

Americans back to work. So we will take up additional pieces of President Obama's American Jobs Act.

This week we will introduce legislation that would give the economy a boost by putting money back in the pockets of middle-class workers and small businesses by extending and expanding the popular payroll tax cut. More than 120 million families took home an extra \$120 billion this year thanks to this payroll tax cut we championed. The average family held on to more than \$935 of their hard-earned dollars this year. We need to assure those families they can rely on that tax cut next year as well. This legislation does more than just protect the tax cuts Americans already count on; it deepens and expands that tax relief as well.

Next year, 120 million American families will keep an average of \$1,500 because of this legislation. That means they will have more money to spend on essentials such as gas and food and buy things that will help spur economic growth in their communities.

Businesses will also benefit from this tax cut. Ninety-eight percent of American businesses will see their payroll taxes cut in half on their first \$5 million of wages that they pay.

In Nevada, 50,000 businesses will benefit from this tax cut and many businesses will save tens or even hundreds of thousands of dollars. So this legislation will help families and businesses while spurring hiring and giving the economy a boost. It will be fully paid for with the small 3.25-percent surtax on income over \$1 million. So a person who makes \$1 million a year won't pay an extra penny. Someone who makes \$1.1 million—that is an extra \$100,000—will pay \$3,250 more than they would have originally.

At a time when many working families are still struggling, we cannot afford not to extend and expand this important payroll tax cut. So I was disappointed to hear from some of my Republican colleagues, specifically the junior Senator from Arizona, who have already come out in opposition to this tax cut. I think it is fair to say that all Republicans have not, but my friend from Arizona did. This is wrong.

Those who loudly claim to care about keeping taxes low, too often it seems they only care about keeping taxes low for the richest of the rich. The same Republicans who today oppose a payroll tax cut for hundreds of millions of businesses and families last week jettisoned the hopes of a large-scale deficit reduction deal in the supercommittee because they insisted on massive, permanent tax giveaways for the rich. Cutting taxes for the middle-class families and businesses should be an area where Republicans and Democrats can find common ground, as we have in the past.

The opposition by Republicans is because this tax cut has President Obama's fingerprints on it. It was his idea. Republicans will not support it

even though they know it is good policy for American families and businesses. Let's hope that is not the case for all of my friends.

Let's examine the effects of their purely political opposition to a commonsense tax cut. If Republicans block passage of this legislation, they will take money out of the pockets of American families. That is clear. For a family making \$50,000 a year, this proposal we talked about would not only preserve an existing \$935 tax break, it would put an additional \$565 a year in the family coffers. If the Republicans get their way, that family will actually see its tax increase by \$1,000.

If Republicans block this legislation, 120 million American families and 98 percent of American businesses will not get the tax cut next year. Instead, 120 million families and millions of businesses will be hit with a tax increase. Those numbers are startling. They are shocking. But the potential impact on the larger economy is downright scary.

Economist Mark Zandi of Moody's said the economy will likely plunge back into a full-blown recession—erasing the economic progress we have made—if we don't extend that cut.

It is clear neither our fragile middle class nor our fragile economic recovery can afford the kind of setback a failure to extend and expand these would bring. Republicans say we cannot afford to raise these taxes. If they choose to oppose this payroll tax cut, we will know what they meant to say was: We cannot afford to raise taxes on the rich. In fact, more clearly, we cannot afford to raise taxes on the rich, but we are happy to raise taxes on the middle class.

Mr. President, please announce the business of the day.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

McConnell (for Kirk) amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran.

Leahy amendment No. 1072, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall of Colorado amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, AK.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shaheen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and post-traumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown of Massachusetts/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown of Massachusetts) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service.

McCain (for Brown of Massachusetts) amendment No. 1089, to require certain disclosures from postsecondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall of New Mexico amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall of New Mexico amendment No. 1154, 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.

Udall of New Mexico/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, OR.

Wyden amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jeru-

salem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the United States force posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short takeoff vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the United States European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technicians as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for

members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Levin (for Menendez) amendment No. 1292, to require the President to impose sanctions with respect to the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown of Ohio) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown of Ohio) amendment No. 1260, to strike 846, relating to a waiver of "Buy American" requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States.

Levin (for Brown of Ohio) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown of Ohio) amendment No. 1262, to clarify the meaning of "produced" for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States.

Levin (for Brown of Ohio) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson of Florida) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans dependency and indemnity compensation.

Levin (for Nelson of Florida) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG-51 class destroyers at Naval Station Mayport, FL.

Levin (for Nelson of Florida) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson of Florida) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense in-

spector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE Program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close debate on S. 1867, the National Defense Authorization Act for Fiscal year 2012.

Harry Reid, Carl Levin, Kent Conrad, Richard Blumenthal, Claire McCaskill, Kay R. Hagan, Joe Manchin, Kirsten E. Gillibrand, Mary L. Landrieu, Ben Nelson, Joseph I. Lieberman, Bill Nelson, Jim Webb, Jack Reed, Christopher A. Coons, Mark Begich, Jeanne Shaheen.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Republican leader be recognized to offer his statement as if during leader time, that there be no parliamentary efforts on his behalf at this time, and that when he finishes his leader statement, I have the floor.

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

#### RECOGNITION OF THE MINORITY LEADER

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

#### WORKING TOGETHER

Mr. MCCONNELL. Mr. President, first I wish to welcome everybody back. I hope everyone had a nice Thanksgiving.

Shortly before we all left last week, we got some disappointing news when the Joint Select Committee on Deficit Reduction announced it was unable to reach the kind of bipartisan agreement many of us had been hoping for. As I

said then, this was a major disappointment to those of us who had hoped the joint committee would ultimately agree to the kinds of serious entitlement reforms and job-creating tax reforms that all of us know would have been a big help in getting our fiscal house in order and in jolting this economy back to life. Such an agreement would have also sent a clear message to the American people and to the world that despite our many differences, lawmakers here are capable of coming together and making the kinds of very tough decisions about our Nation's economic future that continue to elude lawmakers in Europe.

I know for a fact that Republicans wanted this committee to deliver, and the good news is that we will still see \$1.2 trillion in deficit reduction. But, frankly, it is hard to escape the conclusion that some in the White House and even some Democrats here in the Senate were rooting for failure and doing what they could to ensure that failure occurred. I mean, what else are we supposed to think when the Democrats' top political strategist here in the Senate goes on national television and predicts failure 2 weeks ahead of the deadline and then comes right out and says—yesterday—that he thinks the outcome he predicted is good politically for the President? This stuff isn't rocket science, but it is a big mistake. It might seem like a good political strategy to some, but it is bad for the country.

That is why I am continuing my call today for the Democrats who control the Senate to work with us on jobs legislation that can actually pass here in the Senate and that can get us beyond the permanent campaign by actually getting something done by working together. For the past several weeks, I have implored the Democratic majority here in the Senate to work with us on a number of job-creating bills that have already attracted strong bipartisan support over in the House. It seems to me that if the two parties share control of power in Washington, we should spend our time and our energies identifying job-creating measures the two parties do agree on and make them law.

It is no secret that many people at the White House and a number of Democrats here in the Senate would still rather spend their time designing legislation to fail in the hopes of trying to frame up next year's election. But with all due respect to the political strategists over at the White House, I think most Americans would rather we took an entirely different approach. That is why I think we should put aside the massive stimulus bills along with the permanent tax hikes Democrats are calling for in order to pay for them. In fact, I think it is safe to say that any attempt to pass another temporary stimulus funded by a permanent tax hike on the very people we are counting on to create the private sector jobs we need in this country is purely political and not intended to do a thing to

help the economy since we already know it is likely to fail with bipartisan opposition.

Let's focus instead on the kinds of targeted bipartisan bills the President quietly agreed to last month: the 3-percent withholding bill, championed by Senator SCOTT BROWN, and the veterans hiring bill. As I have pointed out again and again, the House has been busy all year passing bipartisan jobs bills just like these that we can rally around in a sign of unity and common concern for the millions of Americans who are looking for jobs. There is no reason we shouldn't focus on passing these bills rather than using the Senate floor as the stage for symbolic show votes that we know won't lead to anything except more tension and political acrimony. We should do what we were sent here to do, and that means more bill signings and fewer bus tours.

At the moment, the Senate business is the Defense authorization bill, and there is a lot of work that needs to be done. We have a lot of amendments pending on this important legislation. Members on both sides would like to see these amendments taken up and voted on. So let's stay on this legislation and focus on doing it right. Let's show we can actually legislate around here. Once we are finished, I am hoping we will be able to find a bipartisan path to resolve the other issues before us before the end of the year.

Americans are growing tired of the same old political shouting matches and political brinkmanship that has marked this Democratic-led Senate over the past few years. They are tired of careening from one crisis to another, holding their breath in the hopes that the two parties will put their differences aside and work something out at the eleventh hour, only to be disappointed when Democrats decide they would prefer to have a political issue to run on rather than solutions to vote on.

At last count, House Republicans had passed 22 jobs bills which were designed not only to incentivize the private sector to create jobs but which were also designed to attract strong bipartisan support. In other words, they have been designing legislation to actually pass. They have been legislating with an eye toward making a difference instead of simply making a point. What I am saying is let's follow their lead. Let's come together and pass more bipartisan jobs bills and show the American people we are not going to settle for the easy way out. The economic crisis we face is much too serious for more of the same.

Mr. REID, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask unanimous consent that the Senate be in a period of debate only on the DOD authorization bill until 5 p.m. today.

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

Mr. LEVIN. Mr. President, I see that Senator WEBB is on the floor. I know he

is going to be making some remarks in a few moments. I would urge other colleagues of ours to do the same. We are in a period now where debate is in order on any of the amendments, whether they are pending or not pending or whether they have been filed and not been made pending. This is an opportunity which is going to end, hopefully, on Wednesday morning when we vote cloture.

We must get this bill passed. It is critically important to our men and women in uniform. They deserve to have a defense authorization bill passed. So I would urge colleagues who have amendments they have filed to come to the floor this afternoon to debate their amendments.

I yield the floor.

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

Mr. WEBB. Mr. President, I rise as the chairman of the Subcommittee on Personnel of the Armed Services Committee to speak on our bill. I would like to begin my comments on this national defense authorization by saying what a privilege and an honor it has been to work with Chairman LEVIN and Senator MCCAIN.

