

assets we have. We should not have an ad hoc, haphazard approach to treating enemy combatants. We should not Mirandize enemy combatants who are our military captures and then hold them on makeshift prison barges as if we were in the 19th century because the administration refuses to use Guantanamo Bay and then import them into the United States so they can be detained in our civilian court system, tried in our civilian courts, with the possibility that they could be released into the United States if they are acquitted or given a modest sentence, as nearly happened with Ahmed Ghailani.

Now is the time to keep the pressure on al-Qaida, whether in the tribal areas of Pakistan or in Yemen. Our law enforcement officials have done a tremendous job in contributing to the counterterrorism fight. But we cannot, for the first time in the history of this country, take the view of the Attorney General, which is that our civilian court system is the most effective weapon in our conflict with al-Qaida, because that is simply not the case.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to thank the Senator from New Hampshire on behalf of the leader. She has brought to the floor an outstanding amendment that needs to be addressed because this is an issue that is certainly on a lot of people's minds, as to why we would be using our judicial system for enemy combatants. She has articulated it so well, as the former attorney general of New Hampshire, and we appreciate so much that she has brought this amendment. It is going to get a lot of support from the American people as well as Members of the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have worked very hard to move through this first tranche of appropriations bills we have. Progress is being made but not nearly enough progress. I am going to move in just a minute to the Bryson nomination. But I want everyone within the sound of my voice to understand this cannot go on forever. People sometimes are unreasonable. We cannot have votes on all these amendments that have been called up. I hope everyone understands there has to be some give-and-take here, and we need to move through this. They need to be cooperative with the staffs, because when this matter regarding the Secretary of Commerce nomination is finished, we are going to have to make a decision as to whether we can continue working on this appropriations bill.

This was a noble experiment. I am part of it. I want it to work very much, but it can't work without the cooperation of all Senators.

I say to everyone listening, this is the way it has always been. I was a

member of the Appropriations Committee the first day I came to the Senate, and I managed many appropriations bills on the Senate floor. For every one of them, we had more amendments than we had time to vote on them. That is where we are today. But the only way we can finish them is to work through these amendments. We hope we can do that; otherwise, we will have a cloture vote either tonight or tomorrow to determine whether we want to finish these appropriations bills—all extremely important—Commerce-State-Justice, Agriculture, and, of course, the Transportation bill. It would be good for us to be able to get this done.

I heard Senator COLLINS, the Senator from Maine, speak about this a little earlier today, and she did an extremely good job of explaining why it is important we do this.

EXECUTIVE SESSION

NOMINATION OF JOHN EDGAR BRYSON TO BE SECRETARY OF COMMERCE

Mr. REID. Under the previous order, I move to executive session to call up Calendar No. 410, the nomination of John Bryson, to be Commerce Secretary.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Edgar Bryson, of California, to be Secretary of Commerce.

Mr. REID. Mr. President, there are 4 hours under the order previously entered. We are hoping all this time will not have to be used. I ask unanimous consent that 20 minutes remain, equally divided between the two leaders or their designees, regardless of any time consumed in quorum calls throughout the presentations made on this matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I wish to congratulate my friend, the chairman of the Committee on Commerce, Science, and Transportation, and the Senator from Texas, KAY BAILEY HUTCHISON. They both worked very hard in a fair way to move forward on this. It has been good for the Senate. When we confirm this nomination, it will be good for the country.

I don't think we will use all this time. I hope we can vote on this matter anywhere between 6:30 and 7:30 tonight, hopefully closer to 6:30.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in strong support of John Bryson of California, whom President Obama has nominated to be his Secretary of Commerce.

Mr. Bryson's nomination comes at a very critical time for our country and for our economy. No one disputes the Secretary of Commerce is an impor-

tant part of the President's economic team. That person is now missing in the Commerce Department. Commerce has to do with jobs. There is nobody there. That dictates that we have a leader with strong, real-world experience. This position has been vacant since Ambassador Locke left for China in late July. It is stunning to think, with what the country is going through, we don't have a Cabinet Secretary who can attend to manufacturing and other kinds of jobs and job-related efforts that he will do. But because of the insistence of the minority—and I had no objection to this—we were unable to move this nomination until the trade agreements were finished. The trade agreements had to come forward and passed, that was done, and then it was OK to proceed to the Bryson nomination.

The Commerce, Science, and Transportation Committee confirmed Mr. Bryson by a voice vote. I recall no objections at all. Mr. Bryson will be an excellent Secretary of Commerce, and America is entitled to have a Secretary of Commerce on the job. Mr. Bryson possesses a rare combination of actual real-life business experience and a very broad intellect. As an executive, he has proven himself to be a talented executive and has shown his dedication to public service. He cares about public service. He has had to wait a long time to get this job, and he has been in and out of public service.

My colleagues should appreciate that Mr. Bryson's confirmation comes at an important crossroads for the country and for the Commerce Department itself. The challenges obviously are very important: high unemployment, a slow economic recovery. The Secretary of Commerce plays a major role in promoting jobs and our economy. But to do that, he has to be in place and on the job. If confirmed, as I believe he deserves to be, he will have to face these deep challenges and looks forward to so doing.

But I believe Mr. Bryson's experience provides him with the capacity to help restore jobs in manufacturing in America as the Secretary of Commerce. I have long fought for a stronger manufacturing sector in this country. Anybody from West Virginia would be crazy to do otherwise. Manufacturing has been hit hard all over the country during this past decade, losing one-third of its workforce, and the government's response has been piecemeal.

This needs to change. If the next decade is as bad for manufacturing jobs as the previous one, we are going to have very little left to work with of the manufacturing sector if we are trying to save it. This has grave national security implications and could cripple our ability to outinnovate and outcompete other countries. That is already happening.

In the Commerce Committee, we held three hearings on this issue this year; that is manufacturing, and we also included a field hearing, which happened

to be in West Virginia—total coincidence—on exporting products made in America.

Mr. Bryson knows that if confirmed, I intend to work with him to make manufacturing a high priority in our job-creation agenda.

A word on NOAA and NIST. Mr. Bryson will also bring his leadership to help NOAA innovate its essential services to help all Americans, from daily weather forecasts to fisheries management, and from coastal restoration to supporting marine commerce, and on and on. NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product.

Americans in many States across the Nation have suffered record-breaking weather disasters in 2011, and much of the gulf continues to recover from the worst oil spill in our history.

Mr. Bryson's business-minded leadership is valuable now more than ever to help NOAA continue to improve its important services and keep pace with scientific innovation.

The Department of Commerce also houses the National Institute of Standards and Technology, NIST—an extraordinary place. I think we have had a couple of Nobel laureates out of NIST in the last year. NIST is critical to U.S. innovation and economic competitiveness through its measurement science, standards, and technological development. NIST plays a critical role bringing together industry, government, and universities to advance everything from manufacturing to cybersecurity to forensic science standards. Mr. Bryson's own experience in both the public sector and private sector will serve him well as he and his department tackle such national challenges.

In closing, Mr. Bryson is eminently qualified to be Secretary of Commerce and to lead this important Cabinet Department during a time in which the American people are looking for innovative solutions to improve our economy and create jobs. And we need all the good people we can get.

I urge my colleagues to quickly support Mr. Bryson's confirmation so he can begin his important work toward that end.

Mr. President, I yield to my distinguished friend from the State of Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Chair and I thank the chairman of the Commerce Committee, the Senator from West Virginia.

I strongly support the nomination of John Bryson to serve as Secretary of Commerce. I think he is an exceptional choice by the President, and I am absolutely confident, having served with many Commerce Secretaries through the years, that he is going to be one of our best. I think he is the right person at this moment in time to be taking the helm at the Department of Com-

merce. It is a critical, defining moment in many ways for our economy. The challenges are well known by everybody here in the Senate, and the decisions we make or fail to make on new energy sources, on infrastructure, technology, research—all of the items the Senator from West Virginia mentioned—all of those are going to play a critical part in defining the United States leadership role in the global economy.

The experience of John Bryson in the private sector has won him broad support in the business community.

Mr. President, I ask unanimous consent that a letter from former Secretaries of Commerce serving both Republican and Democratic administrations alike be printed in the RECORD.

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

HON. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
HON. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

OCTOBER 20, 2011.

