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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

O God, our Father, take our Senators this day and make them what they cannot be without Your power. Enlighten their minds so they will know what is best for the good of our land. Break for them the habits they cannot break, calm for them the worries they cannot still, soothe for them the sorrows no human comfort can ease. May they always remember that nothing can separate them from Your great love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today following leader remarks, the Senate will be in morning business until 4:30 p.m. Following morning business, the Senate will be in executive session to consider four U.S. District judges. At 5:30 p.m., there will be a rollcall vote on confirmation of the Ramos nomination. We hope the rest of the nominations can be confirmed by voice vote.

PAYROLL TAX CUT

Mr. REID. Mr. President, last week, my friend the Republican leader tried to convince us that Republicans realize it would be disastrous to raise taxes on the middle class. Here on the Senate floor, he quoted half a dozen news reports as evidence that the Senate Republicans support an extension of payroll cuts for 160 million American workers. I said at that time I was skeptical the Republicans support this tax cut. It turns out I was right. Last Thursday the Republicans shot down the Democrats' proposal to cut taxes

for middle-class Americans, supposedly on the grounds it raised taxes on the richest of the rich. But a few minutes later the Republicans also shot down their own proposal—one they had placed on the Senate floor—to expand the payroll tax cuts even though it was paid for with their own hand-picked reductions in government spending. Well, they shot that down. They only got 19 votes plus the vote of the cosponsor.

Whatever my friend Senator McCONNELL may say, it is obvious that the Republicans are not interested in preventing a \$1,000 tax increase on nearly every family in the Nation from taking effect on January 1. Democrats will not relent on keeping taxes low for the middle class.

Today Senator CASEY will unveil a modified version of the proposed payroll tax cut that he introduced last week. Like our previous proposal, it will cut back taxes for 160 million American workers. That is 160 million workers, including 1.2 million Nevadans. This proposal will allow the average family to keep \$1,500 to spend on necessities next year. Like our previous proposal, it will be fully paid for with a mixture of spending cuts that Republicans have already agreed to and a tiny surtax on the top .2 percent of Americans. Every spending reduction was agreed to by a bicameral group of Republicans in the supercommittee, so we know they support these cuts—or they should support these cuts. In an effort to make our proposal more palatable to Republicans, we conceded significantly to cut the tax on income above \$1 million and make it temporary.

Democrats know how important extending and expanding the payroll tax cut is to working families. It is also important to our economy. Economists of every political persuasion agree that if Republicans block this proposal—raising taxes on American families by

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



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\$1,000 next month—it will have an immediate negative impact on our economy. It will halt our still fragile recovery in its tracks and drag us back into a recession.

We all know Congress cannot afford to play chicken with the economy. That is why Democrats are committed to passing the tax cut. Republicans need to be prepared to meet us part way. We are offering a serious proposal with meaningful concessions, including spending cuts to which Republicans have already agreed.

The scaled-back, temporary tax on the very richest Americans—a group with an average income of \$3 million a year—is also an attempt to get Republicans onboard to pass what they say they want to do. We know a few of them said publicly that they are open to asking millionaires and billionaires to contribute to our economic recovery. I was happy to see those press reports. I hope we have the courage to vote accordingly, as one Republican did last Thursday. One Republican voted the right way.

I repeat, this is a serious proposal and the Republicans should take it seriously. Here is why: Americans, regardless of political affiliation, say they wholeheartedly support the Democrats' plan to cut taxes for middle-class families. Fifty-eight percent of Republicans agree we should extend payroll tax cuts for 160 million American workers. Further, Americans overwhelmingly support our proposal to have millionaires and billionaires pay their fair share to help this country. Americans from every corner of the country agree. Democrats, Republicans, and Independents agree. When asked if they support a plan that would require people making more than \$1 million to contribute a little more to ensure this country's economic success, the results were decisive: 75 percent, or three-quarters of Americans, said yes. Wealthy Americans agree. Two-thirds of people making more than \$1 million said they would gladly contribute more. A supermajority of Republicans agrees, with two-thirds supporting the idea. Even a majority of 52 percent of members of the tea party agree. It seems the only place in the country they cannot find a majority of Republicans willing to speak up for sacrifice are Republicans in the U.S. Senate. Republicans across the country support our plan and the way to pay for it. Republicans in Congress dismiss it at their peril. I repeat, Republicans dismiss this at their peril. The American people are watching what my Republican colleagues will do.

Mr. President, will the Acting President pro tempore be so kind as to introduce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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.

JOINT STRIKE FIGHTER

Mr. MCCAIN. Last week, AOL Defense published an interview with VADM David J. Venlet, who heads up the Lightning II Joint Strike Fighter Program for the Department of Defense. In this interview, Admiral Venlet candidly offered his concerns about where the Joint Strike Fighter Program stands today. His professional judgment, while welcome in its forthrightness, is deeply troubling. His concerns, which I share, are what bring me to the floor this afternoon.

