

months have passed since the Judiciary Committee favorably reported his nomination with bipartisan support. The Antitrust Division has continued its important work with three acting heads who have worked diligently to fulfill the mission of the office. But those solutions are only temporary, and it is essential that the Senate undertook its constitutional responsibility to advise and consent on a permanent division head with responsibility for enforcing our Nation's antitrust laws.

Mr. Baer is an outstanding candidate to fulfill this role. He has spent over 35 years working in the field of antitrust and consumer protection law. He served as Director of the Bureau of Competition at the Federal Trade Commission in the 1990s, and now chairs the Antitrust Group at the law firm of Arnold & Porter. His nomination has received bipartisan support from leading practitioners of antitrust law, including 12 former heads of the Antitrust Division representing every presidential administration since 1972. His nomination has also received bipartisan support from 29 former chairs of the American Bar Association's Section on Antitrust Law, who praise his "demonstrated ability as an antitrust lawyer and his outstanding record of public service."

Bill Baer is a leading voice on antitrust matters. He advised the Antitrust Modernization Commission, and frequently contributes to workshops at the Department of Justice and FTC. He was named one of "The Decade's Most Influential Lawyers" by The National Law Journal in 2010, and the "Leading Lawyer for Antitrust" in 2011. Chambers, Who's Who, and the Legal 500 have all recognized him as one of our country's leading practitioners in antitrust law.

When the 12 former heads of the Antitrust Division wrote to the Senate Judiciary Committee in support of Mr. Baer's nomination earlier this year, they wrote: "Mr. Baer's tenure as Director of the [FTC] Bureau of Competition was marked by principled, effective enforcement of the antitrust laws and . . . procedures that balanced the needs of the Commission with the legitimate concerns of both businesses and consumers. We are confident that he will continue the strong, rational, and nonpartisan antitrust enforcement tradition of the United States Department of Justice."

After months and months of needless delays, Bill Baer can at last begin that important work to help protect the American people.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we had a brief colloquy, the Republican leader and I, before the vote. Now that everyone is on the floor, I will elaborate a little bit. We have one more vote today. Then we are both going to have our respective caucuses. We hope there will be an announcement after that. We will have to wait and see.

Over the last 24 hours, we have been working with Senator MCCONNELL's staff and Senator MCCONNELL to craft legislation to shield middle-class families from huge tax increases that could pass both Chambers on a bipartisan basis. But I wish to be clear. There are still serious differences between the two sides. I am only going to talk about one. We have made a lot of progress. I said earlier today, I appreciate very much Senator MCCONNELL's good-faith efforts, and I am confident he feels the same way about me.

The one thing I do want to mention is that we are not going to have any Social Security cuts. At this stage, that just doesn't seem appropriate. We are open to discussion about entitlement reforms, but we are going to have to take it in a different direction. The present status will not work. We are willing to make difficult concessions as part of a balanced comprehensive agreement, but we will not agree to cut Social Security benefits as part of a small or short-term agreement, especially if that agreement gives more handouts to the rich.

With 36 hours left until the country goes over the Cliff, I remain hopeful but realistic about the prospects of reaching a bipartisan agreement. At some point in the negotiating process it becomes obvious, when the other side is intentionally demanding concessions they know the other side is not willing to make, we are not there.

I hope we are going to be able to go further. Right now, with the status of the negotiations, we are not where we could come forward and say we have this for you. As I indicated, and just to make another statement in that regard, at some point in the negotiating process it appears there are things that stop us from moving forward. I hope we are not there, but we are getting real close, and that is why I still hold out hope we can get something done. I am not overly optimistic, but I am cautiously optimistic we can get something done.

I hope I have made it clear we have one vote. That is all we have. I hope later in the evening there will be another vote or two, but right now we don't have that. We have one scheduled vote, and that is taking place right now. But everybody should hang loose because something may break and we will be able to get something done.

VOTE ON NOMINATION OF CAROL J. GALANTE

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote on the nomination.

Who yields time?

Mr. REID. I yield back the remaining time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 24, as follows:

[Rollcall Vote No. 250 Ex.]

#### YEAS—69

Akaka	Feinstein	Mikulski
Ayotte	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Johnson (WI)	Schatz
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coats	Lieberman	Thune
Coburn	Lugar	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCain	Warner
Coons	McCaskill	Webb
Corker	Menendez	Whitehouse
Durbin	Merkley	Wyden

#### NAYS—24

Barrasso	Heller	Risch
Boozman	Inhofe	Roberts
Cochran	Johanns	Rubio
Cornyn	Kyl	Sessions
Crapo	Lee	Shelby
Enzi	McConnell	Toomey
Grassley	Moran	Vitter
Hatch	Paul	Wicker

#### NOT VOTING—7

Alexander	Kerry	Portman
Chambliss	Kirk	
DeMint	Lautenberg	

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the nomination is confirmed.

Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the nomination of Carol J. Galante to be Assistant Secretary at the Department of Housing and Urban Development and William Baer to be Assistant Attorney General at the Department of Justice. If I were able to attend today's session, I would have supported the nominations of Carol J. Galante and William Baer. •

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## RECESS

Mr. REID. Mr. President, I ask unanimous consent the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 3:05 p.m., recessed subject to the call of the chair and reassembled when called to order by the Presiding Officer (Mr. BROWN of Ohio.)

## MORNING BUSINESS

Mr. REID. Mr. President, I was gratified to hear the Republicans taking their demand for Social Security cuts off the table. The truth is that they should never have been on the table to begin with.

There is still a significant difference between the two sides but negotiations continue. There is still time left to reach an agreement, and we intend to continue negotiations.