DEAR MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL AND MEMBERS OF THE UNITED STATES SENATE: We are writing as former Commerce Secretaries—who have served both Republican and Democratic Administrations—to urge you to confirm John Bryson as Secretary of Commerce.

At a time when the nation is focused on strengthening the economic recovery and job creation, American businesses and workers need a Commerce Secretary working for them.

For almost 18 years, as CEO of Edison International, John was a widely respected business leader. He successfully led Edison through crisis; he made tough decisions, and he created jobs. Importantly, John understands the challenges facing U.S. companies and what they need to prosper so that they can create jobs.

John has served on the Board of Directors for a number of U.S. companies—including Boeing and Disney—and has provided counsel to many entrepreneurs in their early stage businesses. This is the type of experience we need in President Obama's cabinet.

We know what it takes to do this job and its importance to the nation's economy. In these challenging economic times, John Bryson has the experience that will help move our country forward and provide an important perspective in the President's Cabinet.

We strongly support him and ask you to support his confirmation.

Sincerely,

CARLOS GUTIERREZ,
Former Commerce Sec-
retary, 2005–2009.

NORMAN MINETA,
Former Commerce Sec-
retary, 2000–2001.

BARBARA HACKMAN
FRANKLIN,
Former Commerce Sec-
retary, 1992–1993.

DONALD EVANS,
Former Commerce Sec-
retary, 2001–2005.

MICKEY KANTOR,
Former Commerce Sec-
retary, 1996–1997.

PETER PETERSON,
Former Commerce Sec-
retary, 1972–1973.

Mr. KERRY. I would say to the Presiding Officer, this is a letter written to Senator REID and Senator MCCONNELL from Carlos Gutierrez, Norman Mineta, Barbara Franklin, Don Evans, Mickey Kantor, Pete Peterson, all former Commerce Secretaries, all of whom are strongly supportive of this nomination.

In addition, I ask unanimous consent that a letter to Senator REID from the president and CEO of the U.S. Hispanic Chamber of Commerce be printed in the RECORD.

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

UNITED STATES HISPANIC
CHAMBER OF COMMERCE,
October 18, 2011.

HON. HARRY REID,
Majority Leader, U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: On behalf of the United States Hispanic Chamber of Commerce (USHCC), which advocates on behalf of nearly 3 million Hispanic-owned businesses through our network of 200 local chambers throughout the nation, I am writing to register our wholehearted support for President Obama's nomination of John Bryson to serve as our next Secretary of the United States Department of Commerce.

As our next Commerce Secretary, Mr. Bryson will bring a wealth of experience from the private sector. As a former CEO, he understands the challenges that American companies, both large and small, are facing in this economy and he will be a strong business advocate in the Cabinet. As the President and CEO of Edison International for 18 years until he retired in 2008, Mr. Bryson led the company through the electricity crisis of 2000–2001, a period which marked California's most turbulent era in the power sector. His stewardship proved that he is a sound business leader, who can make tough decisions. Edison International endured the crisis and remains a strong company today, largely due to his efforts. During these difficult economic times, we need people who have demonstrated their ability to lead during crisis, those who can find viable solutions to our nation's financial challenges.

As a former CEO and board member for non-profit organizations, as well as Fortune 100 companies such as Disney and Boeing, Mr. Bryson is aware of the challenges facing our businesses and entrepreneurs. With small business as the backbone of our economy, it is important that the new Secretary intimately understand the challenges and opportunities faced by our community. We are confident that Mr. Bryson's background will enable him to approach this post with our priorities in mind. For his proven record as a business and civic leader, the USHCC urges a swift confirmation of Mr. John Bryson as the next Secretary of Commerce.

Sincerely,

JAVIER PALOMAREZ,
President & CEO.

Mr. KERRY. Mr. President, let me say, very quickly, that John Bryson brings to this role the special qualities of somebody who has served as the chairman and CEO of one of the Nation's largest utility companies for almost 20 years, being the chairman and CEO of Edison International. He has been a board member for nonprofit organizations as well as for major corporations in our country: Boeing, Disney, some of the great success stories of our country.

He has extensive experience working on international issues through his work at Edison International and as chair of the Pacific Council on International Policy. I am convinced that if he is confirmed as Secretary of Commerce today, he is going to focus on increasing American exports, and he will be a superb ambassador, helping American companies that are looking to expand across the globe. This is a person who has already proven his ability to be able to deal with people in other countries, with other companies, and I am confident about his ability to perform this task.

His previous experience has exposed him to the importance of innovation and technology at a vital time for the information economy. His Department is now leading the administration in its efforts on issues ranging from privacy to spectrum reform. I am confident he is the right person to help make that process work.

I also know his work on competitiveness means he will be at the forefront of helping to lead our country to, in fact, invest in the skills of our workers, the infrastructure of the Nation, and retain and bring the brightest people in the world to this task.

Finally, I want to close saying, in my conversations with whom I hope to be Secretary Bryson, we raised an issue that is of critical importance to us in Massachusetts. Because of Federal regulations limiting fishing in our waters, a lot of our fishermen have been put out of business or pushed to the brink, and there is a great frustration that exists between the fishing community in our region and the Federal Government.

When I met with John Bryson, he exhibited an understanding of the importance of that issue and a willingness to come to Massachusetts and help us resolve this current situation. We are, frankly, here waiting for his confirmation, months after those conversations took place, and his talents could have been put to use in so much of the challenge we face in this Nation.

I hope my colleagues will join in an overwhelming vote of support for this outstanding, capable nominee, who I think is the right person for this time.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield time to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank Senator ROCKEFELLER very much.

Mr. President, I believe John Bryson is well suited for this important role, particularly at a time when our economy is fragile and job creation is not occurring fast enough.

He has a lot of experience. Senator KERRY just pointed this out. He has run a multibillion-dollar company, he has been a strong advocate for business, he is ready to advance a jobs agenda—and all of that makes him a perfect fit for Commerce Secretary.

I first got to know John when he served for 18 years as CEO of Edison International, one of the 200 largest corporations in the United States, with more than 20,000 employees. Edison International is the parent company of Southern California Edison, which provides power to 14 million Californians and nearly 300,000 businesses.

As my colleagues may recall, in 2000 and 2001, California was gripped by an energy crisis that resulted in rolling blackouts that left millions of Californians in the dark. The period marked the most turbulent era ever for the California power sector. Price caps, manipulation, rolling blackouts, deregulation, and Enron became the focus of our attention.

During that difficult time, John's company was under siege. I watched closely as he successfully fended off financial disaster, even as other California utilities were swept into bankruptcy. I met and spoke with John often during that energy crisis and remember well his intelligence and pragmatism, as utilities, State officials, and Washington worked our way through the crisis.

Some say that a crisis serves as the best test of a person's character. If that is so, John Bryson is a man of exceptional character. In my observation, he worked hard to hear from the people of California, his shareholders, and the many businesses that relied on a stable power grid. After emerging from the crisis, from 2003 to 2007, John turned Edison around completely. The firm was No. 1 among investor-owned utility companies for returning value to its shareholders. I believe he will carry this same thoughtful, sensible leadership style with him to the Commerce Department.

In addition to his time at Edison, he has served as director, chairman, or adviser for a wide array of companies, schools, and nonprofit organizations, including many institutions with deep roots in my home State of California, such as the Walt Disney Company, BrightSource Energy, Boeing, and the asset manager KKR; the California Business Roundtable, the Public Policy Institute of California, and the University of Southern California's Keck School of Medicine; the Council on Foreign Relations, Stanford University, the California Institute of Technology, and the California Endowment.

I am also proud to note that John and I share the same alma mater—Stanford—where John earned his undergraduate degree. Later he attended Yale Law School before returning to California.

John Bryson's experience paints a picture of a leader who focuses on the practical and the achievable. I believe, if confirmed, he will support measures that meet those criteria.

At this time in our economic history, our No. 1 priority as a government must be to grow the economy and get people back to work. I know my Senate colleagues agree. In my view, John

Bryson's combination of pragmatism, experience in the boardroom, and understanding of the public sector will make him an outstanding Commerce Secretary. I expect he will be a powerful voice inside the administration and a partner with the business community to grow our economy and open international markets for American manufacturers.

