

Mr. COONS. That is right. I have gotten immediate response from Twitter, e-mail, et cetera, in my office account. I got a tweet from Jason, who wrote:

Kudos . . . for introducing jobs-creating legislation. Good to see detailed plans rather than partisan bickering.

Another tweet said this:

If AGREE is a jobs act that can get passed, I, an American that cares about the unemployed, say "thanks."

Mary June from Delaware City wrote:

I think it is great to see a bipartisan approach to solving the jobs crisis in the United States. Thank you for getting past party lines and coming together to provide commonsense solutions.

Maria from Middletown wrote:

I think it is time for both parties to come together as you and Senator Rubio have to bring our country back to where we have people working again and families striving to achieve the American dream. The same dream that I had when I was growing up. The dream I thought my sons and granddaughter were going to live. The business as usual in Washington has to stop, and through this bill you will both prove to your fellow Senators that if you all work together, anything is possible.

To be clear, as Senator RUBIO said, there are real differences, real things that divide the parties. There is time ahead before the election to resolve those fundamental differences in values, approach, and priorities. But, while we can, we should come together with commonsense proposals that demonstrate to the American people that we can take ideas, Republican and Democrat, House and Senate, put them in a package and pass them on to the President, because 12 months is too long to wait.

As we all wait for the outcome of the supercommittee this week, I know confidence is one of the major issues we have concerns about—confidence in the marketplace, the confidence to take risks and invest, and the confidence to grow. In my view, this bill, this initiative shows that both parties can and do have confidence in American inventors, American investors, our veterans, and America's entrepreneurs.

I am grateful for a chance to work on this. I ask the Senator, what is the next step and where do we go from here?

Mr. RUBIO. The next step is to get as many people in this Chamber and in the House to sign on to this legislation and to get this done. We are open to suggestions about how to improve it. Maybe there are some things that should be in there. Maybe there are questions involving particular measures. We are open to suggestions. We need to get the ball rolling. Our time is about to run out.

I want to recognize that one of the ways to lose credibility is to exaggerate. The differences between our parties about the role of government, about the Tax Code, and about the debt situation are real. We will debate those. To my friends on the right and left—both sides—we have real dif-

ferences, and this is the place to deal with it. We are blessed to live in a republic where we can debate our points of view as to the role of government. We do agree on certain issues, and we should work on that.

Today is an open invitation to our colleagues to join us, look at this bill, analyze it, and see if there is something you would like to add or maybe that we left out that should be in there. The more the merrier. To those who think there are things that maybe should be changed or improved in this bill, we are open to that as well. We want to get this done and deliver something to the American people as soon as possible that shows that here in Washington, DC, we can agree. I believe that would be a positive first step in the right direction.

Our time has expired.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, what is the parliamentary status now?

The ACTING PRESIDENT pro tempore. The Senate is still in morning business. The Republicans control 6 minutes 25 seconds.

Mr. ALEXANDER. Madam President, we will yield back the Republican time so that we can move ahead and report the bill.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid amendment No. 957, in the nature of a substitute.

Reid amendment No. 958 (to amendment No. 957), to change the enactment date.

Reid amendment No. 959 (to amendment No. 958), of a perfecting nature.

Reid amendment No. 960 (to language proposed to be stricken by amendment No. 957), to change the enactment date.

Reid amendment No. 961 (to amendment No. 960), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 962, to change the enactment date.

Reid amendment No. 963 (to (the instructions) amendment No. 962), of a perfecting nature.

Reid amendment No. 964 (to amendment No. 963), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that Senator

BINGAMAN would like to speak on an amendment he has filed and Senator MURKOWSKI may well come down to speak on that, which is fine.

I will yield to Senator BINGAMAN to do that now.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to speak briefly about an amendment Senator MURKOWSKI and I have filed.

There is a provision in the Energy and Water appropriations bill, which we are considering in the Senate, that we would like to see stricken or deleted from the bill. It is a provision in the legislation that mandates the sale of \$500 million worth of oil from the Strategic Petroleum Reserve, or SPR, as it is called. The bill also ends the Royalty-in-Kind Program. That part I am not disputing at this point.

The language in the bill that we are concerned about is on page 41. It says in that part of the bill:

Notwithstanding various other provisions, the Secretary of Energy shall sell \$500 million in petroleum product from the reserve not later than March 1 of 2012, and shall deposit any proceeds from such sales in the general fund of the Treasury.

In the words of the Department of Energy:

The Strategic Petroleum Reserve exists, first and foremost, as an emergency response tool the President can use should the United States be confronted with an economically threatening disruption in oil supplies.