I ask unanimous consent to have printed in the RECORD a copy of Admiral Venlet's remarks as contained in the AOL Defense article entitled "JSF's Build and Test Was 'Miscalculation,' Adm. Venlet Says; Production Must Slow."

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

[From AOL Defense, Dec. 1, 2011]

JSF'S BUILD AND TEST WAS 'MISCALCULATION,' ADM. VENLET SAYS; PRODUCTION MUST SLOW

(By Richard Whittle)

WASHINGTON.—Fatigue testing and analysis are turning up so many potential cracks and "hot spots" in the Joint Strike Fighter's airframe that the production rate of the F-35 should be slowed further over the next few years, the program's head declared in an interview.

"The analyzed hot spots that have arisen in the last 12 months or so in the program have surprised us at the amount of change and at the cost," Vice Adm. David Venlet said in an interview at his office near the Pentagon. "Most of them are little ones, but when you bundle them all up and package them and look at where they are in the airplane and how hard they are to get at after you buy the jet, the cost burden of that is what sucks the wind out of your lungs. I believe it's wise to sort of temper production for a while here until we get some of these heavy years of learning under our belt and get that managed right. And then when we've got most of that known and we've got the management of the change activity better in hand, then we will be in a better position to ramp up production."

Venlet also took aim at a fundamental assumption of the JSF business model: concurrency. The JSF program was originally structured with a high rate of concurrency—

building production model aircraft while finishing ground and flight testing—that assumed less change than is proving necessary.

"Fundamentally, that was a miscalculation," Venlet said. "You'd like to take the keys to your shiny new jet and give it to the fleet with all the capability and all the service life they want. What we're doing is, we're taking the keys to the shiny new jet, giving it to the fleet and saying, 'Give me that jet back in the first year. I've got to go take it up to this depot for a couple of months and tear into it and put in some structural mods, because if I don't, we're not going to be able to fly it more than a couple, three, four, five years.' That's what concurrency is doing to us." But he added: "I have the duty to navigate this program through concurrency. I don't have the luxury to stand on the pulpit and criticize and say how much I dislike it and wish we didn't have it. My duty is to help us navigate through it."

Lockheed Martin, prime contractor on the Pentagon's biggest program, has been pushing hard to increase the production rate, arguing its production line is ready and it has reduced problems on the line to speed things up. Speeding up production, of course, would boost economies of scale and help lower the politically sensitive price per plane.

But slowing production would help reduce the cost of replacing parts in jets that are being built before testing is complete, Venlet said. Although fatigue testing has barely begun—along with "refined analysis"—it's already turned up enough parts that need to be redesigned and replaced in jets already built that the changes may add \$3 million to \$5 million to each plane's cost.

The price of the F-35, being built by Lockheed Martin Corp. in three variants, has averaged roughly \$111 million under the most recent Low Rate Initial Production (LRIP) Lot 4 contract.

The required changes to the aircraft aren't a matter of safety or of the F-35's ability to perform its missions, Venlet said. They're necessary, though, to make sure the plane's structural parts last the 8,000 hours of service life required. Nor are the weaknesses surprising in the world of fighter jets, he added. The discoveries are "not a quote 'problem with the airplane,'" Venlet said. "It's a fighter made out of metal and composites. You always find some hot spots and cracks and you have to go make fixes. That's normal. This airplane was maybe thought to be a little bit better, wouldn't have so much discovery. Well, no. It's more like standard fighters."

Venlet declined to say how much he thinks production should be slowed. Earlier plans called for the Pentagon to order 42 F-35s in fiscal 2011, but that was cut to 35 and more recently it was dropped to 30. Previous plans, which Venlet's comments and the unprecedented pressure to cut the defense budget make clear will change, had been to ramp up orders to 32 in fiscal 2012, 42 in fiscal 2013, 62 in fiscal 2014, 81 in fiscal 2015 and 108 in fiscal 2016 before jumping to more than 200 a year after fundamental fatigue and flight testing is done.

Officially the "Lightning II," the F-35 is a stealthy attack jet Lockheed is building with major subcontractors Northrop Grumman Corp. and BAE Systems for the Air Force, Navy, Marine Corps and II allied nations. There is a conventional take off and landing (CTOL) version, an aircraft carrier-suitable (CV) model and a short takeoff/vertical landing (STOVL) jump jet that hovers and lands much like a helicopter. The U.S. services alone are scheduled to buy 2,443 to replace a variety of older fighters, making the \$379 billion program the Pentagon's largest.

Venlet's comments address a key issue in negotiations between the government and