I make these remarks on behalf of my colleague Senator BOXER as well. We have a California candidate for Secretary of Commerce. We are the largest State in the Union. We have 12.1 percent. We need job generation. So I trust that John Bryson is going to provide this, and provide it as expeditiously as is humanly possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I listened to the statements made by my colleagues, and I have come to a different conclusion. I think this nominee is actually the wrong person at the worst time. At a time when the unemployment rate is 9.1 percent, when 14 million Americans are looking for work, I would think the President would want to respond appropriately and nominate someone to lead the Commerce Department whose record was consistent with the mission outlined for the Commerce Department. That mission is to promote job creation, to promote economic growth, to promote sustainable development, and improve standards of living for all Americans. So I would think the President would want to nominate someone who has a record of robust job creation.

Instead, the President has nominated someone whose political advocacy is, in my opinion, detached from the financial hardships facing tens of millions of Americans today.

Most Americans recognize that cap and trade—or, as I call it, cap and tax—is job killing. It is a job-killing energy tax. Yet this nominee has repeatedly advocated for cap-and-trade legislation. He even called the Waxman-Markey legislation a moderate but acceptable bill. There are colleagues on the other side of the aisle who support that legislation. I do not. I view it as a tax. The nominee even went so far as to say the legislation was good precisely because it was a good way to hide—to hide—a carbon tax. But is that the role of the Secretary of Commerce: to hide taxes on American businesses, on American families, to make American businesses less competitive, to make it more expensive for them to hire new workers?

Mr. BARRASSO. I want to find ways to make it easier and cheaper for the private sector to create jobs, not for ways to hide taxes and make it more expensive and harder for the private sector to create jobs.

Finally, I wish to point out what happened during the confirmation hearing

before the Senate Commerce Committee. The chairman of the committee, who is here on the floor, questioned Mr. Bryson about coal. Coal is important to the chairman's State, and it is very important in my State, a big part of our economy. He asked for straight, direct answers, which the chairman did not receive, to the point that he actually invited the nominee to visit with him privately in his office to discuss the issue.

So I come here today to say, we need a Commerce Secretary who is committed to making American businesses more innovative at home and more competitive abroad—more innovative at home, more competitive abroad. We need someone who will address the problems of high unemployment, slow economic growth, and rising consumer costs aggressively and dispassionately. In my opinion, John Bryson is not that person. Therefore, I will not support nor will I vote for his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, today, very shortly, we will vote on President Obama's nominee to be the Secretary of the Department of Commerce, Mr. John Bryson. This is the most senior position in the Department, which is tasked with promoting business, creating jobs, and spurring economic growth. While this has always been important, it is very appropriate now, with the unemployment rate at 9.1 percent.

The administration has talked about job creation and the need for regulatory reform. But respectfully, I have not seen regulatory reform yet a priority on the President's agenda. You might not find a pricetag for regulation, but there is no question that businesses know when they are overregulated. It stifles their ability to create jobs. This year alone regulations are projected to cost U.S. taxpayers \$2.8 trillion, and new regulations imposed by the administration in 2011 would cost over \$60 billion. So during the confirmation process, when Mr. Bryson was before our committee, I asked him about his view on overregulation. He stated that he would be a voice in the administration for simplifying regulations and eliminating those where the cost of regulation exceed the benefits.

I believe his business background qualifies him to address that issue. It would give him the experience to be helpful in bringing back the regulations that are stifling the growth of business and therefore the job creation in our country.

I also appreciated that Mr. Bryson said in the confirmation hearing that the National Labor Relations Board was wrong in trying to keep Boeing from choosing where it would manufacture its products. On the corporate tax rate, the United States currently has the second highest corporate tax rate in the world, behind Japan, which has said it will lower its rate, ultimately

leaving the United States with the dubious distinction of having the highest corporate tax rate in the world. Lowering the U.S. corporate tax rate should be a substantial part of any tax reform, and although that tax policy is beyond the Commerce Secretary's responsibility, I did ask Mr. Bryson whether he believed our corporate tax rate was too high and would he be a voice for lowering it. He said he would. I thought that was a very important statement for him to make, and important for the Secretary of Commerce to commit to doing.

We have now passed the free-trade agreements that held up consideration of his nomination. If confirmed, I expect Mr. Bryson to take advantage of the agreements and work to assist our businesses with the efforts to reach out and expand new markets with these new free-trade agreements. Mr. Bryson made statements before the Commerce Committee supporting cap-and-trade legislation because he felt that the electric utility industry—he was the chairman of a major corporation in that industry—needed regulatory certainty. That was his reason for coming out for cap and trade. I disagreed with him on that. I agree with many of my colleagues that that is not the right approach for America. We should not have cap and trade, as some have called it, cap and tax. But Mr. Bryson again said that he had no interest in pursuing that kind of legislation if he is confirmed as Secretary of Commerce.

I would point out that Mr. Bryson has the support of the U.S. Chamber of Commerce, the Hispanic Chamber of Commerce, and the National Association of Manufacturers. They will be major constituents he will represent in trying to build business for our country. He is also supported by six former Secretaries of Commerce, including Secretaries that served in the administrations of George W. Bush, George H. W. Bush, and Richard Nixon.

In summary, I believe the President should be given deference in selecting the members of his Cabinet unless there are serious issues against the nominee. I have voted against a few of the nominees of some of the Presidents while I have been in the Senate, but I do it rarely and very carefully, because I think that elections have consequences. I believe the President has the right to make his decisions.

I do not believe there are issues that rise to that level in the case of John Bryson. He does have a business background. He is well regarded by many colleagues who have called me on his behalf, who have been with him in the business world. I do not see any issue that would cause me not to vote for his nomination. I will support his nomination. I will work alongside him to be a voice for job creation in our country. I hope he is confirmed. I think he will be confirmed. I would hope he would then work with other Members of Congress who want to help him be an effective voice for business and investment in

America and create the jobs that will get this unemployment rate back down and get people back to work.

I do not have people on my side yet who are going to speak, but there are two others who wish to speak. I will put us in a quorum call until they get to the floor and then that will probably allow us to yield back. I will ask my colleagues, any who are listening, if they wish to speak on behalf of or against Mr. Bryson to please come to the floor now so we might be able to know that everyone has been satisfied and we will be able to take this to a vote. I do think Mr. Bryson has waited very patiently for a very long time to have this come to a conclusion. I hope we can do that on as quick a basis as we can, giving everybody the ability to talk if they so choose.

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. MCCAIN. 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. MCCAIN. Mr. President, I thank the distinguished chairman and the ranking member of the Commerce Committee for their hard work on this nomination and their continued great work in the Commerce Committee, on which I once had the great honor of serving.

I rise today to support the nomination of Mr. John Bryson to be the 37th Secretary of the Department of Commerce. As I mentioned, during my time in the Senate I had the great honor of serving on the Commerce, Science and Transportation Committee, one of the most important committees in the Senate, in my view. It is a wonderful and broadening experience to be a member of that committee.

I think what we are discussing today is important; that is, whether Mr. Bryson should be confirmed by Members of my side of the aisle, because we may not agree with some of his views and some of his philosophies and statements in the past.

I want to be clear. If I were President of the United States, I would probably not have nominated Mr. Bryson, even though I am confident he is a fine man. We just have different views on issues. I think we all ought to appreciate the fact that elections do have consequences. When a President is elected, we have an important role to play of advice and consent. But we also have a role to play in understanding that the American people have spoken and elected a President of the United States and placed on him the responsibility of the Presidency. The best way he can carry out those responsibilities in the most efficient fashion is to have members of his team around him, people in whom he has trust and confidence. Mr. Bryson clearly has the trust and confidence of the President.

There are times when all of us have opposed a nominee for an office that requires the advice and consent of the Senate. But those occasions should be rare. Those occasions should be when, in the judgment of a Senator, that individual is not fit to serve. That is a big difference between whether you think that individual should serve or not. In other words, the President's right, in my view, to have a team around him so that he can best serve the country is a very important consideration, without losing or in any way diminishing our responsibility of advice and consent.

Mr. Bryson has held a number of positions in business and in other walks of life that are impressive. He may not have made statements or done things that we particularly agree with, but I don't think you can question Mr. Bryson's credentials and background to fulfill the job of Secretary of Commerce. That should be the criteria, in my view.

