

wiretap, some agents were working within the group and Special Agent Styers was then asked about his general impression of the Fast and Furious case. Special Agent Styers stated that the case had systematically divided and isolated agents from the group. The case agent had solicited the advice of numerous experienced agents, including Special Agent Styers, regarding how to conduct and end the wiretap operations and case overall. Special Agent Styers gave the case agent his honest opinion and advice since Special Agent Styers had worked two wiretap investigations in his career. Special Agent Styers felt that his advice and opinions, as well as other agents' advice and opinions were widely disregarded. Along with other agents within the group, Special Agent Styers explained that he was no longer asked to assist with Fast and Furious and concentrated on his assigned cases and provided necessary assistance to fellow agents within the detail and group.

Downey and Donovan asked Special Agent Styers what he felt was incorrect about the way the Fast and Furious case was conducted. Special Agent Styers explained that first and foremost, it is unheard of to have an active wiretap investigation without full time dedicated surveillance units on the ground. Special Agent Styers relayed that no agents in the group were assigned to surveillance on the Fast and Furious case. Special Agent Styers said that other agencies or task force officers may have been used to conduct surveillance and respond to calls of FFLs, but it seemed that either the case agent or Group Supervisor would poll the office for agents who were available to respond at short notice.

Secondly, Special Agent Styers said that it appeared odd to have a majority of ATF Agents working on a wiretap investigation, who had never worked such a case. Especially, when numerous, permanent Group VII agents and detailers had previous wiretap experience.

Special Agent Styers was provided with contact information for Downey and Donovan and the conversation was ended. Special Agent Styers contacted the Lubbock Resident Agent in Charge, Jim Luera at 1545 hours after the conversation with Downey and Donovan ended, to inform him of the contact. Special Agent Styers was later asked to document the conversation herein and attempted to do so to the fullest extent possible.

Respectfully,

GARY M. STYERS.

Mr. GRASSLEY. Mr. President, I do not see another Member on the floor. Unless some staff person among the Republicans or Democrats tells me somebody is coming, I wish to take another 5 minutes, if I could.

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

Mr. GRASSLEY. Mr. President, more like 7 or 8 minutes.

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

#### FCC HOLDS—LIGHTSQUARED

Mr. GRASSLEY. Mr. President, the cornerstone of Congress's ability to effectively oversee the Federal Government is the free and open access to information—in other words, congressional oversight, what I was talking about in regard to Fast and Furious.

On another investigation 231 days ago, on April 27, I made a very simple

request. I requested that the Federal Communications Commission turn over communications regarding its controversial approval of the LightSquared project. LightSquared is a company owned by a hedge fund called Harbinger Capital Partners that is seeking FCC approval to use its satellite spectrum to build a terrestrial wireless network. To accomplish its goals, LightSquared has already spent millions of dollars on lobbyists and made large political donations.

The problem is that LightSquared's signals would, according to Federal Government tests, cause massive interference with the global positioning system, more commonly referred to as GPS. GPS, as you know, is a critical tool for anything from military drones and missiles to car and ship navigation. LightSquared's initial plan, which the FCC conditionally approved, would have interfered with just about every single GPS user.

The surprising fact is that there is no evidence the FCC even tested LightSquared's plan before approving it. In fact, the FCC granted this waiver—which is estimated to be worth at least \$10 billion to LightSquared—in a shortened comment period starting right around Thanksgiving, 2010. Giving a company a possible \$10 billion windfall in a holiday-shortened comment period without doing any testing is very suspicious. Risking our Nation's GPS assets, including the role they play in defending our Nation to accomplish this goal, is downright dangerous.

The question I am asking is, Why would the FCC do this? Of course, to get to the bottom of this question I asked the Federal Communications Commission for some documents—again, a simple question, a request for some information. The FCC, an agency with employees who are supposed to work for the American people, said no to my request. My staff was told the FCC intentionally ignored my document request. The FCC officials said they have determined that they will only be responsive to two Members of Congress: the Chairs of the House and Senate Commerce Committees, not even to ranking members of those same committees, and, of course, not to members of those committees whether you are majority or minority. Presumably, they would not even answer to the majority leader of the Senate or to the Speaker of the House, but for sure they surely are not answering to this senior Senator from Iowa. If you happen to be one of the 99.6 of the Congress who doesn't chair one of those two committees, from the FCC's point of view, sorry, you are out of luck. No documents for you. This attitude is unacceptable. I conveyed my concerns to the FCC on July 5 and asked again for documents. Again, I was stonewalled. This time the FCC claimed that since I cannot subpoena the FCC, it would not respond.