I say this as someone who spent 4 years as a committee counsel in another era and then another 5 years in the Pentagon, 4 of them as Assistant Secretary of Defense, and Secretary of the Navy working with the Congress, and finally as a Member of the Senate. I believe Chairman LEVIN is the epitome of what a chairman, a full committee chairman of the Senate should be.

I have known Senator MCCAIN for many years. As one would expect, we have not agreed on some political issues. But I have also enormous regard for Senator MCCAIN as well. I would like to also thank members of the Personnel Subcommittee, especially the ranking member, Senator GRAHAM, for the work they have done in preparing this legislation. I would also like to thank our staff: Gary Leeling, John Clark, and Brie Fahrer for all of the hard work they have done in order to bring this bill forward.

Members of the Personnel Subcommittee, as well as our colleagues on the full committee, have worked together in a collaborative way to improve the quality of life of our men and women in uniform and of their families. Senator GRAHAM and I share the goal of doing everything we can to address the needs of our active duty, National Guard, and Reserve members, DOD civilian personnel, and their family members. They have answered every call and met every mission asked of them with selfless service.

The Personnel Subcommittee provisions in this bill are a result of a bipartisan team effort. The bill includes many provisions important to the quality of life for our service members and their families. I would like to highlight just a few:

The bill authorizes \$174.6 billion for military personnel and health care, \$5.1

billion more than what Congress authorized last year, and \$480 million under the President's budget request;

the bill authorizes an across-the-board military pay raise of 1.6 percent, which matches the annual increase in the Economic Cost Index. I understand that all of America is suffering in these economic times, and the Federal workforce is currently under a pay freeze. However, this pay raise for our service members reflects their unique conditions of service and special sacrifices on behalf of the Nation during the prolonged combat operations of the past 10 years;

the bill reauthorizes more than 30 types of bonuses and special pays aimed at encouraging recruiting and retention of the highest caliber individual;

the bill authorizes fiscal year 2012 active-duty end strength of 562,000 for the Army; 325,700 for the Navy; 202,100 for the Marine Corps; and 332,800 for the Air Force;

the bill authorizes a total of \$30 million for supplemental impact aid, including \$25 million for heavily impacted schools, and \$5 million for schools with military children with severe disabilities;

the bill authorizes service secretaries to mobilize Reserve component units and personnel for preplanned and budgeted missions to enhance the use of the operational Reserve;

the bill requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop a comprehensive policy on the retention of and access to evidence and records relating to sexual assaults involving service members;

the bill prohibits the denial of reenlistment of a service member who has been determined by a Physical Evaluation Board, PEB, to be fit for duty but who is subsequently determined to be unsuitable for continued military service for conditions considered by the PEB;

the bill also includes important provisions that will help the Department achieve cost savings and realize efficiencies in its military personnel and health care accounts, including:

reducing the overall active-duty end strength by almost 10,000, and authorizing force management tools to facilitate further force reductions planned over the next several years;

consolidating and reforming the existing statutory framework related to travel and transportation allowances for services members, their families, and other authorized travelers to achieve efficiencies and savings in the travel area;

requiring hostile fire pay and imminent danger pay be prorated based on the number of days spent in a qualifying area; and

requiring that beneficiaries newly enrolled in the Uniformed Services Family Health Plan transition to TRICARE for Life when they become eligible for Medicare, the same as all other military retirees.

Finally, I wish to highlight what I consider to be the moral contract we have with the men and women of the military who volunteer to wear the cloth of our Nation in military service.

While the department properly insists on providing the highest quality health care, an imperative reflected in the provisions of this bill, we are also mindful of sharply rising health costs. As the Secretary of Defense testified earlier this year, there has been a nearly three-fold increase, 276.3 percent, in Defense health care costs over the last decade, from \$19 billion in 2001 to \$52.5 billion in the President's budget request this year.

A number of factors have driven this increase, including several important enhancements to the TRICARE program and other initiatives specifically focused on meeting the medical and health-care needs of a force that has been subjected to the unrelenting strain of 10 years of combat operations.

It is important to note, however, that such cost increases are not unique to the Department of Defense. Similar cost growth has also occurred in civilian health care programs during the same period. According to the Centers for Medicare and Medicaid Services, total U.S. health expenditures from 2000 to 2009 have increased by 181 percent, from \$1.37 trillion in 2000 to \$2.48 trillion in 2009.

My colleagues on the subcommittee and full committee considered this issue very carefully during our markup of this bill. I believe we have struck a reasonable and appropriate balance. This bill does not prohibit the pharmacy copayment changes, for example, or TRICARE Prime enrollment fees proposed by the administration, but it does limit annual increases in the Prime enrollment fee to the cost of living increase in retired pay, beginning in fiscal year 2013.

Looking ahead, I believe the Department of Defense can reduce its health care costs in a number of ways, including more efficient operations. Those options should be explored carefully before contemplating major changes to today's program for the sake of so-called budget efficiencies if we are to maintain our moral contract with our service members.

I know that many of my colleagues plan to offer a number of amendments to this bill, and I look forward to working with them to make this bill even better.

Congress has passed a defense authorization bill for 49 consecutive years. I urge my colleagues to make it 50 and pass this important legislation as quickly as possible.

I point out that we have done the best job we can do in terms of bringing a bill to the floor that will take care of the needs of the men and women who serve in our military and the national security needs of our Nation. I know we are going to go into a period pretty soon where we are going to be going through the defense budget as well as

the other areas of the expenditures of this country.

I just hope people will keep in mind, as we start making comparisons with military service versus civilian service, that military service is unique in this country in more ways than sometimes we recognize. I remember when I first came to the Senate hearing the report of the Dole-Shalala Commission on Military Compensation. There was a great deal of comparison with respect to how they develop compensation analysis in the civilian sector.

Something we have to remember when we look at the areas of the U.S. military, particularly on the manpower personnel side, is a person cannot pick their job. Many people come in because they want to spend a portion of their lives serving their country. They cannot decide, if they do not like who they are working for, that they want to leave. They cannot quit their job. They cannot decide they do not want to be transferred if they are being sent to a place they do not want to go. By the way, they might get shot at, blown up, or killed.

This is a unique environment. We tend to forget this when budget cuts come or when the hostilities fade away, that we have an obligation to be the lifetime stewards of the people who have stepped forward and put themselves on the line on behalf of our country.

There are provisions in this authorization bill that relate particularly to our basing system in Asia. I have spent a good part of my life working on these issues. I would like to say right at the outset that I strongly advocate a strategy-driven review of all of our bases around the world. I think we need to do a zero sum analysis based on our strategy as to which bases we should keep in operation and which ones perhaps we should not. But there is a unique situation that exists at the moment in terms of the vital interests we have as the key balancing force in Asia, and we have been working on this.

We have developed—the chairman, Senator MCCAIN, and myself have worked very hard to develop language in this legislation that would call for an independent review of the basing proposals that have been on the table in Korea and Okinawa and Guam. Particularly, with the situation on Okinawa, this has become an issue that is larger than simply American military bases in Japan. The inability of our two governments to have come up with a workable solution to the basing system on Okinawa has created one of the most difficult domestic political situations inside Japan today. This has been going on for 15 years. There have been 15 years of uncertainty. We need to move forward in a timely manner. It cannot be kicked down the road any longer.

We have a formula inside this authorization bill which will allow independent eyes to come in and do an analysis of where these bases need to

go, sort of a step away from the turf protection one often sees among the military services inside the Pentagon. There is also going to be considered, possibly as early as later today, an amendment that will allow the Chief of the National Guard Bureau to become a full member of the Joint Chiefs of Staff.

I oppose this amendment. I am going to take some time to explain this. I realize this is a moving train. I think we have 70 cosponsors on this amendment. But I have offered a second-degree amendment which would basically say let's take a timeout. Let's get another look. Let's look at the potential implications of putting the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff.

I say this as someone who has, as all of us, a tremendous regard for what the National Guard has been doing not only over the past 10 years but through the course of our entire history. One tends to forget, because of the lack of the use of the National Guard during the Vietnam war, that our history has been marked by instances of the National Guard stepping forward to serve during war. They were the preponderance of our military forces in World War I and World War II once mobilization was declared. They sent 100,000 people into Korea.

Again, I say this as someone who spent 3 years as the principal adviser to the Secretary of Defense and Guard and Reserve programs when Cap Weinberger was Secretary of Defense. I was the First Assistant Secretary of Defense for Reserve Affairs.

The National Guard is a unique composite. To put the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff, in my view and in the view of all of the Joint Chiefs and the Secretary of Defense, would be confusing. In the words of Secretary Panetta, it "would not improve upon this advisory function or advance the statutory purpose, rather it would introduce inconsistencies among the JCS members and potentially negatively affect the formulation of an integrated joint force by fostering the impression that the National Guard is a separate service."

All of the Joint Chiefs agree on this position. In fact, the hearing we had on this issue was the only hearing in modern memory where all of the Joint Chiefs showed up to state their views.

I ask unanimous consent that letters from the Joint Chiefs, from the Secretary of Defense, and from two of the three Service Secretaries be printed in the RECORD stating that opposition.

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

THE SECRETARY OF DEFENSE,  
DEFENSE PENTAGON,

Washington, DC, November 15, 2011.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your request for the Department's views on S.

1025, the “National Guard Empowerment and State-National Defense Integration Act of 2011.” I share the view of the many supporters of this bill that our citizen soldiers and airmen play a critical role both at home and abroad. Although I support further strengthening our National Guard, I do not agree with the approach taken by this bill to accomplish that laudable goal.

Section 2 of the bill grants the Chief of the National Guard Bureau membership on the Joint Chiefs of Staff. I oppose this change. The Chief of the National Guard Bureau currently serves as a valuable advisor to me on the National Guard’s non-federalized homeland defense mission and to the Secretaries and Chiefs of Staff of the Army and Air Force on all National Guard activities. Making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS) would not improve upon this advisory function or advance the statutory purpose of the JCS. Rather, it would introduce inconsistencies among the JCS members and potentially negatively affect the formation of an integrated Joint Force by fostering the impression that the National Guard is a separate service.

There are some aspects of the bill that the Department does support. In an effort to further improve the National Guard Bureau’s effectiveness, for example, the Department would support establishing a Vice Chief of the National Guard Bureau, to serve in the grade of lieutenant general.

