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No. 195

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 19, 2011, at 10 a.m.

## Senate

SATURDAY, DECEMBER 17, 2011

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

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

Let us pray.

Today, O God, we magnify Your Name for Your purity, holiness, and justice as the Judge of the universe. Let Your purity, holiness, and justice be seen on Capitol Hill today. Bind our lawmakers together in the oneness of a shared commitment to You, a passionate patriotism, and a loyal dedication to find Your solutions for the concerns that confront and often divide us. May the words of our Senators and the meditations of their hearts be acceptable to You. Use their labors so that justice will roll down like waters and righteousness like a mighty stream.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

### VOTE COMPROMISES

Mr. REID. Mr. President, as happens once in a while here, we do not have a final score on part of the payroll tax issue that we have, the legislation. Joint Tax, CBO said they will have the score by 10 o'clock today. Therefore, we are going to reverse the order of what we are doing. We are going to vote on the matters relating to the omnibus first. However, I ask unanimous consent that if the Reid-McConnell substitute amendment is not agreed to—that is the payroll tax issue—the Senate's action with respect to the conference report to accompany H.R. 2055 and H.R. 3672 be vitiated and the majority leader be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Tennessee.

Mr. CORKER. Mr. President, what was the parliamentary procedure the leader just referred to?

Mr. REID. We do not have a final score on the payroll tax matter. There is something dealing with SGR that is not quite right, so we want to make sure everything is totally paid for. We are going to get a score in just a few minutes, probably by 10 o'clock for sure, and we want to reverse the order. We are going to do all the omnibus stuff because people have things to do and want to leave. But if by some happenchance the payroll tax does not pass, then all this stuff, the votes on the omnibus, would be vitiated.

Mr. CORKER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

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



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

The 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.

Mr. REID. Mr. President, in the Senate we work on an adversarial basis lots of times because that is the way the Founding Fathers set up our country. I am not going to give a long lecture on this because I know people have a lot to do.

This little Constitution was very hard to come by. It was very hard to come by. We tried the Articles of Confederation. They did not work at all. We had the State of Rhode Island, a little, tiny place, with not many people in it; we had the big State of New York, with lots of territory and lots of people.

How were they going to work that out? They could not—until a man from Connecticut, Elbridge Gerry, came as one of the delegates, in June of 1787, to Philadelphia, who said: I have a great idea. It was an idea that had never been tried before. It was a stunningly interesting idea that he had. He suggested to the Founding Fathers a bicameral legislature, having a legislature made up of two bodies, two legislative bodies, the House and the Senate. That is the reason we are able to have a constitution.

But in the process, built into our Constitution is constant vying for power. You have the executive branch, the judicial branch, but within the legislative branch, there is constant vying for power between the House and the Senate. That is the case, even though both bodies may be of one party. When PELOSI was the Speaker, the Speaker and I were very good friends, but we had problems trying to work out things between the two bodies. When you have one body with one party and the other body with another party, it becomes even more difficult.

The times we are going through are not unusual for the Senate in the 200-plus years we have been a country. In fact, they are very peaceful and calm compared to sometimes. As we know, a Member of the House of Representatives did not like what a Senator from Massachusetts was saying. He came over here and, with his cane, nearly beat to death the Senator from Massachusetts. The Senator from Massachusetts was out of work for 2 years, and he was irreparably damaged. His health never returned.

So I know how difficult and hard it is for people to accept our way of doing business. But if you look back over the time we have been a country, it has worked out pretty well. For example, what we are going to vote on shortly—both the omnibus, the spending bill; and the payroll tax—were truly legislative accomplishments. They were compromises.

The omnibus is much better than it was previously. We were able to actually pass individual appropriations bills this year. The goal of the Republican leader and me is to pass them all next year. We are going to try. It is going to be one of our important issues we have to deal with, to try to get our appropriations bills back together.

I, when I first came to the Senate, became an appropriator. I think that committee is so integral to how this body works, and it has not been working well; that is, the appropriations process.

So people may be disturbed about some of the stuff that is on the floor, but it was true legislation because it was compromise. The omnibus—there are lots of things in that I do not like, and I will bet you every Senator has something in it that they do not like.

With the package we have dealing with unemployment, the package with the payroll tax and SGR, there are things in there I would rather not have in either one of those, but we are here because that is the way we were able to bring this and lead to what I think is an accomplishment that is important for the American people.

I appreciate the ability of the Republican leader and myself to sit down and talk, as we do, often, away from all of you, away from everybody. We started this conversation alone, and we ended it alone, working on these measures we have here. I know members of my caucus say: Why couldn't I have been in on doing all this stuff? We involved as many people as we could.

But, ultimately, as hard as it is for the two of us, we, on occasion, have to do what we think is right for the good of the country. So I appreciate very much the Republican leader and his ability to remain friends with me, as I do with him. I hope everybody understands today is a very important day for our country because we are doing today exactly what the Founding Fathers thought we would do.

Mr. MCCONNELL. Mr. President, I want to make just a few comments about the pipeline-payroll package that the majority leader and I have offered on which we will be voting shortly. It is not the bill I would have written. It falls short in several respects, in not having both certainty—the certainty issue is awfully important to the private sector if we are going to come out of this economic slowdown. But as the majority leader has indicated, our side approached this debate conscious of something Democrats in Washington tend to forget these days; that is, in order to achieve something around here, we have to compromise.

As the majority leader indicated, that is, in fact, what we have done. We have crafted a bill not designed to fail but designed to pass. The main thing Republicans were fighting for and got was the Keystone XL Pipeline provision authored by Senator LUGAR and also Senator HOEVEN, and Senator JOHANNIS was particularly instrumental

in working out the Nebraska aspects of this to the satisfaction of his Governor and his State legislature.

So why were Republicans fighting for the pipeline? We knew the whole reason we were even talking about temporary tax relief and extending unemployment benefits is because 3 years into this administration the private sector is still gasping, literally gasping for air. So we said let's also do something that would help create private sector jobs. Let's start to change the equation and do something that will actually get at the heart of the problem.

Keystone was an obvious choice. Everybody in Washington says they want more American jobs right now. Well, here is the single largest shovel-ready project in America. It is literally ready to go awaiting the permission of the President of the United States.

Some of the news outlets are calling this pipeline controversial. I have no idea why it could be called controversial. The labor unions like it, many Democrats want it, it strengthens our national security by decreasing the amount of oil we get from unfriendly countries, and it would not cost the taxpayers a dime—not a dime. It is a private sector project ready to go.

All we are doing is saying the President has 60 days to decide whether the project is in the national interest—60 days for the President to make a decision one way or the other. Since most of us have not heard a good reason from the White House as to why they would block it, I am very hopeful the President, in the course of this 60 days, will do the right thing for the country and get this crucial project underway.

The only thing standing between thousands of American workers and the good jobs this project will provide is a Presidential decision. As I said, I am hopeful and optimistic the President will make the right decision.

I thank my friend, the majority leader, for the opportunity to work together with him on something that could actually pass the Senate and be signed by the President.

I yield the floor.

Mr. LEAHY. Mr. President, we are close to voting on a payroll tax extension bill that includes a House provision designed to force the President to approve the Keystone XL tar sands oil pipeline. Proponents of this tar sands project argue that it belongs on this bill for one reason: building the pipeline would create jobs.

Any construction project creates jobs, and it is no surprise that this debate has come down to this. Unable to sell the pipeline as necessary to meet the country's energy needs, which it is not, or to refute charges that tar sands strip mining and the refining and burning of high carbon oil cause egregious harm to the environment and health, which it does, the Canadian energy company TransCanada has flooded the media with dire warnings about the American jobs that will be lost if the pipeline is rejected.

Not surprisingly, our Republican friends, always ready to fight for the oil companies, have echoed these scare tactics.

What they don't tell you is that the 5,000 or 6,000 temporary construction jobs will disappear once the pipeline is built. Only a few hundred permanent jobs are needed to operate and maintain the pipeline.