President Obama committed to run the most transparent administration in

history. Yet the FCC is saying if you cannot force us to be open, we won't do it. I wrote another letter asking the FCC for documents on September 8, and again I was stonewalled.

This brings us to where we are today, 230-some days later. The FCC's decision to impede Congress's constitutional duty of oversight has forced me to make a difficult decision. I do not take that decision to hold up nominees lightly, but I never do it in secret. I always put a statement in the RECORD, and this is in addition to that statement. But when an agency flagrantly disregards congressional oversight, something must be done.

Before I publicly announced my intention to hold the nominees, I, through staff, contacted the FCC officials. I informed them that if the documents were not forthcoming, I would hold up the Federal Communication Commission's nominees whom the President sent up here. I was surprised and disappointed by their response. Despite knowing my intentions, they chose not to provide any documents. As a result, I am honoring my promise to hold those nominees.

It is unfortunate the FCC has chosen this path. Due to the FCC's decision to hide its actions from the public and Congress, these nominations are now stalled in the Senate. The question I would ask today of my colleagues and the President of the Senate is: Why? The FCC has already told me it would likely provide these documents if certain members—chairmen of committees—asked for them, but somehow 99.6 percent of the Congress has no right to this information. In other words, 99.6 percent of the Members of Congress cannot do their constitutional job of oversight of the Federal Communications Commission. To paraphrase a very popular slogan these days, I guess that makes me part of the 99.6 percent.

My concern is not just specific to this document request. It is broader than that. In the future, any Member of Congress may request documents from the FCC. As the courts have put it, every Member has a voice and a vote in the process under the Constitution. Each one of us has the authority to request and receive information from the executive branch in order to inform those votes. That is what our court has said. That authority is inherent in each Member's responsibility to participate in the legislative process.

The creation of the committee system and the delegation of certain responsibilities to committee chairmen doesn't change that at all. Individual Members still have a right, as well as a responsibility, to inform themselves by requesting information directly from agencies. For Congress to have a complete view of how an agency works, we need to have access to documents. Turning off that flow of information shortcircuits transparency and hurts accountability.

In this case, the Federal Communication Commission's actions have real-

world effects. The FCC's decision to grant a waiver to LightSquared created uncertainty for GPS users, and that includes our own National Defense Agency, the Department of Defense, and other Federal agencies. Another one is the Federal Aviation Administration which claims that 800 people would die as a result of LightSquared's initially proposed network. To the FAA, the FCC's decision could have killed people.

The Department of Defense wrote a letter to the FCC saying that it was not consulted by the FCC. Press reports say that General Shelton—who heads up GPS for the Armed Forces—said that LightSquared's interference would harm the military's use of GPS. To the Department of Defense, the Federal Communication Commission's actions would have harmed national security.

These are only two agencies, but the Department of Transportation, NASA, and NOAA, among others, have already raised concerns about LightSquared's plan. The effects of the FCC's decision are not just limited to the Federal Government; they also affect ordinary Americans. Here are two examples: For Americans who hope that NextGen air traffic control will reduce air traffic delays, the FCC's action would have continued to increase air traffic wasting time, fuel, and ultimately money for the flying public. For Americans who use precision agriculture to save time and money, the FCC's actions would harm the accuracy and reliability of their equipment. This again leads to wasted energy, lower crop yields, and higher prices for products such as wheat and corn. At the end of the day, the FCC's actions would cost the American consumers money.

Does the FCC even care? I don't know. But the agency certainly has not provided any evidence that it took any of this information into consideration. What we see today is an agency that is completely unaccountable and unanswerable to 99.6 percent of the Congress and, by extension, the American public. This is simply wrong, and I will continue to hold the FCC's nominees until this attitude changes.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

#### BENEFITS EXPIRATION

Mr. REED. Mr. President, I rise today to urge my colleagues to immediately extend the payroll tax cut and to fully continue jobless benefits for millions of Americans. In less than 3 weeks 160 million Americans face an automatic tax increase and millions of out-of-work Americans will begin to lose their jobless benefits. In order to keep our economy on track, we must continue the payroll tax cut and jobless benefits for millions of out-of-work Americans.

