

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LIHEAP

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the importance of sustained funding and support for the Low-Income Home Energy Assistance Program, better known as LIHEAP. I know it is something my colleague, the Presiding Officer, cares very much about as well.

LIHEAP helps households pay home heating costs and targets funds for those families with the lowest incomes and the highest energy costs. In 2010, nearly 165,000 families in Minnesota used this critical lifeline.

As the Presiding Officer knows, our home State may be known as the land of ice hockey and ice fishing and other winter sports, but our tough winters can be downright dangerous to families struggling to pay their utility bills and trying to keep the heat on.

Even as Minnesota's economy has weathered the recession better than most, we have seen a great increase in need for assistance with heating bills. From 2008 to 2010, there was a 30-percent increase in families who needed energy assistance. Without sustained funding for LIHEAP at current levels, we risk pushing these 38,000 families out into the cold.

This October, I joined with Members from many cold weather States, as my colleague did, in a letter that urged the Department of Health and Human Services to release LIHEAP funds as quickly and at as high a level as possible. We must follow up on this action by fully funding LIHEAP.

On October 28, the Department of Health and Human Services released \$1.7 billion for LIHEAP. This is a start, but we need another \$3 billion to ensure we sustain level funding from last year. Depending on how and what the final appropriations are for fiscal year 2012, it is important to recognize we will need over \$1 billion to fully fund LIHEAP.

I believe seniors should not have to choose between paying for medication and their heating bills; that families should not have to choose between putting food on the table or keeping their furnaces on at night, and children should always have a warm home to sleep in at night. LIHEAP is targeting those families who are most in need. In fact, the average household served by LIHEAP in Minnesota had an income of \$16,000, and 85 percent of the homes served by LIHEAP included at least one senior, a person with a disability, or a child under the age of 18. These

families are struggling. Now is not the time to pull the rug out from under their feet.

LIHEAP is supported by nonprofit organizations such as Community Action of Minneapolis, the Salvation Army, State and local governments, and utility companies. These organizations know the value this program has to ensure that families have the tools they need to stay safe during the coldest winter nights. They also see how it creates economic activity by maintaining demand for utilities when household budgets are under the greatest strain and may be forced to go without.

According to economists, LIHEAP is a smart investment. For every dollar in benefits paid, \$1.13 is generated in economic activity. As a cosponsor of the LIHEAP Protection Act, introduced by Senator JACK REED of Rhode Island, I want to commend my colleagues on their leadership on this issue, and I look forward to working with them to ensure this legislation is passed and that funding for the critical program is maintained.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS CONSENT REQUEST— H.R. 3630

Mrs. BOXER. Mr. President, I am going to eventually make a unanimous consent request. We have alerted our Republican friends to it. But before I do, I want to set the stage for why I am going to eventually ask we be allowed to go to H.R. 3630, which is at the desk, and that there be a debate and a vote on the Republican-passed payroll tax cut.

For the life of me, I don't understand why, as we approach the end of this year, Republicans do not want, right now, to have a vote on their own bill. Maybe it is because they do not have a lot of votes for it because it is a disaster. The President has spoken out very strongly for a payroll tax cut. We need that. It has been in effect, and if we don't extend it in this time of recovering from a deep dark recession, economists of all stripes have said we are going to see a reduction in economic growth. That is something we don't need right now.

Initially, Republicans said they didn't want anything to do with this tax cut. They loved the tax cuts for the millionaires and billionaires. Oh, that one they have a heart for but this one, they don't really like.

I think they took the heat back home, and good for the American people. They then decided they had to pass it because if they didn't pass it, working people were going to notice that \$1,000 increase in their taxes.

So we are facing a very odd situation. Having served in the House for 10 years—I had left before Newt Gingrich became Speaker; I ran for the Senate. I know how things work over there. I can almost see—though I have no accuracy

on this; it is simply my own feeling—the mindset: The President wants this tax cut so badly, let's do it, but let's load this up with things he is not going to be able to abide. Frankly, that is what they did.