And they also don't mention that the choice is not between jobs or no jobs. They ignore the tens of thousands of permanent, safe American jobs that could be created by investing in clean, renewable sources of energy, which, unlike tar sands oil, don't pollute and will not be used up in a few short decades.

People can disagree about building the Keystone Pipeline, but there is more to this than the short-term jobs it would create. Jamming it through Congress on this bill in the waning hours of the session has a lot more to do with politics than jobs.

The Keystone provision in this payroll tax extension would force the President to approve or disapprove the pipeline within 60 days. Any decision to grant a permit would be "deemed," by Congress, to satisfy all the environmental requirements, even if it does not, and any modification to the construction mitigation and reclamation plan "shall not" require supplementation of the final environmental impact statement. In other words, don't study the consequences or give the public a chance to comment on the revised plan.

This is from Members of Congress who in the last election ran on a platform of "open" government. Yet when it comes to helping Big Oil, it is a different story. They cut the time for making a decision from a year to 60 days and short circuit the environmental review process. Forget the science. Forget the public. Preempt the law. Ignore the risk. The only thing that matters is pumping more oil.

Tar sands are a particularly dirty source of petroleum, from extraction to refinement. Anyone who is interested, regardless of which side of this debate they are on, should look at the photographs of the tar sands mines in the boreal forests of Alberta. What was once an extraordinarily beautiful landscape has been ravaged by heavy machinery, vast ponds filled with polluted water and sludge, and a ruined wasteland where the forests used to be.

We all know that the extraction of oil, minerals, and other natural resources harms the environment, but there are degrees of harm. Extracting heavy oil from tar sands is among the most energy-intensive and destructive.

Under the law, the State Department has the responsibility to approve or disapprove the pipeline because it crosses an international boundary. More than a year ago, I and 10 other Senators—Republicans and Democrats—sent the first of a series of letters to the State Department raising

concerns about the proposed pipeline and the impact of tar sands oil on global warming.

Since then, concern about the pipeline has evolved into a heated controversy over the impact the pipeline will have on our Nation's energy policy, our continuing dependence on fossil fuels, and the environment.

From the beginning, I had misgivings about the State Department's ability to conduct a thorough, credible assessment of a project of this complexity that they were approaching with an attitude of inevitability. The State Department did not anticipate the strong reaction of Members of Congress of both parties, including several from Midwestern States that have been coping with multiple oilspills from the original Keystone Pipeline—oilspills that have caused damage costing hundreds of millions of dollars that company officials have treated as inconsequential.

Concerns about the risks of this project have united not only those living along the proposed route but people across the Nation, including in Vermont, as well as in Canada, who care about the environment and who understand the need to wean our Nation from oil and other fossil fuels.

Every President since the 1970s has spoken of the need to reduce our dependence on oil and coal, but despite all the speeches, year after year we are more dependent on these finite, polluting sources of energy than ever before.

Today, energy companies are spending staggering amounts of money in search of new sources of oil in some of the most inhospitable places on Earth, where its extraction involves great risks to the workers involved, to the environment, and to precious sources of water for drinking and irrigation.

No matter what we do today, later this week, or later this month, this country will be dependent on fossil fuels for many years to come. But while TransCanada and its supporters extol the virtues of the Keystone XL Pipeline, as the minority leader and others have done, simply by reducing waste we could eliminate entirely the need for the energy from the oil that would flow through the pipeline. It is one of those inconvenient facts they would prefer to ignore.

I come from a State that shares a border with Canada. My wife's family is Canadian. I have a great fondness for that "giant to the north." But this issue is not about U.S. relations with Canada. We are inseparable neighbors, friends, and allies. There are strong views about this pipeline, pro and con, in both countries. As Americans, we have to do what is right for our country's energy future, for the environment, for our citizens.

Some have argued that if this pipeline is not built, TransCanada will simply build another pipeline to the coast of British Columbia and export the oil to China. But there are significant ob-

stacles and no indication that such an alternative route is a viable option.

Others maintain that the carbon emissions from extracting and refining this oil would not appreciably exceed those from oil shipped by tanker from the Middle East, but they do not address the environmental harm and pollution caused by the strip mining and separation process.

Then there is the jobs issue, which has been shamelessly exaggerated in a last-ditch attempt to win votes in a time of economic hardship.

Last month, in response to concerns about the crucial aquifer that the pipeline would traverse in the Midwest, the White House announced that the State Department would consider alternative routes through Nebraska and that the President would make a decision in 2013. Now, Republican defenders of the oil industry want to short circuit this process, whatever the risks.

Fossil fuels are finite, inefficient, and dirty. The cost we pay at the gas pump bears no resemblance to the long-term environmental and health costs borne by society as a whole.

We cannot lessen our reliance on fossil fuels by continually ignoring it, nor can we do it by spending huge amounts of money, energy, and American ingenuity to search the farthest reaches of the globe for every last drop of oil, regardless of how dangerous or harmful to the environment.

This pipeline would perpetuate a costly dependence that has gotten worse year after year, for which we are all to blame. Keystone XL would once again do nothing to address the problems associated with fossil fuels. It would virtually assure more oilspills, it would do nothing to promote conservation and reduce waste, and it would do nothing to spur investment in clean energy alternatives.

Most important, it would provide yet another excuse to once again postpone for another day the urgent, national security imperative of developing a sustainable energy policy for this country. That is what the decision about the Keystone XL tar sands oil pipeline has come to represent regardless of what route it takes.

Mr. President, sometimes a bad situation can be the beginning of something better. Once this bill is passed, President Obama will have 60 days to decide if building the pipeline is in the national interest. He should reject these strong-arm tactics by the other party. He should use this blatantly political maneuver as an opportunity to inaugurate a new energy policy that will finally end our dependency on foreign oil. It is time to finally put the environment, and the health and energy security of the American people, above the interests of the fossil fuel industry.

Mr. LEVIN. Mr. President, once again, the Senate finds itself in an untenable situation. We can approve the legislation before us, which is inadequate to the needs of our Nation, or

we can reject this legislation and make matters even worse. I will vote to approve this legislation, but I will do so knowing that we have missed yet another opportunity to do the right thing for the people we represent. Instead, we are doing some damage to important goals, in order to avoid doing even greater damage.

We are in this position because our colleagues across the aisle, and their Republican allies in the House of Representatives, refuse to make even the most basic of concessions to reality. The truth is, more than 3 years after the beginning of a recession, too many Americans are still desperately in need of assistance. Those who are working need us to help support economic growth so their jobs are more secure and their incomes can grow. Millions are still without work not because they don't want it, but because the number of people seeking work is vastly greater than the number of available jobs and they need us to help support economic growth so they can find work to support themselves and their families.

Yet what our colleagues have insisted upon is to present us with two choices. The legislation before us would continue middle-class tax relief, the only economic boosts Republicans have allowed us to even consider, but pay for it in a deeply misguided manner because Republicans refused to consider more equitable ways to offset its costs. It would extend unemployment benefits, but in a way that leaves thousands of Michigan families facing a sudden loss of their benefits, because it effectively eliminates 20 weeks of the current 99-week maximum benefit for Michigan and other States where, though unemployment remains high, it is beginning to fall. And these extensions would last for just 2 months.

As bad as that is, the alternative rejecting this legislation is even worse. Without passage, economists tell us that the loss of middle-class tax relief could put our already slow economic recovery into even greater doubt. Without passage, even more families, in Michigan and elsewhere, will lose the economic lifeline of unemployment benefits. More than 26,000 Michigan families will lose their benefits under the inadequate provisions of this bill, but that number would grow to more than 100,000 by Spring without passage of this legislation. Michigan residents would lose eligibility for 73 weeks of emergency unemployment compensation if we do not act today, instead of the 20 weeks we would lose if we pass this bill.