The Department has prepared a detailed letter outlining additional concerns with the legislation which is being sent to you separately.

Sincerely,

LEON E. PANETTA.

DEPARTMENT OF THE ARMY,  
Washington DC, November 7, 2011.

Hon. JIM WEBB,  
Chairman, Subcommittee on Personnel, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your November 2, 2011 letter requesting our views on the “National Guard Empowerment and State—National Defense Integration Act of 2011.” We oppose including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

Our Army is the strength of the Nation because of its unity, versatility, and depth as the Total Army. It is absolutely vital that we maintain One Army in today’s uncertain and complex strategic environment. We learned this lesson in the aftermath of the Vietnam War, and together with the All-Volunteer Force, the Total Army continues to serve our Nation extremely well during challenging times. With this context, coupled with 35 years of lessons, we have several reasons for opposing the CNGB as a member of the JCS.

First, representing only two (Army National Guard and Air Force National Guard) of seven Reserve Components at the Joint Chiefs of Staff level creates circumstances that will contribute to confusion and imbalance for the United States Army Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Navy Reserve and the United States Coast Guard Reserve (which are all adequately represented by their Military Departments), and challenges interoperability. Seating the Chief of the National Guard Bureau at the Joint Chiefs of Staff could also result in over-representation of Army and Air Force concerns.

We realize you are very familiar with the 2006–2007 debate before the Commission on the National Guard and Reserve on making the Chief of the National Guard Bureau a

member of the Joint Chiefs of Staff. We firmly believe the Commission’s findings still hold true today: this change “. . . would run counter to intra- and inter-service integration and would reverse progress toward jointness and interoperability. . . .”

Second, we feel that the proposed legislation will complicate the central and enduring principle of civilian control of our nation’s military. It is important that the Secretary of the Army and the Chief of Staff of the Army have clear authorities and responsibilities to ensure effective and efficient employment of the force. Adding the Chief of the National Guard Bureau as a full voting member of the Joint Chiefs of Staff will confuse the lines of authority currently in place.

Third, this legislation could effectively be creating a de facto separate domestic military Service by elevating the Chief of the National Guard Bureau to a level equal to the Chiefs of Staff of the other Services. This could lead to potentially divided views on global force management, funding, modernization, RDT&E, training, doctrine and operational concepts. Currently, any competing priorities are effectively resolved within the Army with a clear chain of command, ensuring holistic and efficient management of our forces.

The integration of the Regular Army, Army National Guard, and Army Reserve has proven—during the past decade of conflict and natural disasters—to be unbeatable on the battlefield and irreplaceable in relief efforts at home and abroad. Now, more than in any time in our history, we are truly One Army. We could not have experienced our incredible operational successes without unity of command within our Army formations and complete unity of effort with our joint, civil, interagency and multinational partners.

Finally, as we move forward, our Army needs to remain unified. Maintaining our National Guard and Reserve as critical Army components is essential while facing times of global uncertainty. The Reserve Component forces will continue to play a critical role in our national security strategy and the advice of the Chief of the National Guard Bureau and Chief of the Army Reserve will always be—as they always have been—extremely valuable and essential within the context of a Total Army in a balanced Joint Portfolio. The Army leadership remains committed to the strength of our Army, which is and will remain the strength of our Nation.

We appreciate your time and thoughtful consideration of this matter.

Sincerely,

RAYMOND T. ODIERNO,  
General, United States Army, Chief of Staff.

JOHN M. MCHUGH,  
Secretary of the Army.

DEPARTMENT OF THE NAVY,  
CHIEF OF NAVAL OPERATIONS,  
Washington, DC, November 3, 2011.

Hon. JAMES WEBB,  
Chairman, Subcommittee on Personnel, Committee on Armed Forces, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on the matter of including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff (JCS); we recommend against this initiative. JCS membership would violate the principle of unity of command, run counter to integrating the Joint force as laid out in the Goldwater-Nichols Department of Defense Reorganization Act of 1986, and would potentially confuse best military advice, as well as, create an inequity in advocacy.

Making the CNGB a member of the JCS would complicate unity of command for both

the Army and the Air Force. The Chiefs of Staff of the United States Army and the United States Air Force should be held singularly accountable to the Executive and Legislative Branches of Government for the readiness and combat effectiveness of their respective service, and for the welfare of the men, women, and families in their respective services. Making the CNGB a member of the JCS would create unhealthy ambiguity in the responsibility for leading the men and women of the National Guard. After ten years of war, the Guard and Reserve are more fully integrated with our active component than ever before. Making the CNGB a member of the JCS is unnecessary. This recommendation is consistent with the Commission on the National Guard and Reserves Second Report to Congress that the CNGB should not be a member of the JCS.

Unlike the service chiefs, the CNGB does not represent a branch of service nor is the CNGB responsible for organizing, manning, training and equipping the National Guard to the extent of the service chiefs. On matters relating to federalized forces of the National Guard of the United States and its subcomponents; the Army National Guard of the United States and the Air National Guard of the United States, the Chief of Staff of the Army and the Chief of Staff of the Air Force are the appropriate advocates to render best military advice as members of the JCS.

Moreover, making the CNGB a member of the JCS is inconsistent with the status of the Army and Air National Guard as reserve components of the Army and Air Force. Additionally, JCS membership would create an inequity between the National Guard and its Army, Marine Corps, Navy and Air Force Reserve counterparts.

We concur with the Chairman of the Joint Chiefs of Staff that the CNGB’s advisory roles under 10 USC 1050(c) are essential and sufficient. The CNGB serves as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense. In these matters, it is appropriate for the CNGB to participate in JCS deliberations. Additionally, we fully support CNGB participation in JCS deliberations that deal with issues that affect the National Guard and to provide key insight on National Guard concerns.

In sum, elevating the CNGB to the JCS risks sending the message that the National Guard is a separate service, which runs contrary to its status as an integral part of the United States Army and United States Air Force.

Your longstanding support of the men and women of the Naval service is greatly appreciated.

Sincerely,

J. W. GREENERT,  
Chief of Naval Operations.

JAMES F. AMOS  
Commandant of the Marine Corps.

UNITED STATES AIR FORCE,  
THE SECRETARY OF THE AIR FORCE,  
Washington, DC, November 2, 2011.

Hon. JIM WEBB,  
Chairman, Personnel Subcommittee, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR WEBB: Thank you for the opportunity to share our views concerning the legislative proposal to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff (JCS).

Over many decades, the U.S. Air Force has made great strides integrating the active

and reserve components, creating the world's most lethal air force. We admire, value and rely upon the contributions our reserve components make daily as a part of our total force. We can assure you that the Air National Guard has a seat at the table and its voice is heard.

The roles, functions, and reporting relationships for the National Guard Bureau (NGB) are among the most complex in the Department of Defense (DoD). As you know, the NGB is a joint activity of DoD and the Chief of the NGB is a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-federalized National Guard forces. The Chief of the NGB is under the authority, direction, and control of the Secretary of Defense, but the Secretary normally exercises authority, direction and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibilities. The Office of the Director, Air National Guard (ANG) is an element of the NGB and supports the Chief of the NGB in his advisory role.

The Chief of the NGB is the principal advisor to the Secretaries and Chiefs of Staff of the Army and Air Force for matters pertaining to their Title 10 responsibilities, and he implements the Title 10 organize, train and equip direction of the Secretaries and Chiefs of Staff of the Army and the Air Force as they pertain to the National Guard. The ANG of the United States is a reserve component of the United States Air Force and, together with the Air Force Reserve and the Active Duty components of the Air Force, is a fully integrated element of the total forces that the Secretary and Chief of Staff provide to the Combatant Commanders. As the senior leadership of the Air Force, we are responsible for ensuring ANG requirements for capabilities and functions are fully considered in DoD's Planning, Programming, Budgeting and Execution System and policy making processes. With that, the Director, ANG and his representatives participate without limitation in the corporate Air Force decision making process.

One of the continuing challenges we face lies in the dual nature of Title 10 and Title 32 relationships. Specifically, for our Total Force development and employment to remain effective and efficient in all aspects of Air Force operations, unified Title 10 leadership is paramount. As recognized in the congressionally mandated Charter for the National Guard Bureau, the Secretaries of the Army and the Air Force exercise authority, direction, and control over the NGB on matters pertaining to the respective Secretary's responsibilities in law or DoD policy, except as otherwise directed by the Secretary of Defense. This is essential for them to meet their responsibilities to the nation, and to integrate all components of their respective Services. The legislation passed by the House and proposed by the Senate to make the Chief of the NGB a member of the JCS would add further complexity to Title 10 relationships, confusing the lines of authority and representation already in place for Chiefs of Staff of the Army and Air Force to meet their JCS responsibilities.

For these reasons, we strongly encourage you not to proceed with designating the Chief of the NGB as a member of the JCS. We believe that the current advisory role established under 10 USC 10502 continues to be both important and sufficient for advocacy of the National Guard's non-federal needs and missions. The Chief of the NGB will continue to have a strong voice and is an essential partner for the Secretary of Defense, Service Secretaries, and the Joint Chiefs of Staff, but he should not be put in a Title 10 position independent of Service leadership.

In summary, the Title 10 roles and requirements of the Air National Guard are appropriately addressed in law, in the Charter of the National Guard Bureau, and within the U.S. Air Force. Consistent with the unity of effort embodied in our Total Force approach, military advice in all matters concerning the U.S. Air Force should come from the Chief of Staff. In its Title 10 context, the National Guard Bureau (including its Army and Air elements), is not a separate service and should not be included as such within the statutory membership of the Joint Chiefs of Staff.

We support the proposal to establish a Vice Chief of the National Guard Bureau.

Thank you for your valued and continued strong support of the U.S. Air Force. Similar letters have been sent to Senator Levin and Senator McCain.

Sincerely,

MICHAEL B. DONLEY,  
*Secretary of the Air  
Force.*

NORTON A. SCHWARTZ,  
*General, USAF, Chief  
of Staff.*

Mr. WEBB. The administration also opposes this amendment. Senator GRAHAM mentioned during the committee hearing that candidate Obama, at a National Guard Association convention, expressed his support for this idea. But President Obama has yet to offer his support for this idea. In fact, the Secretary of Defense, as I mentioned, has stated his strong opposition. If the President is inclined to support this idea, perhaps he should clarify that for us.