The SPR is our Nation's insurance policy against oil supply disruptions, and keeping it well stocked and operational is important to our energy security. I believe that is a view shared by Democrats and Republicans.

The SPR became filled to its maximum capacity of roughly 727 million barrels for the first time in its history in the year 2009.

The President, in the budget he submitted—the 2012 budget—proposed a sale of oil from the SPR that would generate \$500 million in revenue for the Federal Treasury. The administration explained that because the SPR was at maximum capacity, it needed to sell off some oil for operational purposes. They needed extra space in the SPR in order to move oil around within the system and to refurbish some of the underground salt caverns in which the oil is stored.

However, this past June, there was an emergency drawdown, and there was a sale of 30 million barrels of SPR oil. I understand that the emergency sale generated more than \$3 billion. This indicates to me that more than six times the amount of oil that the President thought was necessary to be sold for operational reasons has now been sold.

Clearly, the President's proposal from February to create a little free space in the SPR is no longer necessary. The concern we have is that the SPR sale provision in this legislation remains part of an appropriations bill,

and the sale is no longer necessary for operational purposes; it is simply a way of generating revenue.

I hope my colleagues will consider the long-term implications of using our strategic oil stocks just to generate revenue for the operation of government on a weekly and monthly basis. I believe this is a bad precedent. I believe we should reject this part of the legislation, and if the opportunity presents itself to offer the amendment, I will urge our colleagues to join us in deleting this provision and ensuring that future revenue-generating sales of SPR oil not be accomplished or proposed simply to pay the ordinary operating bills of the various agencies covered by the legislation.

I know my colleague from Alaska is expected to come to the floor in the next few minutes and give her views on this same legislation that she and I are cosponsoring, the amendment I have just spoken about. Until then, I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam 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.

Mrs. FEINSTEIN. Madam President, I thank Senator BINGAMAN for his comments. He has been an excellent chair of the committee.

It is our understanding that these points were never brought to the committee. However, I am told the Energy Department has told my staff that the budget request is valid due to the Department's need for operational flexibility.

I want everybody to know that the floor is open. If you filed an amendment, please come down to speak on it. If you want to file one, please do so as quickly as possible. The floor is open for amendments.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Madam President, I have come to the floor this morning to discuss a provision in the Energy and Water appropriations bill that apparently Senator BINGAMAN has just spoken to. This would require the sale of \$500 million worth of oil from our Nation's Strategic Petroleum Reserve or we call it the SPR. I do believe this is an inappropriate use of our limited emergency stockpiles, and I think it would also set a dangerous and an unsustainable precedent for the future.

As I understand it, the administration first requested this sale in its fiscal year 2012 budget proposal and justified it by asserting there was an integrity issue in one of the caverns where the SPR oil was stored. We heard this discussion before the Energy Committee some months ago. He asserted the sale was necessary because DOE had to drain the oil in that cavern to perform some repairs that were apparently necessary.

The House Appropriations Committee subsequently authorized the sale in its version of the bill which was then released in June. At that point in time, based upon DOE's representation, I guess it was kind of hard not to argue the sale was not justified. But then events took a different course. Several weeks later, as part of a coordinated effort with the IEA to increase global supplies, the President chose to sell about six times more crude from the SPR than the House had originally contemplated.

Whether one supported that sale or not, I think it would have been reasonable to assume or to expect the administration would sell the crude from the cavern that needed the repairs. They needed to get that out so they could do the necessary repairs. So when an unannounced sale comes along, one would think they would take the oil from that cavern, thereby solving at least one of the problems and obviating the need of a future maintenance-related sale. Enough oil has now been sold from our emergency reserves to fill not one but six troubled caverns.

The only justification that can remain now is the need for more cash. We need more money. Given that background, I would encourage the Senate to consider that selling \$500 million worth of our emergency oil reserves right now simply to help offset other appropriations is akin to cashing out our insurance policy in order to cover the cost of a mortgage we can't afford in the first place.

The SPR was designed to be that emergency safety net, if you will, or like an insurance policy. Remember, there is a very good reason why we have this insurance policy in the first place. Congress created the SPR in the aftermath of the oil embargo back in the 1970s to serve as a safety net in the event we were to see a major supply disruption. Given the volatility that continues to churn the global markets, our strategic stockpile is arguably more important today than ever before. As long as we maintain a large volume of oil within the SPR, we will ensure Americans have some level of protection against future disruptions. If we decide not to take the long view, we face the very real risk of being forced to spend more tomorrow to repurchase the oil that is being sold today.