Everybody is entitled to their opinions as to their role as a Senator regarding advice and consent. I don't try to tell any other Senator their role. But I think that the Senate, during most of its existence, will find the President has been given the benefit of appointing individuals to positions of authority and responsibility because the President has earned that right. So it has to be an overriding reason to vote to reject a nominee.

By the way, I point out that, in this particular case, because of inaction on the trade agreements, a group of us sent a letter to the majority leader saying we would withhold support for the current nominee until the free-trade agreements were passed. The free-trade agreements were passed.

I urge my colleagues to look at Mr. Bryson's background and not whether you agree with his statements or philosophy, but whether he is truly qualified. I believe he is qualified to serve.

I will also mention to my colleagues on this side of the aisle that some day, sooner or later—and I hope sooner rather than later—we will have a Republican President who will be nominating individuals to serve on his team or her team. Then I hope my colleagues on the other side of the aisle will also observe sort of what has been traditional in the Senate, which is that you give a President certain latitude to pick the members of his team who he thinks will help him serve this Nation through difficult times with the utmost efficiency and loyalty.

I thank both Senator ROCKEFELLER and Senator HUTCHISON for their work on this important and, in my view, all too controversial nomination. I urge my colleagues to vote in support of the nomination of John Bryson to be the 37th Secretary of the Department of Commerce.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished senior Senator

from Arizona. I want to say that he was chairman of the Commerce Committee and did a fine job. I am so appreciative that he put a perspective on the role of advice and consent in the Senate, because there are times when all of us have said the issues regarding a certain nomination are so great that they would not allow us to vote for confirmation. But that is not the case here. I do think Senator MCCAIN made the eloquent statement that Mr. Bryson might not be his choice, but that is not the question before us. He is qualified for this job. He has the business background we need. We certainly need a Secretary of Commerce to be able to help our businesses grow and create jobs, and elections do have consequences.

I thank the Senator from Arizona for taking the time to come and make that part of the record complete. I am pleased we are having this kind of discourse. I think the record will be complete, and I believe that when our colleagues think about the importance of the President having his nominee for this job, and the qualifications that Mr. Bryson has, even if you disagree on issues—which I certainly do, Senator MCCAIN does, and Senator BARRASSO does, and we are going to disagree on issues; that happens every day. But does it rise to the level of voting against this nomination? That is the question we have to answer. I thought Senator MCCAIN answered it very well.

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

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

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. 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.

Ms. KLOBUCHAR. Mr. President, I am here today to talk on behalf of Commerce Secretary nominee John Bryson. Mr. Bryson testified before our Commerce Committee. I was impressed by his background and by his ability to answer the questions and by his understanding of business. I think everyone knows we are facing difficult economic times in this country and we need someone in that job that understands business.

Mr. Bryson has strong and broad support within the business community, and his nomination has been endorsed by such groups as the U.S. Chamber of Commerce, the Business Roundtable, and the National Association of Manufacturers. Six former Commerce Secretaries, from the George W. Bush, Bill Clinton, George H.W. Bush, and Nixon administrations, have also joined in strongly supporting his confirmation.

Mr. Bryson, as we know, was reported favorably to the entire Senate by the Commerce Committee. But let's look at what some of the groups have said about Mr. Bryson. The Business Roundtable says:

John Bryson is a proven, well-respected executive who will bring his private sector experience to the Commerce Department's broad portfolio.

The National Association of Manufacturers says Bryson has "a strong business background . . . which gives him the advantage of having exposure to the difficult issues manufacturers face in today's global marketplace."

The President and CEO of the National Association of Manufacturers, Jay Timmons, said:

Mr. Bryson has a strong business background and serves on the board of many manufacturing companies, which gives him the advantage of having exposure to the difficult issues manufacturers face in today's global marketplace.

I believe the way we get out of this downturn is manufacturing, it is making things in America again, it is inventing stuff, and it is exporting to the world. These business groups know that Mr. Bryson understands their issues.

The Chamber of Commerce says Bryson has "extensive knowledge of the private sector and years of experience successfully running a major company."

From Edison International we hear that Bryson was "a visionary leader of Edison International, and we know that he will bring that same leadership to the Department of Commerce."

Boeing says this:

John Bryson's global business experience and strong leadership skills are a great match for the position of Secretary of Commerce.

The Acting President pro tempore serves on the Commerce Committee, as I do. I head the Subcommittee on Competitive Innovation and Export Promotion, and I have seen firsthand the need to make sure the Commerce Committee is thinking every single day—as the Commerce Department should—about how we get more jobs in this country, how we make sure we are working with business as partners, how we make sure we get through the red tape, and that we put forward a competitive agenda for this country. That is why I am supporting Mr. Bryson for Commerce Secretary.

Mr. INOUE. Mr. President, I rise today to support the nomination of Mr. John Bryson to be the Secretary of Commerce. The Secretary of Commerce plays a key role in overseeing a department that is responsible for spurring innovation, supporting small business, and providing our Nation with operational scientific information. In tough economic times we need strong leadership in this key cabinet position in order to ensure that our Nation's needs in these areas are met.

To that end, Mr. Bryson brings with him a strong record of business leadership and a sense of the importance of resource stewardship, a rare combination that I believe will serve him extremely well. Unfortunately, there are those who believe that his past association with certain environmental groups

or his eminently sensible support for a solution to our reliance on fossil fuels, should disqualify him from this post. I would suggest that these naysayers consider that Mr. Bryson has been endorsed by the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce. The support shown by these groups ought to demonstrate the nominee's commitment to growing American business and the American economy. I also suggest we should not fear a nominee who has shown a willingness to explore novel solutions to grappling with our dependence on foreign oil and the larger issue of climate change. Both of these issues are likely to be among the most important and, potentially, the most disrupting problems that we leave to our children and grandchildren. No one in this Chamber will deny that we must reduce our dependence on fossil fuels, which are a finite resource whether found here or abroad, and no one in this Chamber should deny that the climate is changing. To do so is to deny that which is in front of our eyes and history does not look kindly on those who ignore the obvious. We should therefore embrace those such as Mr. Bryson who have shown a willingness to work with the business community in seeking a solution to these issues.

In sum, I believe Mr. Bryson can provide the leadership we need at the Department of Commerce and I ask my colleagues to join me in supporting and confirming Mr. Bryson's nomination.

Mr. UDALL of New Mexico. Mr. President, I rise today in support of the nomination of John Bryson to be Secretary of Commerce.

The Department of Commerce includes a diverse collection of agencies that work on everything from predicting the weather to issuing patents.

But the Department's over-arching mission is to promote job creation and economic growth. Today, that mission is more important than ever.

With the national unemployment rate hovering around 9 percent, we should have a Secretary of Commerce in place who can lead the Department in meeting its important mission.

After considering his nomination in the Senate Commerce Committee, I believe Mr. Bryson is well qualified to be Secretary of Commerce.

Bryson knows something about job creation from his experience as a business leader in the energy sector. He also served on the boards of well-known companies such as Boeing and the Walt Disney Company.

Those experiences will help Bryson meet the challenges of leading the Department of Commerce.

I know firsthand some of the good work that the Department of Commerce has done to help businesses in my home State through the Economic Development Administration, EDA, manufacturing extension partnership, MEP, and trade adjustment for firms initiatives.

I have visited small businesses that received assistance from these Department of Commerce agencies and know how vital such support can be for entrepreneurs who want to grow their business or maybe export for the first time.

The Department of Commerce already faces enough challenges to meet its vital mission. Delaying Mr. Bryson's nomination any further would only add to those challenges at a time when we can ill afford it.

I urge my Senate colleagues to support his nomination.

I yield the floor.

Mr. ROCKEFELLER. 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 California.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mrs. BOXER. Madam President, I rise in support of John Bryson of California, President Obama's nominee to be Secretary of Commerce.

Mr. Bryson will bring a wealth of experience in both the private sector and the public sector to this very important job of Commerce Secretary. Lord knows, we are in a recession and we are fighting hard to get out of it. We need a Commerce Secretary, and we need someone who understands the private sector and the public sector and we have that in John Bryson.

In the 1970s and 1980s, he served as the chairman of the California Water Resources Board and as the chairman of the California Public Utilities Commission. There, he helped California navigate droughts, oil shortages, and other crises during a critical period in my State's history.

For more than 20 years, Mr. Bryson has utilized his talents in the private sector, first as chairman and CEO of Southern California Edison, and later as chairman and CEO of Edison International.