Mr. President, my State would suffer in other ways if this bill does not pass. It extends the so-called doc fix that is important to health care providers in Michigan and elsewhere. And this bill continues an adjustment to the Medicare Program that provides crucial aid to nearly half of all Michigan hospitals. This so-called section 508 fix is technical and complicated, but extending it is vitally important to Michigan

hospitals. Without it, their ability to continue providing care to Michigan's people would be hampered.

The method Republicans have demanded to pay for this legislation is also badly misguided. It uses fees paid to Fannie Mae and Freddie Mac to offset its costs. Those fees should be going to repair what we all, on both sides of the aisle, acknowledge is a massive financial problem at those enterprises. If we increase these fees, the money should be used to help stabilize the value of Americans' homes by reforming these enterprises.

The very fact that we have had to find ways to pay for middle-class tax relief is a remarkable acknowledgment by Republicans, given that it has been an article of faith among many of our Republican colleagues that tax cuts pay for themselves. Repeatedly, for decades, they have pushed for massive tax cuts for the wealthy and sold them with the promise that they will pay for themselves. Now, when we face the expiration of tax relief that overwhelmingly benefits middle-class families, they tell us that this tax cut must be paid for. Hopefully this inconsistency will not escape the notice of the American people.

It didn't have to be this way. Republicans had the chance to accept a fair alternative one that extended the payroll tax cut, unemployment insurance and other important tax and Medicare provisions, and that did so in a way that provides what our constituents demand from us: a balanced approach that asks all Americans to share in the sacrifices necessary to address our challenges.

That approach would ask Americans making more than \$1 million a year to pay slightly more in taxes. A solid majority of Americans see this as common sense: The wealthiest among us have done extraordinarily well in recent decades even as middle-class incomes have stagnated, and asking those fortunate few to contribute along with middle-class families is only fair. Yet Republicans again rejected that equitable option out of hand. We will continue to press for it in the challenging year that awaits us.

Over the last few months, Republicans have been willing to risk the full faith and credit of the United States, the continued functioning of the government, tax relief for middle-income Americans, adequate funding for our military, health care for our seniors, and an economic lifeline for the unemployed, all in an effort to protect the interests of the wealthiest, most fortunate Americans. None of these threats would loom so large if Republicans would simply acknowledge what roughly two-thirds of our constituents now acknowledge: that the solutions to our fiscal problems must include a balanced approach that asks the wealthiest Americans to sacrifice along with working families. Today, they have demonstrated that they have not yet received that message, and they have

once again forced us to choose between the unacceptable and the catastrophic.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, just a brief comment on Keystone. I was the first elected official to write a letter opposing that. I know how I feel about this. I know how my friend, the Republican leader, feels about it. I was responsible for putting it in this bill. That is how legislation works.

I would also say we are thankful that we have worked together to make sure that 160 million people have not a tax increase but a continued tax break. I am also thankful that the lifeline for unemployed people is going to continue for at least 60 days.

I ask the Chair to report the legislation.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3630, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

AMENDMENT NO. 1465

Mr. REID. Mr. President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. McCONNELL, proposes an amendment numbered 1465.

The amendment is printed in today's RECORD under "Text of Amendments."

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the amendment, which is subject to a 60-vote threshold.

Mr. REID. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—89

Akaka	Boozman	Coats
Alexander	Boxer	Coburn
Ayotte	Brown (MA)	Cochran
Barrasso	Brown (OH)	Collins
Baucus	Burr	Conrad
Begich	Cantwell	Coons
Bennet	Cardin	Cornyn
Bingaman	Carper	Crapo
Blumenthal	Casey	Durbin
Blunt	Chambliss	Enzi

Feinstein	Landrieu	Risch
Franken	Lautenberg	Roberts
Gillibrand	Lee	Rockefeller
Graham	Levin	Rubio
Grassley	Lieberman	Schumer
Hagan	Lugar	Shaheen
Harkin	McCaín	Snowe
Hatch	McCaskey	Stabenow
Heller	McConnell	Tester
Hoever	Menendez	Thune
Hutchison	Merkley	Toomey
Inhofe	Mikulski	Udall (CO)
Inouye	Murkowski	Udall (NM)
Isakson	Murray	Vitter
Johanns	Nelson (NE)	Warner
Johnson (SD)	Nelson (FL)	Webb
Kerry	Portman	Whitehouse
Klobuchar	Pryor	Wicker
Kohl	Reed	Wyden
Kyl	Reid	

## NAYS—10

Corker	Leahy	Sessions
DeMint	Manchin	Shelby
Johnson (WI)	Moran	
Kirk	Sanders	

## NOT VOTING—1

Paul

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 89, the nays are 10. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDING pro tempore. Under the previous order, H.R. 3630, as amended, is passed, as follows:

H.R. 3630

*Resolved*, That the bill from the House of Representatives (H.R. 3630) entitled “An Act to provide incentives for the creation of jobs, and for other purposes.”, do pass with the following amendments:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Temporary Payroll Tax Cut Continuation Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—TEMPORARY PAYROLL TAX RELIEF**

Sec. 101. Extension of payroll tax holiday.

**TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS**

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

**TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS**

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance for needy families program.

**TITLE IV—MORTGAGE FEES AND PREMIUMS**

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

**TITLE V—OTHER PROVISIONS****Subtitle A—Keystone XL Pipeline**

Sec. 501. Permit for Keystone XL pipeline.

**Subtitle B—Budgetary Provisions**

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

**TITLE I—TEMPORARY PAYROLL TAX RELIEF****SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.**

(a) **IN GENERAL.**—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

“(c) **PAYROLL TAX HOLIDAY PERIOD.**—The term ‘payroll tax holiday period’ means—

“(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

“(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.”.

(b) **SPECIAL RULES FOR 2012.**—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

“(f) **SPECIAL RULES FOR 2012.**—

“(1) **LIMITATION ON WAGES AND SELF-EMPLOYMENT INCOME.**—In the case of—

“(A) any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer’s self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(i) \$18,350, over

“(ii) the amount of wages and compensation taken into account under subparagraph (B), and

“(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer’s wages (as defined in section 3121(a) of such Code) and compensation (as defined in section 3231(e) of such Code) as does not exceed \$18,350.

“(2) **COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.**—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

“(A) the sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1)(A), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus”.

(c) **TECHNICAL AMENDMENTS.**—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) **TECHNICAL AMENDMENTS.**—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

**TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS****SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

**SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

### TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

#### SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

#### SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

#### SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

#### SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

#### SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection

Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

#### SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

#### SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

#### SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

#### SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

#### SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”.

#### SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

#### SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

### TITLE IV—MORTGAGE FEES AND PREMIUMS

#### SEC. 401. GUARANTEE FEES.

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section: “SEC. 1327. ENTERPRISE GUARANTEE FEES.

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GUARANTEE FEE.—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) AVERAGE FEES.—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) INCREASE.—

“(1) IN GENERAL.—

“(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes,



and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) DEPOSIT IN TREASURY.—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) PHASE-IN.—

“(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) ENFORCEMENT.—

“(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”.

#### SEC. 402. FHA GUARANTEE FEES.

(a) AMENDMENT.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”.

(b) PROSPECTIVE REPEAL.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) REPORT REQUIRED.—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

### TITLE V—OTHER PROVISIONS

#### Subtitle A—Keystone XL Pipeline

##### SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employ-

ment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) **EFFECT OF NO APPROVAL.**—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) **PRIVATE PROPERTY SAVINGS CLAUSE.**—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

#### **Subtitle B—Budgetary Provisions**

#### **SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.**

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

“(e) **SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.**—

“(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

“(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”

#### **SEC. 512. PAYGO SCORECARD ESTIMATES.**

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained

pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Amend the title so as to read: “An Act A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes”.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 1466

Mr. REID. Mr. President, I have an amendment to the title that is at the desk, and I ask unanimous consent that it be agreed to.