One may ask: How likely is any kind of a future disruption? I would say the odds are still higher than we would like. Our Nation remains roughly 50

percent dependent on foreign oil, importing close to 9 million barrels a day at the cost of hundreds of billions of dollars a year. The world, as we know, is not exactly stable. Large volumes of Libyan oil remain offline. Iran continues to provoke its neighbors, raising the specter of future attacks. Saudi Arabia's leadership is aging rapidly, leaving the door open to perhaps future unrest and upheaval. China, India, and many of the other countries are rapidly expanding their oil consumption and, in the meantime, forging close relationships with major suppliers that can be leveraged in times of emergency.

Here at home, the Federal Government continues to hinder the development of new supplies that would improve our energy security and reduce the need for a strategic reserve. We have seen development halted or delayed in Alaska in the northern part of the State, in the Rocky Mountain West, and a number of other areas. The new 5-year leasing plan for offshore development does take a few small steps, but it keeps both the Atlantic and the Pacific coasts under a de facto moratorium through at least 2017. The administration has also delayed its decision on the Keystone XL pipeline. We just saw that news this week. This would have carried significant volumes of Canadian oil. Again, that is oil from an ally, from a neighbor, that would have brought that into this country.

The result is, we are not doing, in my opinion, nearly enough to reduce our dependence on foreign oil, so we still need a Strategic Petroleum Reserve, and we cannot treat it as a national ATM that can be tapped when the money is tight. That is not the reason we should have or the way to utilize the SPR.

I wish to share a quote from a witness who testified before the Energy Committee earlier this year. His name is Kevin Book. He is a real expert on energy policy, and I think he made quite an impression on our committee. He encouraged us to seek alternatives to petroleum, but he also said:

Selling oil out of the Strategic Petroleum Reserve to pay for efficiency gains and alternative fuels could seriously diminish U.S. energy security without necessarily delivering financial benefits.

For anybody who might be interested, I am happy to provide a copy of his testimony. I think it was quite useful in understanding why this approach is not appropriate at this point in time.

As we seek to pay for legislation that comes before us—whether it is this appropriations bill or something else—I continue to believe one of our best paths forward is to produce more of our own abundant resources and then put the resulting Federal revenues to good use. Instead of selling our emergency oil and risking future dilemmas, we should, instead, put policies in place that expand and that accelerate the pace at which we develop our immense natural resources.

Right now, Alaska has about 40 billion barrels of oil that are just waiting

to be tapped for the good of the Nation. I keep saying we have money that is buried in the ground up there. If we harness those resources and more of the resources in the Gulf of Mexico and the Rocky Mountain West, we would be dramatically increasing our energy security, we would create tens of thousands of new jobs, and generate billions and billions of dollars year after year that could be applied to both deficit reduction and the development of new energy technologies.

I would encourage the Senate to support any amendment that strikes the SPR provision in this bill and encourage us, instead, to focus on the development of a more viable long-term energy policy.

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

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

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam 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.

THE SUPERCOMMITTEE

Mr. SESSIONS. During the summer, Democrats and Republicans in Congress, as Americans well remember, had a big fight over trying to reduce spending as we approached the Nation's debt limit.

As we know, the product of that fight was a leadership-brokered deal that promised long-term savings in discretionary spending of around \$900 billion over 10 years, not just in 1 year. It also created the Supercommittee, which has been meeting in secret to find another \$1.2 trillion in possible savings. We hope they do and they should, frankly, find more in savings. Whatever they come up with must be voted on in the Senate without any amendment and cannot be altered in any way. This is concerning to me. Virtually every deal we have seen this year has been filled with promises of savings, but when we analyze them, the savings are not nearly as real as promised. So we do not need another plan with tax hikes that never go away and promises of spending cuts that do not materialize or are not continued.

Indeed, the debt limit deal, which produced the Budget Control Act this summer, claims to contain a spending cap, but that is not accurate. It is a phony cap. The cuts that matter most are, in many respects, those that of course take place right away. But, after all of the bickering and drama, we ended up with a deal that cut discretionary spending by only a paltry \$7 billion from the fiscal year 2011 discretionary budget. To put this number in perspective, the total outlays for 2011 are \$145 billion greater than 2010, and our deficit is nearly \$1.3 trillion—\$1,300 billion deficit. We are talking about

promising a \$7 billion reduction in spending. Nevertheless, \$7 billion in discretionary cuts, at least, is real and a small step, in the right direction; right?