The Chief of the National Guard Bureau already has extraordinary access at the table. There have been some questions about bringing the National Guard to the table. He has extraordinary access at the table. He, in fact, is the only chief of any department in the Pentagon who does not have to report to a Service Secretary. He reports to the Secretary of Defense right now.

The other Reserve components report through Service Secretaries—the Army Reserve, as opposed to the Army Guard; the Air Force Reserve, the Navy Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, through the Coast Guard process.

They are all represented at the table in the Joint Chiefs without having to be members of the Joint Chiefs.

I remind my colleagues that what we are proposing here is statutorily doable if this body wishes to do it. But it is going to be bureaucratically awkward in the Pentagon if it were to occur. You are going to put into position on the Joint Chiefs of Staff an individual who is not a service chief.

During the committee hearing, Senator GRAHAM and others mentioned an article I had written in 1972 in the Marine Corps Gazette calling for the Commandant of the Marine Corps to become a full member of the Joint Chiefs of Staff. I am actually quite flattered that someone would recall an article I wrote 39 years ago when I was a 25-year-old Marine Corps captain. But the point of the article actually is the reverse of what we are talking about today. The point of that article was

that the Marine Corps is a separate service—a completely separate service. The Marine Corps wears a separate uniform than the Navy. The Marine Corps was being represented on the Joint Chiefs of Staff in the same way as, say, naval aviation. This is not true with the National Guard. The Air National Guard wears the uniform of the U.S. Air Force. When they are mobilized, they are a part of the Air Force. The Army National Guard wears the uniform of the U.S. Army. When they are brought into Federal service, they are wearing the same uniform.

We made a lot of this when I was Assistant Secretary for Reserve Affairs—talking about one Army, one Air Force. You cannot tell the difference when their units are called up and they are put together.

So what are we doing when we say there should be a position on the Joint Chiefs of Staff for an individual who is not a service chief? What does that say, for instance—let's think about this—about Special Operations Command? The Special Operations Command—a lot of people are writing about it right now because of the activities they have been doing over the past 10 years and the fact that they have pretty well quintupled the people on the ground. The Special Operations Command is not a separate service. People are saying and writing that they act as a separate service, but they are made up of members of the other services. They are put together by the CINC, and they are fed by the service chiefs based on policies developed at the Joint Chiefs of Staff.

In 1986, going into 1987, when I was Assistant Secretary of Defense, there was a constitutional confrontation that occurred when a lot of Governors in the United States were being pressured by political groups that did not support the policy of the Reagan administration in Central America. What they started doing was lobbying the Governors of the different States in their role as commander of the militia—the National Guard—saying that the Governors should not be sending National Guard troops, or their militia, into Central America. At one point, Secretary Weinberger turned around to me and said that we have 40 percent of the National Guard in the United States potentially nondeployable to Central America because the Governors in States such as California and Ohio said they weren't going to send their National Guard troops to Central America. We had a long and divisive argument over this. It took place for almost a year.

Finally, we worked with Sonny Montgomery, who was "Mr. National Guard" in the House of Representatives, for whom I had worked years before. We got a piece of legislation that said the Governors cannot do that; that the Governor, even though he or she is commander of the militia, cannot stop deployments when the Pentagon decides they should deploy. This went all

the way to the Supreme Court. The National Guard lost. We clarified, in that Supreme Court decision, the supremacy of the Army clause of the Constitution over the militia clause of the Constitution—basically, that the needs of the Army, the needs of the U.S. military, active-duty military, when calling up these units, superseded the desires of a Governor.

I would say that that principle still would be in effect today and still should be recognized in the way the National Guard is fed into our active-duty Army units and Air Force units when they are being deployed. And they are well represented on the Joint Chiefs of Staff. Every member of the Joint Chiefs of Staff emphasized this, and every one of them discussed the confusion and the potential inequality among other reserve components if this amendment were to succeed.

I have enormous respect for Senator LEAHY. I consider him to be a great friend. I know he is not particularly happy with the statement I am making right now. I hope people will take a hard look at the amendment I am offering, which says let's take a timeout and look specifically at the effects that this positioning of a chief of guard as a member of the Joint Chiefs would have on the principles of civilian control, accountability, and of someone who is not subject to the oversight of a confirmed secretary of the military department, and a number of other issues.

With that, on the remainder of the bill I express my strong support and my respect and admiration for Chairman LEVIN, Senator MCCAIN, and the other members of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### THE ECONOMY

Mr. COBURN. Mr. President, I listened to part of what Senator REID had to say as we opened the Senate today. I was struck by the fact that so many people are unemployed and our economy is still barely growing, that there probably is not any firm objection to trying to alleviate some of the pain by continuing a process where we lessen the tax burden through a decline in the Social Security tax. I don't think that is going to be the issue with many Senators.

The question is, do we do that by raising taxes on other people or by getting rid of waste. I had an interesting phone call today with somebody I trust and have been talking to for 3 years, who actually predicted everything that has happened so far. He predicted what is going to happen in Europe, and he predicted the fact that ultimately there will be default in Europe on government bonds. There is no way they grow themselves out of it or no way we

loan them enough money to buy them enough time to get out of it. The only way is to trim their spending, which they should have started 2½ or 3 years ago.

The same lesson applies to us. I think some things that are factual ought to be brought up. We had, over this past week, the inability of the committee to come to an agreement on \$1.2 trillion. Therefore, there is going to be a sequestration. The interesting thing, on the way to the farm, is that when you have the sequestration carried out, there will actually be no decrease in spending in the Federal Government. This is the important thing I want the American people to hear. They think we are cutting spending. Defense will rise 16 percent with sequestration; non-defense discretionary will rise 6 percent; Medicare will still rise 71 percent; and net interest will rise 160 percent with the sequestration. So it is dishonest—to put it mildly—to say that we are cutting anything in Washington. And there begs the problem.

The problem is that the political elite in this country are failing to make the adjustments we have to make or we are going to end up like Greece, Portugal, Spain, Italy, and ultimately France. We have to do that. The sooner we do it the less pain we are going to have. The first thing we ought to do is be honest with the American people. Nobody has done anything in Washington yet to cut any spending, because it is still going to rise in discretionary, defense, Medicare, Medicaid, Social Security, and interest. It is still going to rise. So we have to go back to the fundamental problem.

What President Obama is proposing costs about \$240 billion for next year. I think he would get great support from many of us if he said I want to do this to help people out there, and I want to do it by getting rid of some of the waste, fraud, abuse, and duplication we have. I would be the first to help him. But that is not what is going to be proposed. Instead of playing the political game, why don't we solve the problem?

We had a GAO report that came out in March that showed massive duplication throughout the Federal Government—massive. My estimate is close to \$200 billion a year. That is not theirs, that is mine. But at a minimum, \$100 billion a year could be saved by consolidating programs and eliminating duplication. We have not done anything or made any attempt to do that. Senator WARNER and I offered an amendment to eliminate \$5 billion of it. The bill it was riding on was withdrawn. We haven't had an opportunity in all the bills that came before to offer an amendment to eliminate duplication. Before we ask anybody to pay more taxes to offset the taxes we are going to decrease for the businesses under \$50 million, and for the decline in the payment of Social Security tax of 3.1 percent for business and 2 percent for the individual, we ought to get our

house in order first. We are doing exactly what the European countries refuse to do.

Now we hear over the weekend that we are about to participate, through the IMF, in socializing the debt of Europe, of which we are required, through the IMF, to absorb 26 percent of the cost. We are not going to let that happen, because what we are going to do is exactly the same thing we are doing in the cities—delaying the onset of the time to make the hard choices.

Here is the growth curve on this chart. In the red is sequestration. The blue line is without sequestration. Spending is still going up. We are going to be at a \$5.4 trillion annual budget in 2021, 9 years from now. No spending has been cut. We need to quit lying to the American people about what we are doing. A 9-percent approval rating is well earned as long as we are dishonest with the American people about what we are actually doing. They understand the problem. We are broke.

If you don't think that is the case, look at this chart. Medicare is broke, no question about it. Medicaid is broke. The census is broke. Fannie and Freddie are broke. Now FHA has 0.2 percent of the capital they need when they have a minimum statutory requirement of 3 percent. FHA is broke. Social Security is broke. There is \$2.6 trillion in the trust fund. We put \$105 billion from the Treasury in to offset what we did last year. Now we are going to pay for it twice because there was no decrease in the IOU. For that \$105 billion, our children and grandchildren will pay back \$210 billion. With the new program, they are going to pay back \$280 billion. The U.S. Post Office is dead broke. We won't even pass a bill that allows it to be fixed. We just delay the time of its demise. Cash for Clunkers was broke. The highway trust fund was broke. We are passing bills for the highway trust fund, which is \$13 billion short. We don't know where the money will come from because the trust fund is broke. Government-run health care—we don't know, but it is likely to be broke before it starts.

How do we solve the problem?

Mr. MCCAIN. Will the Senator yield on the issue of the post office?

Mr. COBURN. Yes.

Mr. MCCAIN. Isn't it kind of a symptom of the disease we suffer from here where we would not even agree to legislation that cuts mail delivery from 6 days to 5 days, which is the recommendation of the Postmaster General?

Mr. COBURN. Yes, and the recommendation of the President of the United States. What about duplication? Is there not someplace we can find the \$240 billion that President Obama wants to put into the economy for helping those of the middle and lower income levels make it through this tough time? Sure there is.

We have 100-plus surface transportation programs that can be consolidated into about 20 programs. We have

82 Federal teacher quality programs. Not one has the metric on it, and we don't know if they work. Economic development programs—we have 88. Transportation assistance programs, outside surface transportation—we have 80 of those. We have 56 financial literacy programs. We have 47 job-training programs, at \$18 billion a year. All but three of those overlap one another, and not one has a metric to say it works. Homelessness prevention and assistance—there are 20 separate programs. There is nothing wrong with that goal, but why do we need 20? Food for the hungry—we have 18 different programs. Couldn't we do that through one Federal program? Why do we need to have 18? Disaster response and preparedness in FEMA has 17 different programs.

We have taken a “stupid” pill, and now we sit bankrupt. We are physically bankrupt—fiscally and physically bankrupt at this moment, except we just haven't recognized it, and what is happening in Europe is going to happen to us in less than a year. The price we pay for our bond interest is going to go up. The price differential between a German and Italian bond in the last 10 days has risen 270 basis points—a spread of 270. Germany couldn't even sell all its bonds Friday.