Mr. Bryson has also served on the boards of many companies, both large and small, and he will bring to the job of Commerce Secretary a unique expertise on what it takes for businesses to grow and expand.

Mr. Bryson's top priority is job creation. As Commerce Secretary, he will be working closely with the President to meet the goal of doubling our Nation's exports by 2015 and creating hundreds of thousands of new jobs right here in the United States. He will be working with the private sector to drive innovation and economic growth, and he will be working to make the United States a leader in the clean energy economy.

At Edison International, Mr. Bryson helped California become a hub for

clean energy development and clean energy jobs by making investments in those renewable technologies. He understands new clean energy technologies will create millions of jobs here at home and that the Nation that rises to this challenge will lead the world because the whole world is looking for these kinds of technologies.

I think Mr. Bryson comes to us with varied experiences which will serve us well and will serve President Obama well. Mr. Bryson's nomination has been applauded by all sides of the political spectrum, from environmentalists to business interests.

Tom Donohue of the Chamber of Commerce praised Mr. Bryson's "extensive knowledge of the private sector and years of experience successfully running a major company."

The Business Roundtable called Mr. Bryson "a proven, well-respected executive who will bring his private sector experience to the Commerce Department's broad portfolio that includes technology, trade, intellectual property and exports, which will be crucial to expanding our economy and creating jobs."

The Natural Resources Defense Council, which Mr. Bryson helped found in the 1970s, called him:

... a visionary leader in promoting a clean environment and a strong economy. He has compiled an exemplary record in public service and in business that underscores the strong linkage between economic and environmental progress.

I ask unanimous consent to have printed in the RECORD an editorial from the Los Angeles Times, titled "Commerce Department nominee deserves the job."

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

[From latimes.com, Jun. 21, 2011]

COMMERCE DEPARTMENT NOMINEE DESERVES THE JOB

John Bryson's nomination to be President Obama's next secretary of Commerce has been met with the predictable combination of delusion and obstructionism that characterizes the modern confirmation process. Some Senate Republicans vow to hold him hostage to the passage of several long-sought free-trade agreements; others insist they will reject him based on his presumed politics, which they wish were more like theirs. None has advanced an argument worthy of defeating this nomination, and though sensible people will withhold a final judgment until after Bryson is questioned, his credentials are encouraging, as are the endorsements of those who know him.

Bryson is a familiar figure in Los Angeles. A longtime chairman and chief executive of Southern California Edison and Edison International, he is a pillar of the region's business community, admired by the Chamber of Commerce and his fellow executives. He also was a founder of the Natural Resources Defense Council, where his work earned him respect and appreciation from California's environmental movement. He's been president of the California Public Utilities Commission and even served as a director of Boeing,

dipping his toe into the nation's military-industrial complex. He is thus the rare nominee to present himself to Congress with endorsements from the Chamber, military suppliers and the nation's leading environmental organizations.

Within a rational political universe, that would entitle Bryson to confirmation by acclamation. But zealots are suspicious. His critics question his support for regulation to address climate change and see his NRDC leadership (more than three decades ago) as evidence that he's a "job killer" and an "environmental extremist" rather than a job promoter as the Commerce secretary traditionally is. Never mind that Bryson's record is one of both serious business development and responsible environmental stewardship.

Then there's the issue of the free-trade agreements. Yes, Obama has moved too slowly to forward the South Korea, Colombia and Panama trade pacts that will create jobs and expand the reach of American business. And yes, Obama's labor allies are principally to blame for obstructing those pacts. But those objections are irrelevant to Bryson's nomination and shouldn't be used as an excuse to hold it up.

Many Republicans undoubtedly would prefer a nominee who championed drilling as the answer to America's energy needs or who countenanced their anti-scientific challenge to global warming. They have their chance: Elect Sarah Palin. In the meantime, Obama deserves a Cabinet secretary of impeccable credentials and broad support. Bryson has a chance to prove that he's all of that at the hearings that begin Tuesday. Republicans owe him the opportunity.

Mrs. BOXER. Mr. President, Mr. Bryson's unique background will serve him well as he works with President Obama, the Senate, and the House to create jobs. I applaud our President for choosing such a well-qualified, experienced individual to be Commerce Secretary, and I want to thank Chairman ROCKEFELLER and Ranking Member HUTCHISON for working together so we could get to this vote today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. First, let me thank my good friend, the Senator from California, Mrs. BOXER, for speaking because I asked her to do it. A lot of people are surprised on how well we get along.

The committee she chairs is called the Environment and Public Works Committee and I am the ranking member. When Republicans were in the majority, I was the chairman. I look forward to being chairman again, but that is another conversation for another day.

But the reason I wanted to speak is, because we do. A lot of people are surprised to see this. We get along very well. Right now, we are doing everything we possibly can to get a highway reauthorization bill. She prides herself on being a very proud liberal and I pride myself on being a very proud conservative. Yet we both know that one of our primary functions here is to do something about infrastructure.

I have often been ranked as the most conservative member of this body, the Senate. I often have said I may be con-

servative, but I am a big spender in two areas: national defense and infrastructure. That is what we are supposed to be doing.

Right now, we have the most deplorable problem in the condition of our roads and highways and bridges. My State of Oklahoma goes back and forth being dead last or next to the last behind Missouri as having the worst conditions of our bridges.

We had a lady not too long ago in my State of Oklahoma, in Oklahoma City, the mother of two small children, who was driving under one of the big interstate bridges and a block of concrete fell off and it killed her. She was the mother of two small children. We have people dying every day on the highways because of the condition of the highways. For that, I applaud Senator BOXER for joining me to put together this coalition.

I don't want to say anything that would be improper at this time, but it is my expectation—not just hope but expectation—that we are going to be able to come up with a highway reauthorization bill, and it is going to be one that is at least holding the current spending level.

If we are to have to go back to the level of the proceeds of the highway trust fund, that would be about 34 percent less than what we are spending today. I defy any one of my fellow Senators from all the 50 States to tell me one State that isn't having just as serious a problem as my State of Oklahoma is having.

I think that it is important we recognize there are some things the government is supposed to be doing and some things that bring us all together. Again, that is what is going to happen.

I can remember back, the last reauthorization bill we had was 2005. At that time, I was the chairman of the committee. We all worked together. We came up with a \$284.6 billion, 5-year bill. Yet as robust as that was, that did very little more than just maintain what we have today—no new bridges, all these new things we need to have.

I think a lot of the people who are my good friends, and primarily over in the House, who came under the banner of the tea parties and all that, they recognize, yes, they can be a conservative. But when they got home, they said: Wait a minute. We want to not be spending on these big things, but we weren't talking about transportation. So we have to single out transportation for my friends to recognize there is a place we need be spending more money, not less money.

So I look forward to that, and I hope we will have an announcement to make, as one of the most liberal and one of the most conservative members joining and coming up with a highway reauthorization bill. There is not unanimity in what it will look like, other than the spending level should remain where it is today and it should be something that is going to address these problems.

There will be a lot of sacrifices along the way. I know that when we mark up a bill there are going to be a lot of things in it that I don't like and that Senator BOXER doesn't like and we are going to have to give up some of these things.

I have made it very clear that back in the early days, when I was actually serving in the other body, we always had surpluses in the highway trust fund and we were able to take care of these needs. Then, as typical as politicians are this way, they see a pot of money and they want in on it. So we had all these groups, and a lot of them were environmental groups that wanted to have their own agenda attached to it. We are going to have to get serious and make this a highway bill.

By the way, this would also be certainly the biggest jobs bill we have had during this administration, since this administration has done a lousy job of providing jobs.

But having said that—and I said that because I want to draw a contrast. We are about to consider and vote on the President's nominee, John Bryson, to be Secretary of Commerce. He is President Obama's choice, and there is a clear indication he has no indication of backing down on his job-killing war on affordable energy.

But I have to say this. With John Bryson, this isn't Van Jones we are talking about. This is a guy who is a nice guy, and we have a lot of mutual friends. I have been contacted by people who are friends of mine who are friends of his, and clearly he is a person who is well received in terms of being a good person. But he is dead wrong on the issues that will provide jobs for America.