Let's look at some of the things that are in this payroll tax cut. First of all, they added environmental riders. One of them I am very familiar with, and I want to spend a minute explaining.

The EPA passed a rule to control the filthiest and dirtiest boiler operations. These boilers are located in our communities. They spew forth things you really don't want to know about, but we better know. They are things such as mercury, arsenic, and lead. All these things cause cancer, and all of these things are dangerous to all of us, particularly to children and to pregnant women. So the EPA has crafted a rule—listen to this—that only goes after 5,500 of the 1.6 million boilers. Again, these are the filthiest and the dirtiest.

In crafting this rule, they had peer review science that showed this rule would prevent 8,100 premature deaths every single year. That is because we are talking about mercury, lead, and arsenic. These are not our friends.

Now, not being able to abide by this, those in the House are standing with the dirtiest polluters, and they put a stop to that rule. To me, this is shocking, as chairman of the Environment and Public Works Committee. If I saw you were driving a car in a certain direction, Mr. President, and I said to you, if you continue to drive your car in that direction, you are going to hurt people; you are actually going to be responsible for the deaths of 8,100 people in the course of a year, you would turn that car around. But, no, they are barreling forward. I am not even citing the stats—because I don't have them in my memory—on the number of missed workdays, the number of asthma cases, and the lost schooldays, but it is in the tens of thousands in a year.

So they attached what I call a real poison pill to the payroll tax cut. But that wasn't enough. Despite the objections from the Republican Governor of Nebraska, they pushed forward on the tar sands pipeline before the studies were done. By the way, the environmental impact report was done by a company that had ties to the developer. So before we rush to judgment on this, colleagues, we need to have more information. But, no, they are going to jam that through.

So those are two environmental riders that are in the bill that are very dangerous for the American people. So it is sort of like, here is \$1,000 for you with the payroll tax cut, but we have just increased your risk of getting asthma or perhaps dying of cancer or a heart attack. Maybe that is why they object to having a vote on this bill.

Now, in this bill, the way they pay for things is unbelievable. They are so fearful of hurting the upper income people—those earning over \$1 million a

year and paying for this payroll tax cut the way we do, with a small surtax on the millionaires and billionaires, which doesn't kick in until they get past the \$1 million mark—they go after the middle class. They raise premiums on Medicare for 25 percent of Medicare recipients who earn \$80,000 a year, and they raise it 15 percent for some of them in this time of recession. They cut the number of weeks an individual can get unemployment insurance, which also, at this time, is just plain cruel. They go after the salaries of middle-class workers, such as Federal firefighters, veterans, nurses, air traffic controllers, FBI agents, and all Federal employees while they allow government contractor employees to earn up to \$700,000 a year.

Senator GRASSLEY is here, and I know he probably disagrees with some of what I said, but I know he agrees on the Federal contractor issue. In this particular bill, which the House crafted, I say to my friends, they go after middle-class workers, but the government contractor workers can earn up to \$700,000 a year. To me, that is the only reason I can see why Republicans are objecting to having a vote on this so-called payroll tax bill—because it is so loaded with things that are going to hurt the American people.

So I think we ought to have that vote and kill this Christmas turkey, because it is a turkey. It is harmful to the middle class. It is literally going to cause an increase in premature deaths, in asthma cases, and it is literally going to hurt middle-class workers while it leaves the millionaires and billionaires alone. What kind of value system is that? Merry Christmas to the middle class. No, it isn't.

So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3630, which was just received from the House; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill; that no amendments be in order prior to the vote; and that the vote on passage be subject to a 60-affirmative-vote threshold; further, if the bill is not passed, it remain the pending business and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection? The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, and I must object, but I wish to make clear that the Senator from California understands I didn't come to the floor to object to her request, but on behalf of the Republican leader I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I thank my colleague. We are buddies. We work together on a lot of good government issues. But the minority leader, the Republican leader, is objecting.