What is happening? It is a lack of confidence. So we have to restore confidence, and the way we do that is by actually paying for the good we need to do by putting forth commonsense solutions for elimination of programs that are duplicative.

I will finish with just a couple other points, just some ideas.

If you started now, you could put the 2020 census online and save \$2 billion. If we increased the paperless transactions at the Treasury Department, we could save \$1 billion. These are per year, by the way—per year. We need to gradually increase fees for GSE securities. President Obama has started that, but it needs to be accelerated. Move the core functions of the Election Assistance Commission to the FEC. That is \$161 million. We could consolidate that. We could do some commonsense things. We could combine the SEC and the CFTC and save \$2.8 billion. We could move the SBA disaster loans to FEMA. You have to go through FEMA anyway before you ever qualify for one, so why not let them do it? Why do we have two separate programs? Why do you have to go through two doors? It would be like getting your license where you bought the car, but then you had to go somewhere else to get it, and then you had to go somewhere else. We could eliminate that. The National Drug Intelligence Center—it doesn't do anything. It is an earmark we have spent \$488 million on in the last 10 years. It does nothing of concrete value to anybody in the intelligence network, but it is an earmark gone crazy.

So what do we do? Well, we put together a shopping list that could be used. You don't have to agree with any

of this, but over the next 10 years, if you just agreed with one-third of it, you could find the third and save \$3.3 trillion. That is \$85 billion more—if we just did one-tenth of it this year—than what the President would like to do with this jobs stimulus program.

None of this is hard. There certainly can be some debate over what we fund and don't fund in defense, but most of it is common sense. Will people squeal? Yes. Everybody is going to have to squeal if we are to get out of the problem we have in this country.

I will conclude with this: I think we ought to continue, until our economy is back on keel, with a Social Security tax cut, but I think the only way we should do that is by eliminating some of the \$350 billion a year of waste, of duplication, and of fraud in the Federal Government. And if we can't do that, we shouldn't be here. None of us should be here.

The fact that the politics of the next election is crippling this country says we deserve the 9-percent rating the American people are giving us. All we have to do is change that. What we have to do is grow a backbone, stand, and say no to people. We have to say it to everyone. We have to do this. It is for our future and for our kids' future. And these are the things that are least painful.

Here is what happens if we don't. The very people we say we don't want to harm by eliminating the multitude of duplication in all these programs, eliminating all this waste, all these feel-good things that part of the time accomplish good things, are the very people who are going to suffer significantly more because of our inaction.

It is time for us to act. It is time for us to do what is necessary to put our country back in the right direction and on a healthy diet of fiscal prudence, smart tax policy, and get out of the rut we are in. That requires leadership—and not just by the President but by all of us.

It means you have to take some hits. When I put “Back in Black” out, I got some terribly nasty letters from all sorts of people. I understand. They are getting something, and some of that is put at risk, so therefore you can't represent them. But everybody is going to have to give, and if everybody doesn't give, we won't have a country left. That is what is coming—default. We are broke now; we just are not in the reality of it. But what is coming is default of American bonds if we do not act now. It can't wait 2 years. It can't wait for the next Presidential election. We have to do it now.

With that, I yield the floor.

Mr. McCAIN. 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. LEVIN. 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. LEVIN. Mr. President, here is where we are: With the current UC that we are operating under, debate is in order this afternoon, and we are urging that our colleagues who have amendments pending to come and debate those amendments. This is an opportunity for them to do so, and this opportunity is not going to last for very long because we have to get this bill passed.

So I would urge—and I know my good friend from Arizona would join me—colleagues who have amendments, whether they are pending or not, we are not going to be able to have any additional amendments added to the pending list by unanimous consent because we already have something like 100 pending amendments. It is just more than we are going to be able to handle to add any more, and it may be more than we could handle to deal with the ones that are already pending.

But I urge colleagues—otherwise, tomorrow we are going to be hearing from colleagues: Gee whiz, we want to offer our amendment or we want to debate that amendment, and there won't be time before that cloture vote on Wednesday—we are not going to have more than this week for this bill. We have been informed by the majority leader he wants to finish this bill by Thursday.

So I strongly urge our colleagues to come and use this opportunity to debate their amendments. It will increase the chances that we will be able to get to their amendments for a vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the distinguished chairman.

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

Mr. McCAIN. Isn't it true, I would ask the chairman, that we went on this bill last Thursday and that we spent a good part of Thursday on this legislation? Then on Friday, you and I and a few others came in on Friday and had further debate and discussion of amendments; and then we came in, I believe, around 1:00 today and enjoined, in fact pleaded, with our colleagues to come and discuss their amendments they have pending? I understand there are over 100 amendments pending. So it does ring a bit hollow if some of our colleagues may say they didn't have time to debate the amendments that are pending.

So I would say to my colleagues, I believe—and have stated endlessly—this piece of legislation, which has to do with the Nation's security, which has been passed by the Congress of the United States for over 50 years now, for over a half century, without interruption, that we are doing a disservice to the men and women in the military if we don't debate these amendments, if we don't discuss the important issues of national security that are embodied in this legislation.

So I would ask my friend, the distinguished chairman, after these thousands of hours of work, and now on our fourth day of consideration of this bill, that maybe it might be appropriate for us to take measures to expedite the process. Again, I urge our colleagues who have pending amendments to come down and debate and discuss them so that we can line up votes because there are so many pending amendments it is going to require a significant number of votes as well.

Mr. LEVIN. I surely concur with my colleague that we have been here now—I think this is the fourth day. The days last week which the Senator referred to are different than my own memory. I think they were earlier in the week than the Senator referred to. But, nonetheless, the point is the same. I believe we were here either Tuesday or Wednesday, but there were 2 days before we left for Thanksgiving that we were here. The Senator's point is well taken.

The floor was open to debate. People offered amendments. They had an opportunity to make them pending. Now we have a huge number of those amendments pending, and now it is time to start disposing of amendments. Unless our colleagues come to the floor to do that, we are not going to be able to get through this bill, and the leader will not continue debate or allow us to continue to debate this bill beyond Thursday. We know that is the case because we know how much pending legislation there is that the majority leader needs to get through.

So I can only, again, join the Senator from Arizona in a joint plea that our colleagues who have amendments come and debate those amendments. Hopefully, we can get to votes on those amendments even yet today after the vote on the judge at 5:30 or so.

Mr. MCCAIN. So my colleagues should not object to short time agreements for debate, final debate before we vote on some of these amendments.

Mr. LEVIN. I hope, when the time comes, colleagues who come to the floor understand that unless they agree to short time agreements, there is no way we will be able to get this bill done even if their amendments pass. It will not do anyone any good to have long debate on amendments when people finally come to debate those amendments, even if the amendments pass, because there will not be an opportunity to get the bill itself passed. That is very true.

Mr. MCCAIN. 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.

The PRESIDING OFFICER. The Senator from Maine.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Delaware, Mr. COONS—the Presiding Officer—be added as a cosponsor of Senate amendment No. 1155 to the pending bill, S. 1867.

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

Ms. COLLINS. Thank you, Mr. President, for cosponsoring the amendment.

Earlier today the chairman and the ranking minority member of the Senate Armed Services Committee came to the Senate floor and asked for Members to come forth with their amendments. I want to speak on my amendments as well as the underlying bill. But I want to begin by commending Senator LEVIN and Senator MCCAIN for their superior work on this very important piece of legislation.

For this reason I rise in support of the fiscal year 2012 National Defense Authorization Act. This bill represents a bipartisan commitment to ensuring that our brave men and women in uniform have the support they require to execute our Nation's military strategy and to defend freedom around the globe. The legislation will improve the operation of the Department of Defense, it will strengthen congressional oversight of the Department, and it makes fiscally responsible but very difficult choices in order to meet this year's budget caps. As a member of the Senate Armed Services Committee, I urge all of my colleagues to support this important bill.

I am particularly pleased that this bill fully authorizes the Navy's budget request for shipbuilding. While shipbuilding accounts for fewer than \$1 out of every \$10 of the Navy's budget, it is a critical component to the strength of our national defense.

The Chief of Naval Operations has testified that a fleet of 400 ships would actually be required to meet the unconstrained demands of the combatant commanders. Due to budget constraints, however, the Navy aims for a fleet that equals 313 ships in the future, but today the Navy has only 285 ships. The DDG-1000 program, the DDG-51 restart, the Virginia Class submarine, and other ships in the shipbuilding budget will help to close the troubling gap between the requirements of the combatant commanders and the number of ships the Navy actually has.

I am particularly proud that the skilled workers of Bath Iron Works in my State are playing such a critical role in building the ships our Navy requires. Bath's excellent performance of delivering ships on time and on budget or under budget to the Navy continues. This year BIW delivered the USS Spruance to the Navy where the destroyer will serve in the Pacific fleet. In addition, BIW has completed more than 60 percent of the construction of the very first DDG-1000. This is a destroyer for which the Navy laid the keel for the ship 2 weeks ago.

So, Mr. President, consider the fact that 60 percent of the construction had

been completed before the keel laying ceremony; this is a feat which is all that much more impressive when we consider that the rework rate for ship construction—and this ship is the first in its class of ships—has been less than 1 percent. That is an extraordinary record and a tribute to the high-quality work performed by the men and women of Bath Iron Works.

Last week the President made clear that the United States will not shrink from its role in Southeast Asia and the Pacific, two regions where forward presence and persistence depend on the ships of the U.S. Navy. At a time when the Chinese fleet is larger than our own and is expanding, now is certainly the time to reinvigorate rather than weaken our shipbuilding industrial base to build ships that are capable of operating in anti-access and area-denial environments.

In recent weeks Secretary of Defense Panetta has warned about the negative effect of sequestration on the fragile shipbuilding industrial base and his concern that under this procedure, which would involve automatic cuts that disproportionately fall on the Department of Defense, the Navy could shrink to the smallest force since 1915. Unfortunately, the Navy fleet is already the smallest that it has been since 1916 despite the escalating threats that we face.

So I want to thank Chairman LEVIN, Ranking Minority Member MCCAIN, and the chairman and ranking member of the Seapower Subcommittee as well for recognizing the importance of fully authorizing the President's request for shipbuilding.