At a time when unemployment is sky high, President Obama chooses the founder—and I will characterize it differently than my friend from California did—of one of the most radical, leftwing, extreme environmentalist groups, the National Resources Defense Council. It is a leftwing organization which, in the name of global warming, seeks to cut off access to our natural resources and increase drastically the price of electricity and gasoline across America.

We know this is true, because we know that if they would merely develop the resources we have today in the United States of America, we wouldn't have to be dependent upon the Middle East for one barrel of oil, and we wouldn't have to worry about our supply of gas and coal, because as I will explain in just a minute and document, we have the largest recoverable resources in coal gas and oil of any country in the world.

Mr. Bryson once called the Waxman-Markey cap-and-trade bill moderate. This particular cap-and-trade bill was probably the most liberal of all the cap-and-trade bills that were there.

By the way, I have to say this one thing. I understand I am the last speaker tonight. What do all the speakers who are in favor of this have in

common? They are all supporting cap and trade, with the exception of Senator HUTCHISON, and she is retiring. But stop and think about it: BOXER, FEINSTEIN, ROCKEFELLER, KERRY, MCCAIN, they are all strong supporters of cap and trade. That is what I am going to talk about tonight because I know where John Bryson is on cap and trade.

He told some students at the University of California Berkeley last year that "cap-and-trade has the advantage politically at sort-of hiding the fact that you have a major tax."

To me, the fact that they are supporting something that is a major tax increase on the American people is bad enough. But when they say one of the good things about cap and trade is you can hide the fact that it is a major tax increase—and we know now what this would cost. Cap and trade is cap and trade. It doesn't make any difference if it was back during the Kyoto days. It doesn't make any difference if it was in any of the bills that were passed. Still, the analysis is that the cost of a cap-and-trade bill would be between \$300 billion and \$400 billion a year.

Again, this is legislation that would cost the taxpayers \$300 billion to \$400 billion a year and destroy hundreds of thousands of jobs and hurt families and workers by raising the price of gasoline and electricity. Yet the nominee for Secretary of Commerce believes that was a moderate bill, the Waxman-Markey bill.

The Secretary of Commerce should have a record of promoting, not stifling, economic growth. John Bryson's career shows he has a clear record of the latter, and it makes no sense to have the Secretary of Commerce who is against commerce.

I am not the only one who thinks so. Let me just share. An editorial in the *Wall Street Journal* states:

President Obama nominated John Bryson to head the Commerce Department on Tuesday, praising the Californian as a business leader who understands what it takes to innovate, to create jobs, and to persevere through tough times. That's one way of describing someone with a talent of scoring government subsidies.

We keep hearing—and I think they hit the nail on the head there and they answered the question. People say: This man has been very successful for 18 years. He ran one of the major utilities out in California, and one of the interesting things about it is this utility out there is not one that is using coal; it is using renewables. Obviously, as the *Wall Street Journal* pointed out: If they have the very heavy expenses and they raise the price of energy, it doesn't hurt the utilities. They pass it on. They pass it on to the consumers who ultimately have to pay for it.

Quoting the *Washington Examiner*:

But there is another side of Bryson, one that fits squarely in the tradition of radical Obama appointees like green jobs czar Van Jones, a self-proclaimed Marxist; Medicare head Donald Berwick, who swoons over Britain's socialized National Health Service; and

National Labor Relations Board member Craig Becker, the former labor lawyer who never met a union power grab he couldn't back.

Here is *Investors Business Daily*:

The nominee for commerce secretary founded an anti-energy group and believes in redistribution of wealth to help poorer nations. At this rate, we will be one of them. If personnel is policy, there can be no better choice to help implement President Obama's anti-growth energy policy and redistribution of wealth plans than his choice to be the next Secretary of Commerce, John Bryson.

Again, that is the *Investors Business Daily*.

The ACU came out and said: "Putting John Bryson in charge of the Commerce Department is the dictionary definition of putting the fox in charge of the hen house."

That is exactly what it is, and that is one reason I would prefer we not have this vote tonight. I would like to have all of us go back for this 1-week recess and let the people know this is about to be voted on, and I think that is one reason they are going to be doing it tonight.

By the way, I am not critical of the leadership, certainly not the Democratic or Republican leadership. In fact, I went to them and said: As long as you give me a 60-vote threshold, I would waive going through all the loops of filibustering and having cloture votes and all that. So I appreciate that. But my intent was to wait, and I still would ask formally if they would change this UC under which we are operating and allow this vote to take place when we come back from this 1-week recess.

The choice of Bryson is also part of President Obama's green energy jobs push. In fact, the President said he specifically nominated—listen to this—he specifically nominated Bryson because he is a "fierce proponent of alternative energy." But with more than 9 percent unemployment and the complete collapse of the solar company Solyndra, the President's green agenda is clearly not creating jobs. In the end, Solyndra is more than just a bankrupt company, it is a metaphor for the failure of Obama's war on fossil fuel jobs.

I have already called for hearings in the Senate on Solyndra and I hope it will not be long before they occur.

President Obama has received the message loudly and clearly that his global warming green agenda no longer sells, but that doesn't mean he has given up trying to implement it. Bryson is just one figure in Obama's green team. He follows in the footsteps of Carol Browner and Anthony Van Jones, who also supported increasing taxes on America's energy, as well as Energy Secretary Steven Chu. You remember Stephen Chu, the President's Energy Secretary, who said, "[s]omehow we have to figure out how to boost the price of gasoline to the levels of gasoline in Europe." That is about \$8 a gallon.

It is the intention of this administration to raise gas prices, to either force

them into some other type of energy or to stop people from having the freedom of driving as we have always had in this country. That was Energy Secretary Steven Chu who said we have to bring our price of gasoline at the pumps up to that of Europe.

Then we have also Alan Krueger. His nomination by President Obama to be the Chairman of the Council of Economic Advisers is yet another example. During his time at the Department of Treasury under President Obama, Mr. Krueger made clear his opposition to the development of traditional domestic energy. He even went so far as to say "the administration believes it is no longer sufficient to address our Nation's energy needs by finding more fossil fuels. . . ."

I am still quoting Alan Krueger. This is when he was in the Treasury Department. He is the nominee now for the Chairman of the Council of Economic Advisers, the advisory council. He even went so far as to say:

The administration's goal is to have resources invested in ways which yield the highest social return.

That is the current nominee to be Chairman of the Council of Economic Advisers for the President. He doesn't need that advice, he is already doing it.

The Congressional Research Service reports America has the largest recoverable resources of oil, gas, and coal in the world. The Obama administration's failure to appreciate this fact is one of the many reasons why they are not making progress in creating jobs and improving our economy.

This is a key here. When this discovery was made, the Congressional Research Service—nobody has denied this. That was less than a year ago when they said America has the largest recoverable resources of oil, gas, and coal in the world. That means we could be totally self-sufficient. All we have to do is develop our own resources.

I defy anyone on this floor to tell me there is any other country that does not develop its own resources. We are the only one. So we have 83 percent of our non-shore public lands off limits. We have these huge reserves out there but we cannot go after them.

Then there is Rebecca Wodder, who President Obama has chosen to be the Assistant Secretary for the Fish and Wildlife Department. That would be for the Department of Interior. As CEO of American Rivers, which works actively to shut down energy production in the United States, she—Rebecca Wodder—is a strong advocate for the Federal regulation of hydraulic fracturing, a process which is efficiently and effectively regulated by States.

This is interesting. It was not long ago that President Obama was lauding the virtues of natural gas, and at the end of his speech he said we have to do something about hydraulic fracturing. Hydraulic fracturing started in my State of Oklahoma in 1948. I can't quantify the hundreds of thousands of wells that have been hydraulically

fractured, but it has been in the hundreds of thousands—maybe 1.5 million. I have heard that figure. With the exception of one well back in 1986, where somebody actually went into an aquifer, there has not been one documented case in over a million hydraulic fractured wells where it has contaminated groundwater. Yet they are using that, knowing full well if you kill hydraulic fracturing you kill all the oil and gas in tight formations because you cannot get it without that.

The selection of Ms. Wodder is a clear departure from her predecessor, Tom Strickland, who in testimony before the EPW Committee, our committee, said we should actively and aggressively develop our energy resources. Unfortunately, Ms. Wodder's support for regulation and advancement suggested she would do the opposite, which exposes the reality of President Obama's agenda of increasing energy prices and destroying jobs.