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

The amendment (No. 1466) was agreed to, as follows:

To amend the title so as to read:

A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

Mr. REED. Mr. President, today I voted to prevent a tax increase on the middle class and to continue jobless benefits for millions of Americans and thousands of Rhode Islanders. Unfortunately, despite my and many of my colleagues' best efforts, this bill is deeply flawed. It doesn't provide needed certainty to Americans or to our economy because it does not provide a year-long extension of the payroll tax cut and jobless benefits, nor does it include needed reforms, like work sharing, which will help prevent layoffs in our still fragile economy. By insisting that jobless benefits be paid for, we are undermining the countercyclical nature of the program and blunting its purpose to stabilize our economy. But worst of all, it fails to address a provision of the unemployment insurance law that is absolutely necessary given our current employment crisis.

As a result, this bill effectively cuts 20 weeks of unemployment benefits. This means Rhode Islanders who have exhausted their normal UI benefits and extended—EUC08—benefits in February will not be eligible to receive the same help that was given to an unemployed person in the same situation back in the middle of 2011.

There is no reason to cut back on jobless benefits now. Over 13 million Americans are out of work, and our Nation is still grappling with the worst case of chronic long-term unemployment since the Great Depression. Unemployment benefits are a lifeline to millions of families and are our most effective tool in battling economic decline. Without these benefits unemployed Americans who are looking for a job wouldn't be able to pay for absolute necessities—their rent, mortgage, groceries, or for transportation as they hit the streets looking for work.

This reduction in coverage that my Republican colleagues have insisted upon is deeply damaging to American households and the broad economy. We should not be engaged in these short-term extensions of the payroll tax cut

and jobless benefits—and then cut those jobless benefits as we go along.

In addition to cutting jobless benefits that help a broad swath of Americans, Republicans refuse to ask the wealthiest Americans to contribute to offsetting these policies. The payroll tax and jobless benefits could have been paid for by asking the wealthiest one-tenth of 1 percent to share in the sacrifice that middle-class America has made, but Republicans have voted time and again in favor of millionaire and billionaires and against tax cuts for the middle class.

I will continue to fight for maintaining jobless benefits and extending the payroll tax cut through 2012. I will continue to oppose efforts that would cut benefits and that would pay for continuing benefits by hurting the middle class.

As today's bill shows, though, my Republican colleagues are not interested in helping middle-class Americans and instead insist on tacking on controversial environmental riders and including offsets that hit the middle class.

Indeed, this bill includes a provision that would require the President to make a decision on the Keystone XL Pipeline within 60 days. This timeframe would dramatically shorten the important environmental review of the project, which includes assessing its potential impacts on critical water resources in the Ogallala aquifer, as well as increased carbon pollution.

I have been working to support and urge serious steps to reduce our dependence on oil, such as increasing the fuel efficiency of our vehicles and developing advanced biofuels. Even if Canadian oil displaces the importation of oil from other countries, the price of oil is determined by the global market, and the best way to decrease our exposure to the rising price of oil is to decrease our demand.

In addition, since America has recently become a net exporter of petroleum products, I am concerned that the proposed pipeline would merely allow big oil companies to import the oil from Canada, transport it by a pipeline—and with it, the risks of leaking into a critical aquifer—down to Texas refineries, where it would be refined into petroleum products that, in part, would be exported to foreign markets.

It is for those reasons that I have opposed the proposed Keystone XL Pipeline and urge the President to reject it.

As I have stated previously, I would have preferred to pay for this legislation by asking the wealthiest one-tenth of 1 percent of Americans to share in the sacrifices that all other Americans have made in working to right our economic ship. However, in the search for pay-fors, the House of Representatives added language that would increase the guarantee-fees—fees—the government-sponsored enterprises charge over the next 10 years, diverting funds away from shoring up the GSEs to fund a benefit that is unrelated to our housing markets. If there



is any capacity to increase the g-fees, those resources should be directed to our housing markets, which still remain too fragile.

I find it incredibly ironic that my Republican colleagues, many of whom say they believe the mortgage securitization market should be completely privatized, have suggested an offset that uses a 10-year revenue stream from the enterprises' business operations as a piggy bank for governmental purposes. This seems like inconsistent policy at best.

This bill is deeply flawed, but I could not in good conscience vote against providing a tax cut to the middle class and providing desperately needed relief to nearly 10,000 Rhode Islanders who would have lost jobless benefits through the month of January.

I will not stop fighting for the middle class, to continue jobless benefits and working to improve our economy and create jobs. I will work tirelessly to continue the payroll tax cut and jobless benefits through the rest of the year and to fix this egregious reduction in benefits.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of the conference report to accompany H.R. 2055, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055), making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same. Signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Thursday, December 15, 2011.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 15 minutes of debate with 5 minutes each for the Senator from Hawaii, Mr. INOUE; the Senator from Mississippi, Mr. COCHRAN; and the Senator from Arizona, Mr. MCCAIN.

The Senator from Hawaii.

Mr. INOUE. Mr. President, the omnibus bill the Senate considers this morning represents a victory for compromise, a victory for American taxpayers, and a victory for the appropriations process.

The measure before us funds everything from our men and women in uniform to students who strive to improve their future through higher education, from environmental protection to protecting our children from harmful

products, and from homeland security to the Securities and Exchange Commission.

With the exception of the Department of Defense, all these agencies have been running on a continuing resolution for well over a year. Mr. President, this must stop because it is no way to run a government, particularly one that must learn to do more with less. How can an agency be more efficient when it is operating under budget plans that were developed 2 or even 3 years ago?

Last year, the Congress enacted only one appropriations measure—the Defense bill. This year, we have passed a minibus containing three bills, and we are now considering the final package incorporating the nine remaining bills. While it is true we again fall short of regular order, it is also true, if the Senate passes this measure and the President signs it into law, we will have succeeded in enacting each of our bills prior to the end of the calendar year for the first time since 2009.

I would note for my colleagues that in the Senate, the Appropriations Committee reported 11 bills, 9 of them with overwhelming bipartisan support, and by that I mean 30 to 0 or 29 to 1. We moved four of our bills across the Senate floor with an opportunity for every Senator to provide amendments. We accomplish all of this at a time when partisanship is high and the desire by some to delay even the most innocuous of bills has made it difficult to get any measure to the President.

As chairman of the Defense Subcommittee, I would like to take a few minutes to discuss this portion of the bill.

The Omnibus appropriations bill includes \$633.3 billion for the Department of Defense. This amount includes a \$20.8 billion reduction from the President's request for the base defense budget and a reduction of \$2.5 billion from the overseas contingency operations request.

Although these substantial reductions in the defense budget mean many tough decisions had to be made, I wish to assure my colleagues that all recommendations in the Defense bill were made in a fully bipartisan, bicameral manner.

Most importantly, let me assure my colleagues this agreement takes care of our men and women in uniform and their families, fully supports military readiness, protects the forces, and maintains our technological edge. It complies with the earmark moratorium and contains no congressionally directed spending items.

At the same time, it reins in defense spending and takes important steps to improve the Department's fiscal accountability. The conference agreement recommends 775 reductions to individual programs primarily due to program terminations or delays or changes to policies of programs since the submission of the budget 10 months ago.

As the chairman of the full committee, I am proud of the work done on these nine bills by the Appropriations Committee, its members, and its staff, each of whom have worked diligently late into the night for many months to arrive to this point. All of the subcommittee chairmen and ranking members should be recognized for their leadership and achievement in completing these nine remaining bills.

I also wish to recognize the dedicated staff on both sides of the aisle for their months of effort and their commitment to completing their individual bills.

Mr. President, this is a strong, bipartisan bill, and I urge my colleagues on both sides of the aisle to vote yes and send it to the President for his signature.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me say I am pleased to join the chairman of the committee, the distinguished Senator from Hawaii, in urging approval of the Omnibus appropriations bill as well as the bill to provide funds for disaster relief. These bills fully comply with the requirements of the Budget Control Act. The process for reviewing requests for provisions in this bill were held in open public hearings. Senators testified before our committee. Others from around the country came to Washington to express their views.