This legislation also includes important acquisition reforms to ensure that taxpayers receive the best value for every dollar authorized in this bill. One provision requires the military services to determine if they can save money by performing service-life extension programs for nontactical vehicles and equipment rather than purchasing new gear.

The committee report also seeks to save taxpayer dollars by directing the Air Force to evaluate the annual fuel costs that would be incurred at each candidate base before the Air Force decides where to assign new aircraft, such as the KC-46A tanker.

In addition to providing better value to the taxpayer, the government procurement process should be fair, open, and entirely free from politics. I would hope that is the goal on which every Member of the Senate could agree. Last spring, however, the administration was considering a draft Executive order requiring Federal agencies and departments to collect information about campaign contributions and political expenditures of bidders before awarding any Federal contract. I would suggest to my colleagues that is the antithesis of sound procurement practices.

For the administration to even consider a change that would inject politics into the procurement process goes

in entirely the wrong direction. Such a move would create the perception that political support or opposition is somehow a consideration in selecting the winners and losers among businesses vying for Federal contracts.

To ensure that contracts are kept out of the procurement process, an amendment that I offered with Senators PORTMAN and BROWN was adopted by the committee with the wholehearted support of the chairman and ranking member, and I would note that it was adopted without opposition. Our amendment specifically prohibits the Department of Defense from collecting information about political contributions made by companies seeking to conduct business with the Federal Government.

Think what a terrible position that would put contracting officers in. Right now they are just collecting information about the ability of a contractor—or a would-be contractor—to perform on the contract, information about the price they are bidding, and information about past performance. What kind of signal would it send to contracting officers if all of a sudden they are required to collect information about political contributions and expenditures? That would muddy the procurement process. It would imply that somehow political contributions are supposed to be considered in the contract award process when exactly the opposite must be the case.

Another area of particular concern to me is ensuring that our service men and women receive the health care they deserve, particularly as it relates to mental and behavioral health. While the rate of Active-Duty suicides did drop last year, it is very sad to know that almost twice as many Guard members and reservists committed suicide in 2010 compared to 2009. This is a tragedy that the chiefs of the military services, the Secretary of Defense, and the members of our committee are taking very seriously. We don't know enough about the factors why, but we do know that we need to provide better access to counseling and other services to our service men and women, to our reservists, to our Guard members, and to our veterans.

Unfortunately, the Department of Defense has had limited ability to allow its own civilian and contracted mental health professionals in one State to provide care to a patient in a different State. That is the result of complicated State licensing laws with which I am very familiar, having overseen the licensing of mental health professionals for 5 years in my career.

The result is that many in our military, particularly Guard members and Reserve members who live in rural areas where there is a shortage anyway of mental health professionals, must travel long distances to access care.

So the result is that, in many cases, they simply don't access care at all and don't receive the care, the counseling, or the assistance they need and deserve.

This bill includes the provision included at the request of Senator BEGICH, Senator BROWN, and myself to expand access to mental health care providers for those individuals who have served. This provision—our amendment—will allow mental health care professionals who have been qualified by the Department of Defense to serve members of the Armed Forces and our veterans using “telehealth”—a capability the Army in particular has sought and believes would be very useful so services can be provided via videoconference, for example, to members who may be far away from the actual mental health professional.

The bill also includes provisions to increase protections for servicemembers who are victims of sexual assault. One in six women will be a victim of a sexual assault in her lifetime. Yet in the military, that terrible statistic is even higher—much higher, I regret to say. As many as one in three women leaving military service report they have experienced some form of sexual trauma.

The provisions that were included in the bill at the request of all the women of the Senate Armed Services Committee as well as Senators BROWN and BEGICH were based upon legislation Senator KERRY and I introduced to implement some of the overdue recommendations of the 2009 Defense Task Force on Sexual Assault in the Military Services.

Of the 91 recommendations made by this task force, only 26 have been fully implemented by the Pentagon as of May—only 26 of the 91 recommendations. There are a couple of these recommendations that are particularly important and have been included in the bill. These recommendations include providing victims with access to legal counsel and ensuring that each military unit has an adequate number of trained—and I emphasize the word “trained”—victim advocates and sexual assault response coordinators.

The bill also requires the Department of Defense and the VA to implement a comprehensive process to preserve medical records and evidence related to sexual assaults. This has been a real problem. This process will protect victims' access to VA benefits and will help support the prosecution of their offenders. Finally, in this area, the bill modifies the Uniform Code of Military Justice as requested by the Judge Advocate Generals to improve the likelihood of prosecution of sexual offenders in the military.

While this bill does much to provide for our servicemembers and improve the processes of the Department of Defense, I believe we can further strengthen this bill, and I have offered three amendments with that goal in mind. First, I have introduced amendment No. 1180 with Senators SHAHEEN and CASEY to address the serious threat posed to the American people by the missing portable anti-aircraft missiles from Libya. Our amendment requires

an urgent intelligence assessment of the threat these missiles pose to the American people and our allies and it requires the President to develop and implement a comprehensive strategy to mitigate this threat.

Former Libyan Dictator Colonel Qadhafi acquired more than 18,000 of these portable anti-aircraft missiles—one of the largest stockpiles in the world. Make no mistake, no one has an accurate accounting of where all these missiles have gone or where they are now. While the administration has sent teams to inspect and disable these missiles, where they know they exist, there is no comprehensive strategy in place despite very disturbing reports of Libyan militias refusing to disarm themselves and of terrorist groups seeking these weapons.

Recently, Senator MCCAIN and I had the opportunity at the World Economic Forum in Jordan to meet with the then-Acting Prime Minister of the Libyan Transitional National Council, and we asked him specifically about the issue of the Libyan militias all over the country. He was very forthright in saying he had been unable to bring them under a uniform control—a real issue. Unfortunately, he decided he needed to resign, in part due to that issue. The United States simply must make an accounting for these dangerous weapons that can be aimed to take down a commercial aircraft. This must be a priority in Libya and throughout the region. I appreciate the support Chairman LEVIN and Senator MCCAIN have expressed for this amendment as well as the helpful suggestions from Senator KERRY, Senator LUGAR, and the Senate Select Intelligence Committee.

I have also offered an amendment No. 1155 to allow physical and occupational therapists to enroll in the Armed Forces Health Professionals Scholarship Program. This program provides tuition assistance to critical health care professionals in exchange for service as a commissioned medical officer.

Unfortunately, while the need for physical therapists has grown during the last 10 years of war, neither the Department of Defense nor the military services have conducted a separate analysis of the current or future DOD workforce requirements for occupational and physical therapists, even though such an analysis was required by last year's Defense authorization bill.

My amendment would allow the military services to extend the same kind of educational benefits to physical and occupational therapists that are already afforded to physicians, dentists, physician assistants, and even veterinarians.

Physical and occupational therapists at the military's major medical centers serve approximately 600 wounded warriors every day on their road to recovery. More than 32,000 servicemembers have been wounded in Iraq and Afghanistan, including many who have suffered very serious injuries and have

had to have amputations, for example. Those injuries require significant physical therapy.

The idea for this amendment came directly from a visit I had with a wounded marine from Maine at Bethesda earlier this month. He was severely wounded by an IED in Afghanistan. He lost part of one leg and his other leg has a lot of shrapnel wounds. Both of his arms were wounded, and he has a traumatic brain injury as well. In short, he has very serious wounds that are going to require a very lengthy recovery period. But he has recently been moved into wonderful accommodations—his own apartment at Bethesda. His spirits are amazingly strong and upbeat.

But when I asked him if he had any concerns, he said while he praised the care he was receiving, there was a severe shortage of physical therapists and other trained clinical personnel to help him in what is going to be a very long recovery. He is expected to be at Bethesda for another 9 months. It troubles me that he believes there are not a sufficient number of physical therapists to help him and the other wounded warriors who are hospitalized at Bethesda.

While the Department of Defense reports that overall it does not face a shortage in these professions, both the Air Force and the Navy report shortages in physical therapists, physical therapy technicians, and occupational therapists. One out of every four physical therapist positions in the Active-Duty Navy is currently unfilled. So including these medical professions in this existing educational program would help meet this need.

I wish to point out, we are not authorizing additional or new funding. However, this is an important insurance policy against a shortfall of these medical professionals that will help the Navy and the Air Force fill vacancies. After all, it is these talented and committed professionals who are helping our wounded warriors return to living full and independent lives.

Finally, I have offered amendment No. 1158, a bipartisan amendment with Senators BEGICH, MANCHIN, and CHAMBLISS, regarding the prohibition on the transfer of U.S.-held detainees to a country that has a confirmed case of a released individual who has returned to the fight. This is so needed.

I note this provision was permanent in the detainee amendment that was offered by our chairman and ranking member that was adopted overwhelmingly by the Senate Armed Services Committee during our June markup. Nevertheless, this provision was reduced to a temporary 1-year restriction in the current version of the bill in response to concerns from the administration.

I wish to point out that my amendment would only make permanent the prohibition on the transfer of American-held detainees to a country that has a confirmed case of recidivism. It

does not change any of the other transfer provisions in section 1033 of the bill.

Let me make clear that I support the hard work Chairman LEVIN and Senator MCCAIN have done to craft a permanent detainee policy that has a great deal of support on a bipartisan basis. While there may be genuine disagreement regarding other aspects of the detainee policy provided for in this bill, the amendment I put forth permanently establishing the commonsense policy that we will not return detainees to countries where they are returning to the battlefield should not be an issue that divides this body. In spite of the spirited and lengthy debate in committee on detainee policy, this particular provision in my amendment was not the subject of controversy.

Let me give a little more background on why it is necessary. In September, Director of National Intelligence James Clapper testified that the recidivism rate of transferred Guantanamo detainees continues to increase. Twenty-seven percent of transferred detainees—released from Guantanamo to another country is what I am talking about—up from 25 percent last year, are believed to have rejoined the fight, rejoined the cause of terrorism.

Of the 599 detainees who have been released from Guantanamo, there are 161 individuals confirmed or suspected of re-engaging in terrorist or insurgent activities. Half of those cases have been confirmed by the intelligence community, which is an increase of 5 percent of confirmed cases from March 2009 to October 2010. I believe it is likely, as further intelligence is developed, that the rest will be confirmed—those suspected cases are likely to be confirmed as well.

Former detainees who were previously mid-level enemy combatants are not simply returning to be another fighter armed with a rifle, although that, too, is clearly unacceptable. According to Michael Vickers, the Under Secretary of Defense for Intelligence, former detainees are advancing in the leadership ranks of al-Qaida and its affiliates.