These nominations—of course we are talking tonight about another nomination of a person who is a good guy and all that, but John Bryson, to be in a position to follow all the rest of these who are doing everything they can to kill fossil fuels, and when you kill fossil fuels, we know, and the President admitted, it would cause the price of electricity in America to skyrocket.

These nominations are not surprising when you remember that President Obama said himself that he wants electricity rates to skyrocket. As he told the San Francisco Chronicle in 2008, "If somebody wants to build a coal-fired plant they can. It's just that it will bankrupt them. . . ."

That is what the Obama EPA regulations intend to do.

The EPA is moving forward with an unprecedented number of rules for coal-fired plants and industrial boilers that have now become known as the infamous train wreck for the incredible harm they will do to our economy. They are set to destroy hundreds of thousands of jobs and significantly raise energy prices for families, businesses, and farmers—basically anyone who drives a car or flips a switch.

The President himself has now publicly acknowledged this. When we stopped the Agency from tightening the national ambient air quality standards for ozone, his statement couldn't be more clear: The EPA rules create regulatory burdens and uncertainty.

Just last week, EPA also pulled back on its plan to tighten regulation on farm dust, undoubtedly due to bipartisan concern that it would cause great harm to our farmers.

I have given the speech on the floor, and I am not going to repeat it tonight, about what all the regulations this President is trying to put forth will cost, in terms of his maximum achievable control technology. He has the refinery MACT, he has the boiler MACT, he has the farm dust MACT. These are the things he is trying to do where the technology is not even there.

I found out something the other day in Broken Arrow, OK. I can't recall the name of the company now. They make platforms for hydraulic fracturing. I don't know if the Senator from California has ever seen one of these platforms. I have seen a lot of them. They make a lot of them in Oklahoma. This young man who is the president of this company showed me these platforms. These platforms are about—you could put maybe four of them in this Chamber, that is how big they are.

On these platforms, to do hydraulic fracturing, they have a great big diesel engine. This diesel engine is necessary to do hydraulic fracturing of oil wells. They came out with a regulation the other day I didn't even know about. They said, after a certain date—exactly where it was, in the next couple of months—that you would not be able to use the diesel engine on your platform that does hydraulic fracturing unless it is a tier 4 diesel engine.

Here is the problem. They don't make them. They are on the drawing board. They are making them but they are not on market yet. So they are shutting down the people who are building the platforms to do hydraulic fracturing through regulations.

Every day we run into new regulations. I can remember on the farm dust regulation, I had a news conference in the State of Oklahoma. In Oklahoma we went back—I had people coming out from Washington, DC, who had never been west of the Mississippi. We went down southwest in the town of Altus, OK. I said in my news conference, when the cameras were rolling: This President is trying to do something to regulate farm dust. Let me explain something to you. If you look down here, that brown stuff down there, that is called dirt. If you look at that round green thing down there, that is cotton. Put your finger in the air, that is called wind. Are there any questions?

What I am saying is they all realized there is no technology to regulate farm dust. Yet they are trying to do it. Right now the major farm organizations such as American Farm Bureau, they are the ones who are saying that is the No. 1 concern right now, what they are trying to do to shut down farms in America. The EPA continues to push regulations to harm the economy, the Cross-Air State Pollution Rule, the so-called utility MACT—rules that are poised to destroy jobs.

Let's not forget the economic ramifications of global warming.

But before we leave the utility MACT, we have right now utilities that are notifying coal producers, saying if this goes through we are not going to be able to honor our contracts to buy coal from you. That is how serious it is. We are talking about hundreds of thousands of employees.

Let's go to the big one now, the economic ramifications of global warming, regulations imposed by Obama which cost American consumers between \$300 and \$400 billion a year. The reason I

want to mention this is because there have been attempts since the Kyoto treaty—of course we didn't ratify the Kyoto treaty for a good reason, and that is it would cause extreme economic harm to the United States of America. It would only affect the developed nations such as the United States and some of the European nations, but not the developing nations. It would not have any effect of reducing CO₂ if you wanted to reduce CO₂.

Ever since the 1990s there have been about seven or eight different bills to try, here in the United States, to do away with—impose some kind of cap and trade. But they were not able to do it because the people in this body will not vote for it. In this body, right now you could not get maybe 25, maybe 30 votes. It would take 60 votes to pass it. You could not get more than 30 votes on a cap-and-trade bill.

The President realized this. He realized with all the jobs that would be lost and the cost of this, the fact it would impose a tax of around \$300 to \$400 billion a year on the American people. I remember back in 1993, that was during the Clinton-Gore years, I remember when they came out with their big tax increase. I will never forget it because I was serving at that time in the other body. They were raising marginal rates, raising capital gains taxes, raising all the taxes, retirement—all of it. The cost of that was some \$30 billion a year. I remember coming down to the floor of the House of Representatives, saying: We cannot afford \$30 billion a year.

This tax would be 10 times that, between \$300 billion and \$400 billion a year. That is what they are trying to do.

When the President realized that he was not able to pass this legislatively, he decided through regulations he was going to pass his own cap and trade.

I have to say this. There are people out there who still believe—not very many—somehow we are having catastrophic global warming and it is due to anthropogenic gases or CO₂ emissions.

I remember. I am very fond of Lisa Jackson, who is the EPA Administrator appointed by President Obama, because I asked her this question. I said: If we were to pass any of these cap-and-trade bills, would this reduce worldwide CO₂ emissions?

She said: No, because it would only affect the United States of America. This is not where the problem is. If it is a problem, that problem is in Mexico, in China, in India, in places that do not have any kind of restrictions. So that is what it is. He is trying to impose that tax.

I know people get worn out when they hear talk about billions or \$1 trillion. I am not as smart as most of these guys around here so I do it a little differently. I keep track of the number of families in my State of Oklahoma who file an income tax return. Then I do my math. If we were to

pass cap and trade, or if he is able to do it through regulations—which are sponsored, by the way, by John Bryson, the nominee we are talking about—if he were to do it, it would increase the taxes by between \$300 and \$400 billion a year. Now do your math with the number of people who file a tax return in the State of Oklahoma. It would be approximately \$3,000 a family. What do you get for it? You get nothing by their own admission because it would not reduce the worldwide emissions.

What this President fails to realize is that affordable, reliable energy is the lifeblood of a healthy economy and the foundation of our global competitiveness. Instead, he continues to favor the radical environmental agenda ahead of turning around our economy and putting Americans back to work.

On the other hand, in my State of Oklahoma, oil and gas development has led to a tremendous economic boost in the creation of good-paying jobs. Right now in my State of Oklahoma—there is a 9.2-percent unemployment rate nationwide. In my State of Oklahoma, it is 5.5 percent—I am sorry, it is about 5.5 percent or 5.2 percent. That is about half of the national average. It is due by and large to the fact that we have this growth and people are in the energy business.

So we can continue going down the path of President Obama's job-killing agenda or we can start to develop our Nation's vast natural resources, which are the key to the Nation's recovery. That is jobs. That is cheap gas at the pumps. We certainly have plenty of them.

The CRS report I mentioned shows that America's combined recoverable natural gas, oil, and coal endowment is the largest on Earth. In fact, our recoverable resources are far greater than those of Saudi Arabia, China, and Canada combined.

We have 163 billion barrels of recoverable oil in the United States of America. That is enough to maintain our current levels of production as the world's third largest producer and replace our imports from the Persian Gulf for more than 50 years. In other words, on oil alone, if we just developed what we have here, it would take care of our needs—what we know is down there—for 50 years.

We could say the same thing for natural gas. At the current consumption, America's future supply of natural gas is 2,000 trillion cubic feet, and at today's rate of use, that is enough to run the United States of America for 90 years. Just imagine that. The only problem is that our politicians will not let us develop our own resources.

Finally, the report I referred to, which is a fairly recent report, also reveals that America is No. 1 in coal reserves, with more than 28 percent of the world's coal. That is a real solution to the energy security and the key to economic prosperity.

John Bryson, if he were to become Secretary and the vote would take

place, energy development and economic growth in Oklahoma and across the Nation could be in jeopardy, and that is why I am doing everything I can to tell the truth to the American people.

It has been said to me by Democrats and Republicans alike that their phones have been ringing off the hook by people who serve on boards with John Bryson. And I said from the very beginning that he is a good person, but he is of the philosophy that he is an outspoken proponent of cap-and-trade, and that is what we can't afford.