I ask unanimous consent that the Senate now proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

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

## ORDER OF BUSINESS

Mr. REID. Mr. President, we are going to come in at 11 a.m. tomorrow morning. We will have further announcements, perhaps, at 11 o'clock in the morning. I certainly hope so.

The PRESIDING OFFICER. The senior Senator from Connecticut is recognized.

REPORT ON THE TERRORIST  
ATTACK AT BENGHAZI

Mr. LIEBERMAN. Mr. President, I guess the good news is that I am rising today not to speak about the fiscal cliff. What I am speaking about is not good news because it deals with the tragic event that occurred in Benghazi, Libya, on September 11, when terrorists took the lives of our Ambassador, Chris Stevens, and three other brave Americans who were serving us there.

I rise today, along with the ranking member of the Homeland Security and Governmental Affairs Committee, Senator COLLINS, to submit for the RECORD the report she and I have been working on with our staffs and other members of the committee following those events in Libya. We call this report "Flashing Red: A Special Report On The Terrorist Attack At Benghazi." "Flashing red" is a term that was used in a conversation with us by an official of the State Department, and it could not have been more correct. All the evidence was flashing red that we had put American personnel in Benghazi in

an increasingly dangerous situation, with violent Islamic extremists gathering there, with events having occurred, attacks on our mission there—two others prior that year. Yet we did not give them the security they needed to protect them, and we did not make the decision that I believe we should have made, since we did not provide them with the security, that we should have closed our mission there. As a result, people really suffered.

We recognize that the congressionally mandated Accountability Review Board at the Department of State has issued a report on the events in Benghazi. I think it was an excellent report. There are other committees of Congress continuing with their own investigations. Each of these will and should make a valuable contribution to our understanding of what happened at Benghazi so that we can take steps to make sure nothing like it ever happens again.

Under the rules of the Senate, the Committee on Homeland Security and Governmental Affairs has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple agencies are involved.

Our report is intended to inform the Senate and the American people about events immediately before, during, and after the attack at Benghazi. In order to contribute most to the public debate, we have chosen to include only unclassified information in this report. We are hopeful that the report can and will make an important contribution to the ongoing discussions about how to better protect our diplomatic personnel abroad.

Our report contains 10 findings and 11 recommendations that we believe can help us better protect our diplomats and others who serve our country, often in very dangerous places. I ask unanimous consent that the full text of the report be printed in the RECORD.

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

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, this is probably the last opportunity I will have to do this, to thank the ranking member again for the extraordinary partnership we have had for more than a decade now on the Homeland Security and Governmental Affairs Committee. It is really meaningful to me that we have this last opportunity to do something together, across party lines, that we believe and hope will be in our national interest.

## EXHIBIT 1

FLASHING RED: A SPECIAL REPORT ON THE  
TERRORIST ATTACK AT BENGHAZI

(By Joseph I. Lieberman, Chairman and  
Susan M. Collins, Ranking Member)

UNITED STATES SENATE COMMITTEE ON HOME-  
LAND SECURITY AND GOVERNMENTAL AFFAIRS  
December 30, 2012

While our country spent September 11, 2012, remembering the terrorist attacks that took place 11 years earlier, brave Americans posted at U.S. government facilities in

Benghazi, Libya, were fighting for their lives against a terrorist assault. When the fight ended, U.S. Ambassador to Libya John C. (Chris) Stevens and three other Americans were dead and U.S. facilities in Benghazi were left in ruin. We must remember the sacrifice that these selfless public servants made to support the struggle for freedom in Libya and to improve our own national security. While we mourn their deaths, it is also crucial that we learn from how they died. By examining the circumstances of the attack in Benghazi on September 11th, we hope to gain a better understanding of what went wrong and what we must do now to ensure better protection for American diplomatic personnel who must sometimes operate in dangerous places abroad.

We are cognizant that the Congressionally-mandated Accountability Review Board (ARB) of the Department of State has now issued its important and constructive report and that other Congressional committees are investigating the Benghazi attack as well. Each makes significant contributions to our collective understanding of what transpired and what we must do going forward.

The Committee on Homeland Security and Governmental Affairs (HSGAC), pursuant to its authority under Rule XXV(k) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress) and Section 12(e) of S. Res 81 (112th Congress), has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple government agencies are involved. Over the years, HSGAC has spent much time and dedicated considerable resources to understanding the challenges inherent in national security interagency relationships, and it is through this lens that we have examined and drawn lessons from the attack in Benghazi.

Since the 112th Congress is drawing to a close, this investigation has necessarily been conducted with a sense of urgency and with focused objectives. Our findings and recommendations are based on investigative work that the Committee has conducted since shortly after the attack of September 11, 2012, including meetings of members and staff with senior and mid-level government officials; reviews of thousands of pages of documents provided by the Department of State, Department of Defense, and the Intelligence Community (IC); written responses to questions posed by the Committee to these agencies; and reading of publicly-available documents.

In the report that follows we provide a brief factual overview of the attacks in Benghazi and then discuss our findings and recommendations.

## BRIEF OVERVIEW OF THE BENGHAZI ATTACKS

The attacks in Benghazi occurred at two different locations: a Department of State "Temporary Mission Facility" and an Annex facility ("Annex") approximately a mile away used by another agency of the United States Government. On September 11th, Ambassador Stevens was in Benghazi, accompanied by two Diplomatic Security (DS) agents who had traveled there with him. Also present were three other DS agents and a Foreign Service Officer, Sean Smith, who were posted at the Temporary Mission Facility ("facility" or "compound"). There were also three members of the February 17 Brigade, a Libyan militia deputized by the Libyan government but not under its direct control, and four unarmed local contract guards protecting the compound.

During the day on September 11th, the Ambassador held several meetings on the compound and retired to his room at approximately 9:00 p.m. local time. About 40 minutes later, several agents and guards