Together with appropriations bills that have already been enacted, the omnibus brings appropriations for the basic operations of our government to \$1.043 trillion. The disaster bill provides an additional \$8 billion for disaster relief in response to damages incurred from floods, tornadoes, and hurricanes that have plagued much of the country during the spring and summer months. These funds are within the limits established in the Budget Control Act, specifically for disaster relief. Total discretionary spending carried in all of the fiscal year 2012 appropriations bills will be \$31 billion below last year's level.

I would have to say our committee opened its hearing rooms to those who wanted to express views on the funding levels of all of the programs that were important throughout our Federal budget process. There are some dramatic reductions in spending, such as the Independent Payment Advisory Board and the co-op program created in the health care bill. We zeroed out funding for some of the energy credit subsidy provisions of this bill. That was hard to do, but savings were needed and the committee responded to those needs.

The bill eliminates 22 programs in the Labor-HHS chapter for a savings of over \$¼ billion. But we don't hear about that. People don't brag about reducing funding. But this committee did

that because it was responsible, in our judgment, to do it.

I am very pleased to have had the honor of working closely with the chairman of the committee, one of the finest Members of this Senate, and we urge the approval of this legislation.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, before my friend from Arizona speaks, I ask unanimous consent that the next three votes in order be 10 minutes in duration.

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

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to yield 2 minutes of my 5 minutes to the Senator from Oklahoma.

Here we are again, a bill that is 1,221 pages long that not one Member of this body has read. These 1,221 pages represent \$915 billion in taxpayer money. Yet here we are with not one amendment. We do, however, have 15 minutes of debate in which to consider a document that is 1,221 pages long, representing \$915 billion of taxpayer money, which is filled with unauthorized, unrequested money.

Now, I haven't had a chance, like the rest of my colleagues, to look at all of this 1,200-page bill, but we have looked at the defense section. There is \$3.5 billion of unrequested, unauthorized funding by the authorizing committee—projects such as this one for Guam.

Here are a couple of my favorites. You thought the bridge to nowhere was bad? Well, there are 53 civilian schoolbuses and 53 repair kits for \$10.7 million and \$12.7 million for a cultural artifacts repository. That is in the name of defense. That is in the name of defense—schoolbuses and a cultural artifact repository.

Here is \$100 million for the Next Generation Bomber, which the Air Force says they do not want and they do not need. How about this cockamamie outfit—the Combat Dragon, which will be crop dusters equipped with weapons. Or the C-17s—\$225 million additional for C-17s that long ago the military said they did not need.

There is \$3.5 billion just in the DOD provisions alone. It is outrageous. It is outrageous.

I have amendments associated with this bill that will save the taxpayers billions of dollars. But, never mind, because we are going to go home for Christmas.

Well, let me tell you, I am going home to a State where they do not have enough in the food banks to take care of the homeless this year. I am going home to a State where half of the homes are underwater. Yet what have we done? We have just wasted billions and billions and billions of taxpayer money on projects that are unneeded, unwanted, and unrequested.

This system is broken. This system is broken. We should have taken up these bills one by one, with amendments,

with debate and discussion. I want to tell the majority leader and the Republican leader that next year, we will have a plan, a group of us, to say we must do that.

We owe it to the taxpayers of America.

I yield to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I have a question for my colleagues. Are we proud of this process? Have we fulfilled the responsibility to the citizens of this country with this process? Nobody can answer yes to that. And yet nothing seems to change.

You know, \$3.5 billion worth of phony earmarks totally puts an earmark ban on its head. The idea that parochialism trumps our Nation's vital interests puts our responsibility and our oath on its head.

I know the hearts of everybody here. They are great. The intentions are great. With this bill, we have failed America. We failed America in the process, we failed America in our oath. This next year is going to be much more difficult than anybody can anticipate. At a time when we are facing our national survival, business as usual occurs. That is a reflection of lousy leadership by all of us, including me. It means I didn't make my case big enough about what the priorities should be in our country.

It is a great time for reflection. We are going to go home. We are going to pass this bill that is going to be far less than what this country needs in terms of its integrity and its actions. Hopefully, we will think and return with a renewed spirit to fix the ship of state and do what is in the best interest of the Nation, not what is in the best interest of our parochial political careers.

I yield the floor.

#### BOILER MACT

Ms. COLLINS. Mr. President. I would like to thank the senior Senator from Alaska and the senior Senator from Tennessee for joining me to discuss an issue of great concern to manufacturers across the country, the Environmental Protection Agency's Boiler MACT regulations. I am pleased to serve with both Senators on the Interior Appropriations Subcommittee on which the Senator from Alaska serves as the Ranking Member.

It has been our shared goal to ensure that rules crafted by the EPA with regard to industrial boilers be achievable, affordable, and protective of public health and the environment while not costing thousands of jobs that we can ill-afford to lose. Unfortunately, EPA did not begin its rulemaking with these goals in mind.

To provide EPA with the time the agency itself said it needed to rewrite the rules to better serve the public interest, I introduced the EPA Regulatory Relief Act earlier this year, which now has the support of 41 of my

colleagues on both sides of the aisle. A nearly identical bill passed the House of Representatives with bipartisan support this fall.

With the reconsideration process, EPA has taken steps to respond to some of the concerns raised by U.S. manufacturers. EPA's re-proposed rules, however, still do not address the serious and real concerns of the mills that will be most directly affected by these regulations. Legislative action is still needed to ensure achievable rules, to allow adequate compliance time, and to reduce the risk to business posed by pending litigation.

For these reasons, I was very troubled when the statement of the managers for Division E of the Consolidated Appropriations Act of 2012 included the following:

Boiler MACT.—The conferees are encouraged by the outcome of EPA's reconsideration of the Boiler MACT rule and offer no directives regarding Boiler MACT standards. The proposed rule addresses substantive concerns by including additional flexibility with respect to compliance costs, and a biomass exemption.

Could the Senator from Alaska clarify that this language in no way is an endorsement by the conferees of any particular rulemaking concerning the Boiler MACT issue?

Ms. MURKOWSKI. As a cosponsor of S. 1392, the EPA Regulatory Reform Act, I know how important this issue is to my colleagues on both sides of the aisle. The Senator is correct that this language is not intended by the conferees to convey an endorsement of any EPA Boiler MACT rulemaking proposal.

Ms. COLLINS. I thank the senior Senator from Alaska for clarifying the intent of this language. I remain committed to working with my Senate colleagues and the EPA to help ensure that the Boiler MACT rules are crafted to protect public health without harming the forest products industry, which is the lifeblood of many small, rural communities. Would my friend the senior Senator from Tennessee, who is also an original co-sponsor of the Boiler MACT legislation, like to address this disappointing conference language?

Mr. ALEXANDER. This issue is of particular importance to me as well. I strongly object to the language included in the Interior Appropriations bill regarding Boiler MACT. The Boiler MACT is an unworkable regulation that will reduce pollutants like mercury, which is good policy, but forces those reductions in a way that is not realistic for companies to comply. This regulation could result in the loss of 340,000 jobs nationwide and cost Tennessee companies \$530 million. My support for the Omnibus bill does not change my position on this issue, and I will continue to push for the passage of strong bipartisan legislation that will overturn the terrible Boiler MACT regulation and find a better way to accomplish the pollution reductions that are

needed. I thank Senator COLLINS for her leadership on this issue and I also appreciate the Senator from Alaska clarifying the intent of this language.

Mr. LEAHY. Mr. chairman, as Chairman of the Department of State and Foreign Operations Subcommittee, I want to speak briefly about the agreement that I and the ranking member, Senator LINDSEY GRAHAM, have reached with the House and that is reflected in division I of this Omnibus bill.