For example, Saïd al-Shihri was released from Guantanamo in 2007 to Saudi Arabia. He participated in a so-called rehabilitation program but then traveled to Yemen. Within 2 years of his transfer, he was involved in planning an attack on the U.S. Embassy in Yemen in September of 2009. He also became a deputy in al-Qaida in the Arabian Peninsula, the terrorist group responsible for the attempted Christmas Day bombing in 2009 and the attempted package bombs last year. In fact, AQAP is considered by most intelligence analysts as the entity posing the most danger to our homeland.

There are other cases as well. There is a case where one of the detainees who was released to Afghanistan in 2007 told American officials, prior to his transfer:

I [just] want to go back home and join my family and work in my land and help my family.

Instead, after Abdullah Ghulam Rasoul was released by the Afghan Government in 2008, he went back to fighting. Press reports indicate this former detainee was promoted as a top deputy in the Taliban and put in charge of operations against U.S. and Afghan forces in southern Afghanistan in 2009. In fact, Newsweek reported that roadside bomb teams under his direction have caused more than half of NATO's 160 deaths in Afghanistan in the first 5 months of this year.

Muhammad al-Awfi was also released from Guantanamo to Saudi Arabia in 2007. After leaving a rehabilitation program in 2008, he too fled to Yemen. Not long after, he appeared in a video announcing the formation of AQAP. There are other examples as well—example after example after example—of detainees who have been released from Guantanamo and who have returned to the fight.

We need a permanent provision to deal with the recidivism threat. As hopeful as I am that the national defense authorization bill will be passed each and every year—and there is a great record of the Armed Services Committee in that regard—there is no guarantee that legislation will be passed by the Congress and signed into law by the President. In fact, we are already 3 months into this fiscal year, and we are weeks from having a Defense authorization bill signed into law, despite the heroic efforts of the leaders of the Armed Services Committee.

Ten years after these wars began, it is clear when we transfer detainees to some countries they may well rejoin the fight against our country and our allies. It is time for Congress to establish a permanent policy in the Defense authorization bill that we will not transfer detainees to countries where there have been confirmed cases of released detainees returning to the fight. I urge my colleagues on both sides of the aisle to do exactly that by supporting this bipartisan amendment.

Finally, the people of Maine have a proud history of contributing to the defense of our country. Members of the Maine National Guard have served in Afghanistan and Iraq, as well as Active-Duty soldiers, marines, airmen, and sailors from our State. The Air Guard unit in Bangor continues to perform critical refueling missions for aircraft headed overseas, as it has done since 9/11/2001. Many of the sailors who are deployed serve on 1 of the 101 ships currently underway that were built at Bath Iron Works or on submarines repaired, overhauled, and refueled at the Portsmouth Naval Shipyard in Kittery, ME.

From the Maine Military Authority and the Defense Finance and Accounting Service Center in Limestone to the Pratt & Whitney plant in North Berwick, ME, from cutting-edge composite and renewable energy research at the University of Maine to the innovative high-tech firms throughout our State,

Mainers have faithfully supported our national defense with ingenuity, innovation, and superior craftsmanship.

The investments authorized in this bill support these efforts in Maine and other States throughout the country, and they will continue to ensure that our extraordinary military remains the best trained and the best equipped in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Maine leaves the floor, I wish to thank her for the extraordinary contribution she makes to our committee as well as to the Senate. She and I have worked long together, and we work extremely well together. We have seen a lot of things that were able to get passed because of people working together—a lot of measures that can happen because people are willing to set aside partisanship—and she has been one of the leaders in getting things done in this body and in the committee. I wish to thank her and tell her how grateful a chairman I am for her contribution.

We are working hard on the amendments she has offered. They are being worked on—last week and this week—and we will have something to report to her, I hope, in the next few hours.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I wish to thank the committee chairman for his extremely generous remarks. It has been a great pleasure to serve with him on the Armed Services Committee, and I very much appreciate his outstanding leadership.

Senator LEVIN and I actually go way back to when I was a staffer on the Governmental Affairs Committee. I was a staff director of a subcommittee on which he was the ranking member and chairman. It went back and forth with Senator Cohen. It has been a great honor and pleasure to serve as his colleague during these past 15 years. So I appreciate his comments.

I thank the Chair.

Mr. LEVIN. Mr. President, if I may add one thing; that is, she has also been my chairman, as well as the ranking member, on the Homeland Security Committee. So we have an awful lot of history together. I am glad she did not mention how many years it is we have been working together because that dates us a little bit. But we do go back a long way and have tremendous confidence in each other, as I do in her.

I thank the Chair.

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

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

Mr. LEAHY. Mr. President, am I correct that we are on the Defense authorization bill?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1072

Mr. LEAHY. Mr. President, one of the amendments that have been pending is the Leahy-Graham National Guard empowerment amendment, which is amendment No. 1072. I was just discussing with the distinguished leaders of the Armed Services Committee, Senators LEVIN and MCCAIN, the possibility of a time to bring that amendment up for a vote. While we are in quorum calls anyway, let me talk a little bit about what the amendment is.

Over the past decade, as we all know, the National Guard has undergone a profound change—actually, a historic change. Once, it was a hollow force, considered only a strategic reserve for nightmare contingencies, but the National Guard has become an operational reserve that deploys in regular rotation with the Active-Duty Force. As a matter of policy and reality, Army and Air National Guard troops from States around the country shoulder their load overseas, but they also carry a disproportionate share of the domestic response in disaster relief missions at home, including responding to terrorist events. Institutional support for the National Guard still lags behind its operational role.

When I have been on battlefields, whether Iraq, Afghanistan, or elsewhere, and I have talked to the commanders there, they do not know the difference between, when looking at soldiers about to deploy, which one is Guard and which one is regular force because they are deploying together and expected to do the same job. But, unfortunately, today's National Guard is a superb 21st-century force trapped inside the 20th-century Pentagon bureaucracy.

Without raising the profile of the Chief of the National Guard Bureau in the supreme military advisory body of the Department of Defense, the Joint Chiefs of Staff, the United States will miss an opportunity to capitalize on positive changes that began in response to post-9/11 operations tempo. So our amendment makes that change, as well as several others that will enhance the Guard's effectiveness.

I may sound parochial, but I think of immediately after 9/11. We had armed F-16s flying guard over New York City around the clock, day after day. They were from the Vermont Air National Guard, and they maintained their readiness 7 days a week, 24 hours a day, protecting us because we did not know what else might come. Well, I think just about every Senator here could talk about similar types of work the Guard from his or her State has done.

Now, in this period of flatlining or even declining Pentagon budgets, the Department of Defense has to increase the role of the National Guard as an

element of the overall force mix. Without the Chief of the National Guard Bureau on the Joint Chiefs of Staff, among the other changes made by this amendment, the unique experience of nearly half a million members of the National Guard will continue to be largely unknown, and their voices, their interests, and their concerns have gone mostly unheard. So the change is not only necessary, it is actually a decade overdue.

This amendment is not just out of the blue. It has 70 cosponsors. More than two-thirds of the Senate support it. It is an overwhelmingly bipartisan majority of Senators. It goes across the political spectrum, and it goes across the States of this Nation. It demonstrates that the provisions contained in this amendment, all of which empower the National Guard, should be included in this year's National Defense Authorization Act.

As I have said, I have been overseas. I know the distinguished Presiding Officer has. Most of us here have. We have watched our troops operate, and you cannot tell which troops are in the Guard and which are Active Duty. Certainly when they are out facing the enemy and putting their lives on the line, there is not a sign that says: Shoot at this one because they are Active but not this one because they are in the Guard. They are all facing the same dangers.

They stand and work side by side. We have to reflect our reality inside the Pentagon as well as outside of it on the battlefield.

I urge all of my colleagues, cosponsors and nonsponsors alike, to join me in making sure the Guard finally has a voice commensurate with its operational role.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. 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. BROWN of Massachusetts. Mr. President, I rise today to speak briefly about the fiscal year 2012 National Defense Authorization Act.

As a member of the Committee on Armed Services and as the ranking member of the Subcommittee on Airland, I can say that it is one of the most, if not the most, bipartisan committees in the Senate. As I have said many times before, we are Americans first, and it is fitting that the Senate still works that way when it comes to providing the tools and resources for our men and women serving in uniform. We recently proved it when we passed the tax credit for unemployed veterans, something I was proud to sponsor, and was also proud to be at the White House for the signing ceremony a little over 1 week ago.

I am proud of this bill as well, which represents a year's worth of hard work and devotion by Senators LEVIN and MCCAIN, and all the committee members and their staffs, for their dedication to putting out a topnotch bill. I want to also thank Senator LIEBERMAN, chairman of the Airland Subcommittee, for his committed leadership and effort on behalf of our military and military families. I have been honored to work with him and his staff throughout the year.

I believe we have developed thoughtful and informed provisions in our subcommittee mark which will authorize funding for our military's most crucial capabilities and resources. Our decisions were informed by a series of hearings that addressed several critical issues facing our air and ground forces, including force structure, modernization of ground forces, tactical aviation, and specifically the F-35 Joint Strike Fighter Program. In the end, I believe we achieved our goal of executing the Secretary of Defense's vision to enhance our Nation's capability to fight the wars we are in today and to address scenarios we are most likely to face in the future. We are hedging against other risks and contingencies also.

I am also very proud that this bill includes an important provision based on legislation I introduced with Senator KELLY AYOTTE last February, which is the No Contracting With the Enemy Act.

I had an opportunity to go in a codel to Pakistan-Afghanistan and met with a lot of the leaders over there, then-General Petraeus and others, and had an opportunity to go back as a soldier recently still serving. Speaking with General Allen and a lot of contracting generals, this by far is the most important piece of legislation we can file when it comes to dealing with funding. After speaking with General Petraeus, General Allen, and all the generals in charge of contracting, I was shocked that we are actually unable to sever contracts once we determine, through the new way of paying of cash versus electronic transfers, that we are actually in some instances contracting with the enemy which in turn is using those funds against our soldiers. We have heard many stories of those funds falling into Taliban hands and other insurgents' hands and used against us. And that, quite frankly, is unacceptable. Can you imagine that our own troops would be forced to continue giving money to the enemy because they are unable to terminate a contract? That makes absolutely no sense. So I was very thankful that the committee chairs and ranking members recognized that this is a critical part of the warfighting effort. As you can imagine, others I noted have found it to be unacceptable as well. So I want to thank Senator AYOTTE for her leadership. Obviously we can fight this disgusting practice and give our troops the power to void any contracts when it is discovered that the contract benefits enemies

of the United States. As General Petraeus stated last year: If money is ammunition, we need to make sure it gets into the right hands. And I couldn't agree with that statement more.

