before we move on that, the reason we are not going to be in session tomorrow is the Republicans are having a retreat. These are normally done at the beginning of every Congress. We are going to do ours in the next week or so—the next week or 2 weeks, I should say—and we will be out of session that day also. So this is why we are not working tomorrow.

We have work that we are going to complete Thursday, and the next week we have some fairly heavy legislation we are going to start. The reason we have not been working real hard this week is the IP bill, which we expected to work on this week and next week, things came up and we were unable to do that.

So I ask the Chair to rule on my request.

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

#### PROGRAM

Mr. REID. Madam President, the next vote will be on Thursday at 12 p.m. on the motion to proceed to H.J. Res. 98.

#### RECESS

Mr. REID. If there is no further business to come before the Senate, I ask that it recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:30 p.m.

Thereupon, at 4:41 p.m., the Senate recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of Colorado).

#### JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear a message from the President of the United States of America.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Martina Bradford, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Barack Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

#### ADJOURNMENT UNTIL THURSDAY, JANUARY 26, 2012, AT 9:30 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:23 p.m., the Senate adjourned until Thursday, January 26, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

JESSICA LYNN WRIGHT, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DENNIS M. MCCARTHY, RESIGNED.

JAMES N. MILLER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE MICHELE A. FLOURNOY.

FRANK KENDALL III, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE ASHTON B. CARTER, RESIGNED.

ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE CLIFFORD L. STANLEY.

##### FEDERAL RESERVE SYSTEM

JEREMY C. STEIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004, VICE KEVIN M. WARSH, RESIGNED.

JEROME H. POWELL, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN.

##### CONSUMER PRODUCT SAFETY COMMISSION

MARIETTA S. ROBINSON, OF MICHIGAN, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010, VICE THOMAS HILL MOORE, TERM EXPIRED.

##### DEPARTMENT OF ENERGY

ADAM E. SIEMINSKI, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, VICE RICHARD G. NEWELL.

##### FEDERAL ENERGY REGULATORY COMMISSION

ANTHONY T. CLARK, OF NORTH DAKOTA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2016, VICE MARC SPITZER, TERM EXPIRED.

##### ENVIRONMENTAL PROTECTION AGENCY

JAMES J. JONES, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES

OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE STEPHEN ALAN OWENS, RESIGNED.

#### DEPARTMENT OF STATE

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE NANCY J. POWELL, RESIGNED.

PAMELA A. WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

JOHN CHRISTOPHER STEVENS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LIBYA.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

#### DEPARTMENT OF EDUCATION

DEBORAH S. DELISLE, OF SOUTH CAROLINA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE THELMA MELENDEZ DE SANTA ANA.

#### DEPARTMENT OF VETERANS AFFAIRS

CONSTANCE B. TOBIAS, OF MARYLAND, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS, VICE JAMES PHILIP TERRY, TERM EXPIRED.

### WITHDRAWALS

Executive Message transmitted by the President to the Senate on January

24, 2012 withdrawing from further Senate consideration the following nominations:

SCOTT C. DONEY, OF MASSACHUSETTS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE KATHRYN D. SULLIVAN, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011. TIMOTHY CHARLES SCHEVE, OF PENNSYLVANIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2015, VICE NANCY KILLEFER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

GINEEN MARIA BRESSO, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2013, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON MARCH 17, 2011.

GLORIA WILSON SHELTON, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 110-389, APPROVED OCTOBER 10, 2008, WHICH WAS SENT TO THE SENATE ON JUNE 22, 2011.