My State of Rhode Island, in particular, has felt the economic down-

turn acutely. With four unemployed job seekers for every one job and middle-class families struggling to get by—the possibility that Congress would let the payroll tax cut and jobless benefits expire is unthinkable.

I have joined my colleagues on this side of the aisle and voted time and again to cut taxes for middle-class families, and each time our Republican colleagues have opposed the measure because they value tax breaks for the top one-tenth of 1 percent of income earners more than they do tax cuts for middle-class Americans. Republicans have even rejected our effort to provide tax cuts to businesses and provide them incentives to hire. So in response, Democrats narrowed the focus of the tax cuts to employees. But, Republicans again refused to provide a tax cut for the middle class because it was paid for by asking the top one-tenth of 1 percent of Americans to contribute.

We have seen Republicans refuse to invest in our Nation's roads, bridges, schools, and in policies that will create jobs because Republicans cling to their belief that the wealthiest in our Nation should not have to share in the sacrifice every other American has made during these very difficult economic times. Republicans have voted in favor of millionaires and billionaires five times, costing middle-class Americans tax cuts and the continuation of jobless benefits and other policies that would help create and sustain jobs.

Republicans are not putting forth serious proposals. The House Republican extenders plan that passed that body yesterday is the latest example of not only brinkmanship but their ideological rigidity. Instead of reaching a sensible compromise that works for all Americans, the House Republicans voted to slash the current unemployment insurance program nearly in half and eliminate targeted relief for the hardest hit States like Rhode Island even as our job market is still weak and 14 million Americans are out of work. Republicans are in effect refusing to pass critical legislation, particularly with respect to continuing unemployment insurance. And instead of continuing unemployment insurance they are working to put an end to it by implementing aggressive waivers leading to block granting and creating artificial barriers to benefits—all with the long-term goal of dismantling the system. The Republicans would blunt one of the most effective countercyclical tools we have and ultimately throw it away.

At the core of the Republican Party's effort to reduce jobless benefits is the terribly misguided belief that Americans don't want to work. I say to my Republican colleagues—Americans do want to work. But we have to create jobs or incentivize the private sector to create jobs so they can work.

Instead of compromising and focusing on economic policies that will help create jobs and help the middle class, House Republicans focus on dead-on-ar-

rival special interest pet projects such as the Keystone pipeline and further efforts to weaken the Clean Air Act.

The Republican plan ignores the reality and the challenges that face American families—to maintain their home, to maintain their job, to provide for the future of their families and their children and their retirement.

For those who have lost their jobs in one of the worst economic downturns we have ever faced, unemployment insurance is a lifeline. It is also important for Main Street businesses that rely on these dollars. Grocery stores and drugstores—they all depend on people having some cash to come in and take care of the necessities of life. Without the extension of jobless benefits, consumers will pull back spending, hurt local businesses, and decelerate the progress our economy has made.

We have had 21 months of private sector job growth. This is not sufficient to satisfy the needs across the country, but the growth stands in stark contrast to the absolute collapse of employment in the last months of the Bush administration. This job growth has not been an accident. It has been the result of decisions that the President and Congress made, which include the Recovery Act and other programs that keep the economy moving—not fast enough—but keep it moving forward.

The Economic Policy Institute has estimated that failing to extend UI benefits could result in a loss of \$72 billion of economic activity in 2012—\$72 billion of lost demand, which would slow down the economy and slow down job creation.

These are challenging times for millions of Americans. We cannot afford to let Congress be sidetracked by marginal issues. The core issues are very clear: extend tax cuts for middle-class Americans, continue unemployment benefits to those desperately searching for work. We are facing a tough job market; we have to pass these measures. We have to pass a clean tax cut for millions of working middle class families, and we have to continue jobless benefits in order to help millions of out-of-work Americans looking for a job.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

#### KEYSTONE XL PIPELINE

Mr. BOOZMAN. Mr. President, when President Obama was sworn into office, the Nation's average price for a gallon of gasoline was under \$2. We all know that is not the case today. In most parts of the country, gas remains well over \$3 a gallon. In my home State of