The committee had to make some tough decisions in light of the very real fiscal realities we are facing today. It is no secret that our military is already shouldering a burden unlike in years past, not only at home but also abroad. In today's fiscal environment in which it is very tough to get any dollars, our men and women in uniform stood up and stand up and have identified efficiencies and savings, and they should be commended, and so I want to do that right now. I want to say that any consideration of future cuts that place our Nation's military's readiness in jeopardy should receive very serious scrutiny.

Lastly, I want to say that when the time comes, I look forward to supporting and debating the amendment offered by the Senators from South Carolina and Vermont, GRAHAM and LEAHY, along with almost 70 other Senators who support this amendment. This would give the Chief of the National Guard Bureau a seat at the table of the Joint Chiefs of Staff. This could not be more overdue. I think we can all agree that over the past decade the National Guard has experienced momentous change in the way it fights, in the way it trains, and in the way it equips itself, serving alongside their brothers and sisters in arms, and they deserve the same respect with the Joint Chiefs. As a result, the Guard today is much different than the Guard I grew up with when I joined back in 1979. No longer is the Guard considered a strategic reserve used to address limited and unforeseen emergencies. Rather, today's Guard serves alongside its active-duty counterparts in Iraq, Afghanistan, Haiti, and many other strategic locations throughout the world. It serves as the tip of the spear for homeland defense response and disaster relief. They are fighting in many areas overseas, and they are coming home with devastating injuries just like everybody else. Their families are going through the trauma just like everybody else. They fought and died in the war on terror, and they represent thousands of American communities across this great country. I look forward to supporting this amendment when it comes forth.

That said, now that the bill is before the full Senate, I hope we will have an opportunity to conduct meaningful debate, not shutting off debate, not doing cloture before it is time, but allowing us to work as we did recently when we passed the 3-percent withholding, a bill I sponsored, and also the HIRE a Hero Veterans Act, which I also sponsored. Those passed overwhelmingly without any dissenting votes.

I, like my colleagues, have offered several amendments which I feel are relevant to protecting and providing

the tools and resources for our men and women who are serving. I look forward to working with the chairman and ranking member to have them considered appropriately.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1072

Mr. GRAHAM. Mr. President, I rise today in support of the Leahy-Graham amendment which hopefully we will vote on here soon.

The amendment is pretty simple. It says the Congress has decided, in its wisdom, to make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

In 1947, we reorganized our Defense Department and created the modern Department of Defense and the Joint Chiefs, with a chairman, which would provide military advice to the Commander in Chief, the President of the United States. The Chairman is the person responsible for advising the President, but the Joint Chiefs are made up of the Army, Navy, Air Force, and Marine Corps. With this legislation, the Chief of the National Guard Bureau will become a member—nothing more, nothing less. It doesn't provide any power to the Chief of the National Guard Bureau in terms of commanding troops. It doesn't interfere in the relationship between the active forces, the Guard, or the Reserves. It simply states that now is the time for the National Guard, the citizen soldier, to have a voice on the Joint Chiefs.

The reason I believe it is important is after 9/11, everything about the National Guard and our country's needs has changed. The National Guard is the front-line soldier/airman when it comes to natural disasters. When our homeland is hit by natural disaster, they can be called up federally or at the State level they provide assistance to our citizens. We have seen the effects of natural disasters. There can be a lot of loss of life and property. That is a unique duty. In the last hurricane that came through in the Northeast, the Chief of the National Guard Bureau said that no one from the White House called him, other than a mid-level operative, and he never interacted with the Joint Chiefs at all about the needs and capability of the Guard.

General Dempsey, the new Chairman of the Joint Chiefs, has invited General McKinley, the Chief of the National Guard Bureau, to be an ad hoc member. That is great. But I asked him, if he somehow fell out of favor, could you kick him out of the room, and the answer is, Yes.

I think Congress needs to make a decision about the role of the citizen soldier. If you believe, as I do, that they are indispensable on fighting the war on terror, they have some leading missions when it comes to homeland security post-9/11, their voice needs to be heard. The active-duty forces need to have the Chief of the National Guard Bureau in that room advising them

about the capability and readiness of the National Guard, their dual-status capabilities, what they can do at the State level and the Federal level.

I guess I can boil it down to this. To me, it was a national shame and disgrace to deploy National Guard troops after 9/11 without adequate body armor or equipment, and this will make it very hard for that to happen again because the Chief of the National Guard Bureau will be in the room with his counterparts talking about the needs of this force. Hopefully, the coordination and collaboration through this new change will allow the force to be ready, deployable, and we will never go back to that time period in our history where the Guard and Reserve were called up without adequate equipment, body armor, ready to go to war. This is a change that I think makes sense post-9/11. It doesn't interfere with the day-to-day operations of the military. It doesn't confer any power on the National Guard they don't already have. It is just one more voice at the table at a time when I think that voice needs to be heard. The world has changed. Our Nation's defense needs have changed post-9/11.

We have 67 cosponsors, and I am very proud of the fact that this is one of the most bipartisan pieces of legislation I have ever been involved with. Senator LEAHY has been a great partner, my co-chairman of the Guard caucus, and I look forward to having the vote.

Senators MCCAIN and LEVIN have done a great job managing this bill. If you have amendments, please work with these two gentlemen. We don't want this Congress to go down in history as being the first Congress in 51 years that could not pass a Defense authorization bill. We have enough things going against us already as a Congress. We don't want to add that to the list. So Senator LEAHY and myself are willing to do this by voice vote, whatever the body wishes.

Senator REED, my good friend from Rhode Island, has a second-degree amendment that basically takes our legislation and defeats the purpose of it. Senator WEBB has a second-degree amendment that would substitute a membership and the Chairman of the Joint Chiefs with a reporting requirement that, quite frankly, misses the mark. Both are fine men.

Senator WEBB argued years ago that the Marine Corps needs to be a member of the Joint Chiefs, and everybody thought the Navy would have two votes and they fought passionately against it, and it has worked out pretty well. So all the problems with making the Marine Corps a member of the Joint Chiefs haven't panned out. Goldwater-Nichols was fought by everybody except the Chairman of the Joint Chiefs when it was first introduced. So change comes hard to the Pentagon.

This is a change that I think makes common sense. I would say, after 9/11, our citizen soldiers deserve this recognition. This would be a great step

forward in making sure they are integrated and they never go to war again unless they are prepared to go. Having that voice day in and day out in the tank I think will do everybody a lot of good. So I hope we can vote on this soon. I appreciate Senators MCCAIN and LEVIN's leadership on this bill. I think we have a good bill for our men and women in uniform, and I look forward to bringing this to the floor for a vote.

To my colleagues who want to amend the bill, I appreciate the differences that we have but I think the time has come for the National Guard to be a member of the Joint Chiefs of Staff, with a full voice and ability to be heard as they have never been heard before. The reason they need to be heard unlike any other time is that we depend on them unlike any other time, except maybe the first engagement. When you look at who has been around the longest, the first shot fired in creating this Nation was fired by the citizen soldier. Two hundred-something years later, let's make sure that they are integrated into our defense infrastructure at the highest levels, because their voice needs to be heard.

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

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF CHRISTOPHER DRONEY TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided and controlled in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today we in the Senate will confirm Judge Christopher Droney to be U.S. Circuit Judge, Second Circuit. This will be the fifth nominee of President Obama to be confirmed to this circuit, the Second Circuit. In just 3 years, President Obama has matched the number of President Bush's nominees confirmed to the Second Circuit over his entire 8 years in office.

With this vote, the Senate will have confirmed 57 article III judicial nominees during this Congress. This is a great accomplishment considering only six sessions of Congress in the last 30 years have confirmed more judicial nominees. In total, over 71 percent of

President Obama's judicial nominees have been confirmed.

The seat to which Judge Droney is nominated has been deemed to be a judicial emergency. This will be the 31st judicial emergency nominee to be confirmed this year. This seat became vacant in July 2009 when Judge Calabresi took senior status. The President first nominated Judge Chatigny to this vacancy. Judge Chatigny is a sitting U.S. district judge in Connecticut. However, after reviewing his record the Senate determined that Judge Chatigny should not be elevated, and his nomination was returned to the White House at the end of the 111th Congress. The President did not renominate Judge Chatigny and instead sent us the nomination of the person we are considering today, Judge Droney.

I raise this bit of history to remind the Senate and those who watch our proceedings of the importance of the role of advice and consent by the Senate, necessary for someone to become a judge. We in the Senate and historically are not here to simply rubberstamp the President's nominees. Even as we give the President's nominees a thorough review, we are doing so in a very reasonable timeframe. During President Bush's administration, circuit nominees were forced to wait on average 247 days for a hearing. President Obama's circuit court nominees have had their hearings on average in just 66 days. The same can be said of President Bush's district court nominees, who waited 120 days compared to only 79 days for President Obama's district court nominees.

In addition, we have reported nominees in a more timely manner. Circuit court nominees have been reported on average in just 113 days compared to 369 days for President Bush's nominees. President Obama's district court nominees have been reported in just 128 days compared to 148 days for President Bush's nominees.

Furthermore, for those who still contend that President Bush's nominees are being treated unfairly, let me point out that we have reported a higher percentage of judicial nominees to the full Senate compared to this point in President Bush's Presidency. Seventy-six percent of President Obama's judicial nominees have been reported to date. At this point in President Bush's Presidency only 71 percent were reported.

Having set the record straight on the work and progress of this committee, I will tell my colleagues why they should vote for Judge Droney to be a circuit judge for the Second Circuit.

Upon graduation from the University of Connecticut School of Law, and that was in 1979, Judge Droney joined the Hartford firm of Day, Berry & Howard and was responsible for civil matters such as personal injury defense, product liability, antitrust and corporate disputes. In 1981, Judge Droney joined the law department of Aetna Life & Casualty for a brief period, working on investment matters.