We are supposed to spend \$1,043 billion this year. That is \$7 billion less from the \$1,050 billion in discretionary spending from last year. Unfortunately, this is one more empty promise, because the legislation was rushed through—this Budget Control Act—in the eleventh hour at the fifty-ninth minute. Nobody, at that time, knew there was a gimmick in it.

Here is how it worked: The Budget Control Act created a cap adjustment for disaster relief funding. It took a 10-year average for emergency spending and estimated that to be \$11.3 billion for 2012. But, this \$11.3 billion in the Budget Control Act is a new fund, and it is spent by regular appropriations, not by 60 votes—as in the past for emergency spending—and it is above the \$1,043 billion figure. So the truth is, the bill is not and never was \$1,043 billion, as promised, a limit on spending to that amount, but \$1,054 billion. Therefore, spending for discretionary accounts this year will be larger than last year.

The writers of the Budget Control Act went even further. They changed the Senate rule in this bill that was passed at the fifty-ninth minute of the eleventh hour to eliminate the 60-vote rule even for emergency spending, creating another loophole. So a 60-vote point of order—which has been used here over the years to challenge a designation as emergency spending—has been stripped as part of a bill denominated as a Budget Control Act, so the new fund can be spent—this \$11.3 billion—at any time as a normal appropriation, as if it were within the budget and without a 60-vote requirement. This eliminates the pressure to stay within the budget to offset annual disaster spending as a number of us have been attempting to do in recent years.

For instance, if you have \$2 billion in disaster spending as part of a specific appropriation, instead of eliminating \$2 billion in waste somewhere else in order to keep your total spending within the budget, you have free access to the \$11 billion fund and do not have to worry about offsetting a penny. You also do not need a vote for disaster funding approval. As a result, this little offset issue has grown as a tribute to the effectiveness of Senator TOM COBURN, who has been fighting to offset so-called emergency spending designations. The 60-vote requirement to pass the emergency bill gave him some leverage and ability to challenge the spending and challenge the appropriators in order to find offsets for the new spending. Instead of calling this the Budget Control Act, we should call it the Coburn control act. This is not a step forward for us.

The real spending cap now is \$1,054 billion, \$4 billion more than we spent last year. You only need to go through

an emergency designation process if you want to spend even more than that, but you do not need 60 votes even for that. The irony here is that there was widespread belief, in this Chamber, that we needed to tighten the emergency spending designation, because it was being abused.

To give one unbelievable example, the Senate counted \$210 million in the routine funding for the census as emergency spending. The census is in the Constitution and is required to be conducted every 10 years. How in the world can we say this is unexpected emergency spending? It is as routine as anything can possibly be. It was done because otherwise spending would be needed to have been cut by \$200 million somewhere else. The Budget Control Act has succeeded in actually weakening the standard for emergency spending and creates one more loophole for the spender.

Again, the effect of the \$11 billion fund is that it effectively nullifies the cap we were promised. The appropriating committee will have no incentive to achieve savings when they can spend every penny of the \$1,043 billion base budget all while knowing there is still another \$11 billion to be spent when they exhaust the first allotment. The evidence of this is before our very eyes. To date, in one form or another, seven appropriations bills have come before the Senate floor. Four of them have been voted on and passed. The Energy and Water bill is before us this week. We should have been considering each of these bills individually and doing our due diligence, but we haven't. They have been moved through in groups. But, I am glad this legislation, the Energy and Water bill, will be considered on its own, and not bundled with others as a mini-bus or omnibus as the Washington parlance goes. The bad news is that the seven bills we have seen on the floor have already increased spending by \$9 billion. We are well on our way to using every cent of the \$11 billion fund, with no effort to achieving savings elsewhere to stay under budget.

The Energy and Water bill on the floor now increases spending by \$1 billion. That may seem small in Washington terms, but it is the reason we are going broke. A billion here, a billion there, pretty soon it is a great deal of money. If we can't, honestly, even reach the paltry goal of \$7 billion in savings, how on Earth can we tackle our \$15 trillion debt?

Or consider food stamps. Federal welfare spending is now about \$700 billion a year. It is more than \$900 billion a year when you count state obligations or contributions to the same programs. Food stamps are the fastest growing major item in the welfare budget. They have quadrupled in 10 years. The Food Stamp Program is one of 18 federal nutritional support programs in the budget—1 of 18. The number of people receiving food stamps has climbed from about 1 in 50, when the program went national, to almost 1 in 7 today.