I want to thank Senator GRAHAM, along with House Subcommittee chair KAY GRANGER and ranking member NITA LOWEY and their staffs, for working in such a bipartisan way to resolve our many differences. It is a good example of how a divided Congress can deal with controversial issues and produce an outcome that protects a broad range of interests.

The Department of State and Foreign Operations conference agreement is a compromise. It is neither a Democratic nor Republican bill. It will not make anyone completely happy. But while it does not include everything that I or Senator GRAHAM wanted, it does a good job of addressing the key national security needs of the country.

This is a must-pass bill. The alternative is another year of a continuing resolution, which would force drastic cuts in funding for programs about which Republicans and Democrats feel strongly.

This conference agreement does many things. It supports the Nation's counterterrorism efforts in South Asia, the Horn of Africa, and East Asia; responds to turbulent events in the Middle East and north Africa and threats on the Mexican border; combats transnational crime, piracy of intellectual property, and the denial of fundamental freedoms; promotes access for U.S. companies to foreign markets; operates and secures our embassies and consulates that serve millions of Americans traveling, working, and studying overseas; preserves U.S. influence in key international organizations and alliances; supports economic development, governance, and the rule of law in Africa, Latin America, and Asia; and responds to a massive famine in Somalia, floods in El Salvador, and other humanitarian disasters.

We do this and much more with a base budget allocation that is \$8.7 billion below the President's request and a combined base and overseas contingency operations total that is \$6.1 billion below the President's request.

These are not Democratic or Republican issues. The funds in this conference agreement will determine whether the United States remains the global leader it has been since the Second World War.

Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

It is no wonder that other countries—our allies and our competitors—are

spending more each year to project their influence around the world and to compete in the global marketplace.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing profoundly, and we cannot afford to retrench or succumb to isolationism.

The funding in this conference agreement enables us to engage with our allies and deter our adversaries and competitors. It is similar to what was reported by the Appropriations Committee on a bipartisan vote of 28 to 2. For those who are focused on reducing Federal spending, it cuts base spending by \$6 billion below the fiscal year 2011 continuing resolution. It freezes spending or scales back many Department of State and U.S. Agency for International Development operations and programs and will force reductions in planned expenditures.

To the extent that there are funding increases in this bill, they are primarily due to the transition from military to civilian operations in Iraq which will mean billions of dollars in savings to American taxpayers, and to meet pledges to the international financial institutions.

I doubt there is a single Member of Congress who does not care if the United States becomes a second- or third-rate power. As a Vermonter, I know the people of my State want the United States to live up to its ideals, to set an example for the rest of the world. We expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of its citizens.

Yet there are unmistakable signs that our global influence is already waning. It is not preordained that the United States will remain the world's dominant power. As former Secretary of State Condoleezza Rice said, "If we don't lead, somebody else will."

We need to stop acting like these investments do not matter; that the State Department is not important; that we do not need the United Nations; that what happens in Brazil, Russia, the Philippines, Somalia, or other countries does not matter; and that global threats to the environment, public health, and safety will somehow be solved by others.

This conference agreement balances our priorities. Again, funding for these programs was requested by Republicans and Democrats.

This country is at a crossroads. We can retreat from the world, as some in the other body seem to want while China and our other competitors continue to expand their influence, or we can remain a leader. The conference agreement adopts the latter course,

and Members on both sides of the aisle deserve credit for that.

Mr. President, the funding in this bill is strongly supported by the Department of Defense. Along with the U.S. military, it is the best form of insurance the American people have.

Finally, I want to thank Chairman INOUE and Vice Chairman COCHRAN, as well as the majority and minority leaders for their support in completing this omnibus bill.

Mr. ALEXANDER. Mr. President, this omnibus appropriations bill funds the Federal Government through September 30, 2012, at the level of spending agreed to this past August in the Budget Control Act, which reduces overall spending by \$2.1 trillion over the next 10 years.

If Congress continues to follow the terms of the Budget Control Act, discretionary spending—which is 39 percent of the Federal budget—will increase at about the rate of inflation over the next nine years.

Unfortunately, mandatory entitlement spending—which is 55 percent of the Federal budget—is out of control and is growing at the rate of 3 to 4 times inflation over the next 9 years according to the Bipartisan Policy Center.

There are some good reasons to support this spending bill.

One good reason to support the bill is to support House Republicans. Now that they are in the majority, they are changing the priorities of the spending bills in important places, and that is a good start at reducing spending and changing the priorities of the government.

Another good reason is that the bill is consistent with the Budget Control Act. The Omnibus brings total discretionary spending to \$1.043 trillion, and it brings total disaster spending to \$10.4 billion. Both of those figures are consistent with the Budget Control Act and are a good first step toward getting discretionary spending under control over the next decade.

The bill also supports several important national priorities: It provides an additional \$5.1 billion for defense and a \$338 million increase for nuclear weapons modernization; increases border security; fully funds veterans' healthcare; and shows Congress can lead by example by cutting our own budget by 5.2 percent.

The bill denies the administration carte blanche on running the government and allows Congress to set priorities as it should in our constitutional system. The omnibus cuts the Environmental Protection Agency's budget by \$233 million, cuts the National Labor Relations Board's budget by \$4 million, and supports the development of Small Modular Reactors.

This year there have been 12 disasters that caused more than \$1 billion in damage—the highest on record. Families are struggling to recover from historic tornado outbreaks, flooding, wildfires, and other natural disasters in virtually every part of the country.

The omnibus brings total disaster spending for fiscal year 2012 to \$10.4 billion. The Budget Control Act allows Congress to spend up to an additional \$11.3 billion in fiscal year 2012 for disasters. Although this means there is only \$900 million left to address any additional disasters in fiscal year 2012, it shows that Congress is starting to take the issue of spending and debt seriously by living within an agreed upon framework for total spending.

Even though the Budget Control Act does not require disaster spending to be offset—some argue that it should be—the Budget Control Act ensures disaster spending is really for disasters and keeps Congress from spending more than the historical average. The House has proposed to offset this spending with a 1.83 percent across-the-board cut to all discretionary spending, excluding defense programs, military construction projects and veterans funding.

I do not believe that an across-the-board cut is a wise way to reduce spending. Congress should identify wasteful spending, like the credit loan subsidies we eliminated in the Energy and Water Appropriations bill, and find specific ways to cut spending and make government more effective.

Any bill of this size will include things we don't support. We do not do enough to reduce duplicative programs, and many programs that should be eliminated are still funded.

But there is one provision in the manager's report that I really want to take exception to.

I strongly object to the language included in the Interior Appropriations bill regarding Boiler MACT. The Boiler MACT is a regulation that will reduce pollutants like mercury, which is a good goal, but forces reductions in a way that is not realistic for companies to comply. This unworkable regulation could result in the loss of 340,000 jobs nationwide and cost Tennessee companies \$530 million.

My support for the omnibus bill does not change my position on this issue, and I will continue to push for the passage of strong bipartisan legislation that will overturn the terrible Boiler MACT regulation and find a better way to accomplish the pollution reductions that are needed.

Mr. LEVIN. Mr. President, I wish to comment on two specific issues regarding the conference report to H.R. 2055, the omnibus spending measure before us.

First, I am pleased that the conference report includes \$22 million for the Facility for Rare Isotope Beams, or FRIB, at Michigan State University. While this is less than the amount in the administration's budget request, it is a clear endorsement by Congress to move forward with this facility.

FRIB is critical to maintaining America's worldwide preeminence in nuclear physics and a major component of Michigan's economic future. MSU has solid and well-known expertise in

the field of rare isotopes and nuclear physics. It has the largest nuclear physics faculty in the Nation and a nuclear physics graduate program ranked No. 1 in the country. Those were some of the reasons it was selected by the Department of Energy for design, construction, and operation of FRIB after an extensive competition over a multiyear period.

I am encouraged that particularly in these difficult budget times the Congress has endorsed the importance of this facility. Second, I would point to another critical component of my State's economic future, the Great Lakes.