I know there is a lot of pressure put on Members of this body. I wonder where all of the conservatives are tonight. I appreciate Senator BARRASSO coming here and talking, as I am talking, and telling the truth about the problem we have. Sometime, someplace, we have to draw the line. I named all of these appointments the President has made, the nominations he has made. We have to draw the line, and I think this is a good place to do it.

I recognize there is going to be a lot of pressure on conservatives to kind of sit this one out, but I want them to keep in mind that this is the No. 1 concern of most of the conservative groups right now. I read the editorials that were out there. Everybody knows. Our eyes are open. This is not a vote where later on you say: Oh, I wish I had known that; I would have voted no. This is your chance to do it.

Have I had calls from people on boards? Yes, I have. They have all said: He is a good friend of ours, and I don't want to weigh in.

One of them was kind of interesting. He called up and went through this whole thing, and then after he told me how great John Bryson was, he said: Have you got that down? I called. You have written that down.

Yes, that is right.

Well, just ignore everything I said.

We know the phone calls come in. These are important people. There are leaders out there, and I love them all. I love John Bryson, but we are going to have to draw the line.

If you want to have an advocate for the largest tax increase in the history of America; that is, a tax increase that is called cap and trade, then this is the nominee for the Secretary of Commerce who is committed to cap and trade in America.

I wish we were not going to take this vote until the end of the recess because I would love to have people go home and try to answer questions from people who are out there in the real world as to why is it that someone is not standing up for us to develop our own natural resources, our own energy, and reduce the price of electricity, reduce the price of gas, and think about us for a change. That is what is going to happen.

I think right now, by rushing this vote before people have time to realize it, that very likely it is going to pass. I don't want anyone to say they were

not informed because I am informing you right now.

I thank Senator BARRASSO for joining me.

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

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

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

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

Mrs. HUTCHISON. Mr. President, every one who has asked for speaking time on my side has spoken, and I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I yield back all time on our side, and I ask for the yeas and nays.

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

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John Edgar Bryson, of California, to be Secretary of Commerce?

The clerk will call the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 176 Ex.]

YEAS—74

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Portman
Bingaman	Isakson	Pryor
Blumenthal	Johanns	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Chambliss	Leahy	Tester
Coats	Levin	Thune
Cochran	Lieberman	Toomey
Collins	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCain	Warner
Corker	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—26

Barrasso	Grassley	Paul
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeben	Rubio
Coburn	Inhofe	Sessions
Cornyn	Johnson (WI)	Shelby
Crapo	Kyl	Vitter
DeMint	Lee	Wicker
Enzi	McConnell	

The ACTING PRESIDENT pro tempore.

The nomination was confirmed. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

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

Mr. REID. Mr. President, we have a consent request we are working on. We hope to have people sign off on that. If they do not, one or many are going to have to object to it. We have spent enough time on this that we need to move forward.

We know we have a number of votes already scheduled. Senator MCCONNELL has something pending. I do too. We know we are going to have to vote on that, but that is the least of our worries. We have to work through this appropriations stuff. So people who have concerns, bring them to David Schiappa or Gary Myrick because otherwise I might come here and offer a consent request. Either we are going to move this bill forward or move off this bill.

Mr. WHITEHOUSE. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, for my colleagues who are here, I wish to explain the reason for an amendment which I have filed, No. 912, along with the cosponsors, my colleagues Senator MCCAIN and Senator CORNYN from Texas, an amendment which seeks to add some money for the U.S. Marshals Service. I wish to explain why we think this is a good idea, but first to say that in speaking with Leader REID, we are trying with our staff and the majority staff to see if we can work out the appropriate pay-fors for this in an appropriate amount of money that would assist the U.S. Marshals Service. Hopefully we can work something out. I am just trying to explain the basis for this at this time.

As you know, we have done a lot of work on the borders to try to secure them, and that has required us to add money for the U.S. Border Patrol and several other accounts in the Department of Homeland Security. We have added money for the Department of Justice. We need new judges, courtrooms, prosecutors, defenders. It has taken a lot of money to secure the border with all of the different aspects that are involved.

The one area we have not kept up with is the U.S. Marshals Service. All of us know the U.S. Marshals Service. It is a great organization. These people do tremendous work. But sometimes we forget them. And what we have learned here is that while we have an increased ability to apprehend illegal immigrants and to try them in court, and even jail space to hold them, the group that does the holding and the transporting and the keeping of the judges and the courtrooms safe during the process, the U.S. Marshals Service, has not had funding to keep up with this. As a result, they are way low in terms of both personnel and also some facilities that need to be upgraded to accept the much larger numbers of illegal immigrants and other prisoners who are in their custody.

To give you one illustration, when prisoners are brought to a courthouse, obviously there are huge security measures that have to be followed to ensure that jurors, judges, the public at large, witnesses, and so on, are not in jeopardy because of the existence of the prisoners. So they are generally brought in vehicles, appropriately accompanied, to secure facilities in the court building and then at the appropriate time brought to the courtroom, and all in the custody of the marshals, and with appropriate security for all.

However, because of these increased numbers, what we found is, by way of example, they bring the prisoners from the holding facility, the prison, the jail, wherever it might be. They literally have to disembark in a public parking lot where jurors are parking to come up to be involved in cases, where the public at large, where witnesses, where victims and families, judges and lawyers are coming to park to go to the courthouse, and go up the elevators and so on right with these same people. That is not a secure situation.

In most situations the marshals have the ability to take their prisoners directly to a secure port, a place in the courthouse where they can immediately put them into custody in a secure locked-down facility. Construction of some court buildings need to keep up with this demand, and it requires some money, in this case, about \$16 million. I know this is a small matter in the overall budget that we are talking about. But for the Marshals Service to do its job, this is important for them.

They need additional personnel. The cost of that far exceeds \$10 million. But that is what we thought we would try to ask for in this amendment to at least bring the Marshals Service up to a level where they can accommodate the new numbers of prisoners.

In our amendment, \$20 million is provided for additional deputy marshals and security-related support staff to assist in overall Southwest border enforcement. We have narrowed this down to the five judicial districts on the border that have—well, in fact, these districts have about half—49.7

percent, to be exact, of all the prisoners nationwide brought into the custody of the Marshals Service are brought in by way of those five Southwest border judicial districts. And about half of those in the Marshals' custody along the Southwest border are or were held for immigration-related offenses.

So this is the need that we are trying to satisfy with this amendment. The Marshals Service employs only about 80 percent of what they need in terms of Marshals and support staff in these court facilities. A recent Department of Justice hiring freeze has prevented the Marshals Service from reaching even 90 percent of its personnel needs along the Southwest borders. To reach 100 percent of staffing would require \$43 million, to hire an additional 162 deputy marshals and 71 support staff.

We all know the constraints we are all operating under here, so we cut that back to simply try to reach 90 percent of their requirement for hiring needs. And that, as I said, would require just about \$20 million for these hiring purposes.

On the construction side of it, the amendment provides for \$16.5 million for these detention upgrades at the Federal courthouses located in this border region. Of the \$16.5 million, \$1.5 million would specifically be allocated for courthouse security equipment. I have told you a little bit about the problem with the security at the courthouses. Some of this would obviously be used for construction of a port that would allow these vehicles to unload detainees and prisoners right next to cellblock doors and so on. I described that.

But this is the least we can do, both to protect the public and to assist the Marshals Service. There has been some dichotomy of views, shall I say, expressed by the Department of Justice and Department of Homeland Security about whether they have what they need to secure the border. We have heard the Secretary of Homeland Security say, we have all we need. But we also know that the Secretary has said, we have to prioritize our detention policy, for example, because we do not have the facilities and the money we need to detain and deport all of the people who are deportable, so we have to focus on the most serious crimes, the felons primarily, who are now the top target for deportation.

Obviously if you have to prioritize, we would agree with that prioritization. But what that means is that they do not have enough money to do all that they are trying to do. So on the one hand, it is kind of distressing that the Department says we have all we need and, on the other hand, we do not have enough, so we have to prioritize what we do.

What we are trying to do in this appropriations bill is to attack the one part of the problem that we can in this bill, and that is to help the U.S. Marshals. As I said, I do not think there is