So in summing this up, as I leave the floor, I would ask rhetorically, why on Earth the Republican leader is afraid

to vote on a Republican bill, other than the fact that that bill, in my view, exposes a set of values that are not consistent with the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for what time I might consume, but I wouldn't expect it would be more than 30 minutes.

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

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the Fast and Furious investigation. But I would also like to follow up and have this portion of my remarks follow the Senator from California because I think my side has a legitimate position to take on some job creation things that are in the House bill that has come over here; that if people just hear one side of the story, they might misunderstand we are not interested in creating jobs and we are only interested in putting stumbling blocks in the way of regulations or Presidential decisions that are made. But it is directly related to, in the case of rules by EPA that the Senator spoke about, it is a fact that under this administration there is an explosion of regulations. A lot of those regulations, because of their cost, have led to the elimination of a lot of jobs or a lot of jobs not being created as a result thereof.

So if we hear the President of the United States saying we ought to pass legislation that he is for to create jobs or we hear the President of the United States, one or two times a week, flying all over the country at taxpayers' expense to give political speeches and asking to put the pressure on Congress to pass his jobs bill at the very same time his departments are issuing regulations costing jobs or not creating jobs or the President making a decision that we shouldn't build a pipeline from Canada down to Texas so we can import more oil in a cost-effective way from our friend Canada—a reliable friend—instead of spending \$830 million every day—every day—to import oil and paying that to countries that either hate us or want to kill us, we think there is an inconsistency between the President who is going around the country giving speeches on why Congress isn't passing his legislation to create jobs, when his administration is making decisions—in the case of the pipeline, 20,000 jobs could be created right now, union-paying jobs, good jobs, and 110,000 jobs on the side related thereto, plus what it does good for the energy policy of the United States to have that built. The President is standing in the way.

He says it needs another year of study. The State Department has already given two studies over a period of years saying it is OK to go ahead. It is not an environmental problem. The Nebraska legislature held it up for a little while because of the aquifer, but

they have reached an agreement that it can go through their State in a little different direction.

We think we ought to create those 20,000 jobs and we ought to do it right now and this legislation that has come over from the House does that. This legislation coming over from the House puts some block of some regulations going into effect that is going to eliminate jobs or stop the creation of jobs.

So we are a little bit irritated about the inconsistency between an administration that wants us to pass legislation to create jobs when, at the very same time, one person is making a decision that we are not going to move ahead with job creation projects. This legislation allows to move ahead for that.

FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, the reason I came to the Senate floor is to give my colleagues an update on the Fast and Furious investigation that I have been conducting since last January 31.

For almost 11 months now, I have been investigating Fast and Furious, an operation of the Bureau of Alcohol, Tobacco, and Firearms, ATF. On December 2, the Justice Department finally came clean about who helped draft its February 4 letter to Congress. That was a letter I wrote that they responded to since I opened the investigation on January 31. It only took them a few days to get a letter to me that had a tremendous number of falsehoods in it.

That letter falsely denied ATF whistleblower allegations that ATF walked guns. The revelation in the December 2 documents of this year were the last straw for me. They admitted the February 4 letter had falsehoods in it. I called for Assistant Attorney General Breuer to step down, and I don't do that lightly.

Earlier documents had already shown Mr. Breuer displayed a stunning lack of judgment in failing to respond adequately when told guns had walked in Operation Wide Receiver in the years 2006–07. The December 2 document showed that Mr. Breuer was far more informed during the drafting of the February 4 letter than he admitted before the Judiciary Committee just 1 month earlier. These two issues led me to call for the resignation of Mr. Breuer, the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver.

The December 2 documents also established a number of other key points. The first is that the Justice Department has a flawed process for responding to letters from Congress that involve whistleblowers. So any of my colleagues, any of the 99 other Senators who are writing letters to the Justice Department, understand they have a flawed process if it involved whistleblowers responding to us. I will show