I am disappointed that Great Lakes Restoration Initiative funding has been reduced from the originally planned funding levels. I am relieved, however, that \$300 million is included in the conference report, \$50 million more than the amount in the House bill.

The conference report includes two important provisions related to Asian carp and other invasive species that present significant threats to the Great Lakes. The conference report includes a provision I have requested authorizing the Army Corps of Engineers to implement emergency measures to prevent Asian carp and other invasive species from entering the Great Lakes. Also welcome is an increase of about \$5 million in funding to operate electric dispersal barriers designed to prevent these fish from entering the Great Lakes, bringing funding for the barriers to \$23.6 million. The conference report also includes about \$3 million to continue study of possible separation of the Great Lakes from the Mississippi River watershed, which would significantly reduce risk to the Great Lakes from Asian carp. I will continue to work with colleagues to urge the Army Corps to accelerate this study.

I am disappointed that projects enabling Great Lakes harbor dredging continue to receive reduced funding. The conference report acknowledges that funding levels are inadequate to meet existing needs. I welcome the conferees' decision to include an additional \$173 million in funding for navigation projects nationwide, and I will work to ensure that the Great Lakes, which face a substantial backlog of dredging and other operations and maintenance needs, receive a share of this funding consistent with the high level of need.

Mr. COCHRAN. Mr. President, I rise in support of both the omnibus appropriations bill and the bill to provide funds for disaster relief. They have been approved by the other body by overwhelming, bipartisan votes. I urge the Senate to approve these bills.

They fully comply with the requirements of the Budget Control Act. Together with appropriations bills already enacted, the omnibus brings appropriations for the basic operations of government to the \$1.043 trillion level established in the Act. The disaster bill provides an additional \$8 billion for

disaster relief in response to the floods, tornados and hurricanes that plagued much of the country during the spring and summer months. These funds are within the limits established in the BCA specifically for disaster relief. Total discretionary spending carried in all of the fiscal year 2012 appropriations bills will be \$31 billion below last year's level.

Within the omnibus there are many adjustments in funding levels for individual programs. The bill increases the base budget for the Department of Defense by \$5 billion. It provides increases for border security, nuclear weapons modernization, the National Institutes of Health, and veterans medical care. The bill maintains the maximum Pell grant award at its current level, but pays for that with a series of needed reforms.

The bill reduces funding for the National Labor Relations Board, the Environmental Protection Agency, FEMA grants, and the Election Assistance Commission. It cuts the Independent Payment Advisory Board and the co-op program created in the health care bill. It zeroes out funding for energy credit subsidies. It eliminates 22 programs in the Labor-HHS chapter for a savings of a quarter of a billion dollars.

This conference report also carries a number of policy provisions that are important to members on my side of the aisle. These include limitations on funding for needle exchange programs and certain Department of Labor regulations. There is language to maintain a balanced permitting process for grazing on Federal lands, construction of logging roads, and domestic oil and gas production.

I sincerely wish that it were not necessary to act on an omnibus bill. I prefer that all Members have the opportunity to consider, amend, and vote on appropriations bills individually.

The Appropriations Committee has consistently produced bills in a timely manner for consideration in the Senate and in the House, but we are sometimes unable to advance bills to the floor due to circumstances beyond our control. This year, our efforts were complicated greatly by the absence of a budget resolution and a protracted, summer-long battle over the debt ceiling bill.

Many members on my side of the aisle have decried the fact that it has been nearly 1,000 days since the Senate last approved a budget resolution. That criticism is absolutely valid. It is deplorable that at a time of fiscal crisis we have not adopted a comprehensive budget in so long.

What we do have, however, is a budget for discretionary spending that was laid out in the Budget Control Act. That Act included caps that lock in recent cuts in discretionary spending and hold future discretionary growth below the rate of inflation.

The Appropriations Committee did not write the Budget Control Act. Some members of our committee voted

for it, some against. But 74 members of the Senate did vote for it, including a majority of members on both sides of the aisle. That is more votes than I can recall any budget resolution ever receiving.

So now it is time to implement the Budget Control Act through the enactment of the remaining fiscal year 2012 appropriations bills. A bipartisan, bicameral agreement has been reached. There is no money to be saved by resorting to a year-long Continuing Resolution. It would be an omnibus bill itself, and would result in overspending in some areas and underinvestment in others.

I am pleased to have worked with Chairman INOUE, our committee members, and the conferees in the other body to negotiate this legislation.

The Senate did not win every argument with the other body. But this conference report is a fair compromise with many positive features, and it is consistent with the guidance in the Budget Control Act. I hope that it will be a stepping stone toward the more timely and measured consideration of appropriations bills in the future.

I urge my colleagues to support the conference report and the disaster relief bill.

Mr. REED. Mr. President, as chairman of the Interior, Environment, and Related Agencies Subcommittee, I would like to take a few moments to highlight some of the provisions of the Interior division of the Consolidated Appropriations Act for fiscal year 2012.

The subcommittee's conference allocation totaled \$29.175 billion. Although the Interior Subcommittee received a fair allocation, that number nevertheless represents a real cut of approximately 4 percent below the commensurate 2011 funding level. Despite the size of the cut, overall we were still able to fund critically needed infrastructure that will provide jobs for thousands of Americans in every State in our Nation.

Let me start with the Environmental Protection Agency, EPA. The conference report contains \$8.5 billion in new budget authority. That is a reduction of approximately 3.5 percent below the equivalent 2011 level, but still a significant investment in our scientific research capabilities, our environmental programs, and critically needed water and sewer infrastructure.

Included in the funding for EPA is \$1.4 billion for the Clean Water State Revolving Fund and \$919 million for the Drinking Water State Revolving Fund. Combined, this is nearly \$800 million more than was initially provided by the House. The investments we are making in the clean water fund will lead to the start of approximately 473 new wastewater projects nationwide and will put more than 81,000 Americans to work when combined with State matching funds. In addition, the funding provided for the drinking water fund translates into 353

new drinking water projects nationwide and more than 50,000 jobs all across the country when combined with State matching funds.

This is a tremendous economic boost for every State in the Nation and one that I am pleased that we could deliver. In addition to the funding, we have ensured that Davis-Bacon wage protections will be permanently applied to the use of these funds.

No less important than the EPA are the land management agencies that account for the majority of the Interior bill. The conference report provides \$5.9 billion for basic operational expenses for the National Park Service, the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management. That amount is virtually identical to the 2011 enacted level and ensures that each of those agencies will be able to continue to operate and maintain their facilities as the American people expect.

The conference agreement includes \$197.5 million for the new Bureau of Safety and Environmental Enforcement. Included in this amount is an additional \$62 million for offshore oil and gas inspections that will be available from inspection fees assessed to the industry, which is appropriate given the tremendous profits generated by the industry.

The conference report also provides \$322 million for the protection of land and other environmentally sensitive areas through the Land and Water Conservation Fund. This represents an increase of 7 percent over the current enacted level.

For Native Americans, the bill provides \$6.8 billion to help improve the quality and accessibility of education, health care, and law enforcement programs for some of this Nation's most vulnerable populations. Included in that amount is \$3.8 billion for Indian health services, an increase of more than 5 percent over last year. These funds will allow those in Indian Country to receive the necessary care they deserve and will go a long way toward stemming the crisis in health care.

The conference report provides more than \$1.3 billion for our cultural and arts agencies, including \$146 million for each of the National Endowment for the Arts and Humanities; \$811 million for the Smithsonian Institution, including funding to begin construction of the African-American History and Culture Museum; and \$36 million for the Kennedy Center.

All in all, this bill represents sound investments in the scientific, natural, and cultural resources that come under the jurisdiction of this subcommittee. Given resources at hand, not everyone will be satisfied, but I am confident that we have made wise funding decisions that will maximize our limited dollars.

It is also important to note what is not included in the conference report.

It is no secret that the Interior and Environment appropriations bill at-

tracted more than its fair share of legislative riders that were designed to prohibit the EPA, and in some cases the Department of the Interior, from undertaking their responsibilities to protect public health and our natural resources. The bill that was considered by the House this summer was replete with riders that do not belong in an appropriations measure. This bill has eliminated or modified these legislative proposals so that agencies can continue to function effectively.

Finally, I wish to thank the subcommittee's ranking member, Senator MURKOWSKI, for all the assistance she provided throughout our conference negotiations with the House. She has provided invaluable assistance to me this year because of her unique insights into the issues that are central to this bill. I sincerely appreciate having had the benefit of her thoughts. I also want to commend and thank the staff of the Interior Subcommittee—Peter Kiefhaber, Virginia James, Rachael Taylor, and Ryan Hunt of the majority staff and Leif Fønnesbeck of the minority staff—for their work, service, and sacrifice.

I also want to comment on a few items in the other divisions of this conference report. My colleagues who led the negotiations on these parts of the bill also faced enormous challenges in reaching agreement with the House, and I commend them for their efforts under difficult circumstances.

With respect to Labor, Health and Human Services, HHS, and Education, I am pleased that the conference report maintains the maximum Pell grant at \$5,550 and continues funding the campus-based aid programs at last year's levels. Absent this Federal student aid, millions of Americans would not be able to afford college. Unfortunately, in order to maintain the maximum grant, tough sacrifices were made. The conference report rolls back provisions that I fought for to make the financial aid process easier and more substantial for families with modest incomes. Among other things, the conference report lowers the annual income threshold to automatically qualify for the maximum grant from \$30,000 to \$23,000. While I believe it is important to maintain support for the maximum Pell grant, I am troubled by the hurdles being erected to qualify for this assistance.

I am pleased that the conference agreement includes \$28.7 million for literacy and school library programs. I want to thank Chairman HARKIN, Vice Chairman COCHRAN, as well as Senators GRASSLEY, STABENOW, WICKER, and SNOWE, who have worked with me to maintain Federal investments in these programs because they recognize that literacy remains at the core of academic achievement for all children and is a strong indicator for long-term success and opportunity. The conference report also provides \$3.48 billion for the Low-Income Home Energy Assistance Program, LIHEAP. While that level is

\$900 million more than the President's request, it nonetheless represents a \$1.2 billion or 25-percent cut for the main Federal program that assists low-income households with their energy bills.

Given the high price of energy, dropping winter temperatures, and the tough economy, I hope that we can revisit this issue. To that end, I have been joined by Senators SNOWE and SANDERS and other colleagues in introducing the LIHEAP Protection Act, which would maintain level funding for the LIHEAP at last year's level of \$4.7 billion. We are urging leadership to bring up this bill soon so Congress can take prompt action to fully restore this funding.

Finally, the Labor, HHS, and Education division of the conference report includes nearly \$560 million, a \$34 million increase, for States to purchase immunizations for the uninsured and underinsured. I strongly support this wise investment since every dollar invested in the seven recommended pediatric vaccines saves \$16.50 in direct and indirect health care costs.

Under the Energy and Water division, I am pleased that the bill increases the funding for the Army Corp's Continuing Authorities Program from the levels provided by the Senate and the House. I want to thank and commend Chairman FEINSTEIN for working to boost the Section 205 flood control program from \$5 million to more than \$18.7 million.

As with LIHEAP, the Weatherization Assistance Program, WAP, which helps low-income families improve the energy efficiency of their homes and saves each participant an estimated \$437 annually in energy costs, experienced a significant reduction from the fiscal year 2011 level, dropping 61 percent from \$174 million to \$68 million. This is the lowest funding level since 1978, the year after the program's inception in 1977, and I hope that next year we can begin to restore this funding.

The Financial Services and General Government division carries funding for the Securities and Exchange Commission, SEC, and other financial regulators. I know that Chairman DURBIN shares my concern and frustration over the efforts of House Republicans to deprive these regulators of the authority and funding to oversee financial markets.

Regrettably, the conference report cuts SEC funding by \$86 million from the administration's request and the Senate-passed appropriations bill. In addition, the conference report rescinds \$25 million from an SEC reserve fund that Senator SHELBY and I created outside of the appropriations process in order to ensure that the SEC would always have access to the funds it needs for technology and long-term funding needs. These cuts were made despite the fact that the SEC's budget is completely paid for by fees it collects on the securities industry and is off-budget.

et. In other words, decreasing the SEC's funding has no effect on our budget deficit; it only serves to hamstring the SEC and to slow implementation of the Wall Street Reform Act.

I do want to acknowledge the fact that while the conference report does not add resources to what was provided under the Commodity Futures Trading Commission, CFTC, under the Agriculture Appropriations Act, it does grant CFTC limit transfer authority so that it will not have to lay off personnel. This is not enough to make the CFTC the cop on the beat we need it to be, but it is a critical change.

As the months pass and the financial crisis of 2008 seems further away, we should not and cannot forget that the failure to effectively regulate the financial sector came at tremendous cost to the average American. We must remind ourselves of why we passed the Wall Street Reform Act, and why it needs to be robustly funded, so that we never have to endure such staggering costs again.

In conclusion, Mr. President, the conference report we are voting on is far from perfect, but recognizing the limited resources available and the challenge of negotiating with the House, it is a reasonable agreement.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of H.R. 2055, the Consolidated Appropriations Act, 2012, and H.R. 3672, the Disaster Relief Appropriations Act, 2012.

H.R. 2055 includes the conference report to accompany Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012, as well as legislation for the eight remaining appropriations bills. H.R. 3672 provides disaster relief funding and additional program integrity funding.

H.R. 2055 is divided into nine divisions, one for each of the appropriations bills it contains. Each division will be considered separately for budget enforcement purposes.

Each of the divisions of H.R. 2055 is within its respective subcommittee's allocation for budget authority and outlays. The bill is within security and nonsecurity budget authority limits established by the Budget Control Act.

In addition to regular funding, H.R. 2055 includes \$126.5 billion that has been designated as being for Overseas Contingency Operations. H.R. 3672 includes \$8.1 billion in funding designated as being for disaster relief and \$483 million in additional program integrity funding. Pursuant to section 106(d) of the Budget Control Act, an adjustment to the Appropriations Committee's 302(a) allocation and to budgetary aggregates has been made for these amounts in budget authority and for the outlays flowing therefrom.

Section 1401 of Division G of H.R. 2055, Legislative Branch Appropriations Act, 2012, makes a change to a mandatory program that results in an increase in direct spending in years following the budget year, 2013-2021. This

provision is subject to a point of order established by Section 314 of the 2009 Budget Resolution. H.R. 2055 is not subject to any other budget points of order.

H.R. 3672 is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012,  
AND H.R. 3672, DISASTER RELIEF APPROPRIATIONS  
ACT, 2012

[Spending comparisons—Conference-Report (in millions of dollars)]

	Security	Non-Security	Total
Division A: Department of Defense Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	633,229	0	633,229
Outlays .....	647,602	10	647,612
Senate 302(b) Allocation:			
Budget Authority .....	633,230	0	—
Outlays .....	—	—	654,737
Division A Compared To Senate 302(b) allocation:			
Budget Authority .....	-1	0	—
Outlays .....	—	—	-7,125
Division B: Energy and Water Development and Related Agencies Appropriations Act, 2012			
Conference-Report: <sup>1</sup>			
Budget Authority .....	11,000	22,734	33,734
Outlays .....	11,146	35,276	46,422
Senate 302(b) Allocation:			
Budget Authority .....	11,000	22,734	—
Outlays .....	—	—	46,522
Division B Compared To Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	-100
Division C: Financial Services and General Government Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	0	19,526	19,526
Outlays .....	0	23,735	23,735
Senate 302(b) Allocation:			
Budget Authority .....	0	21,526	—
Outlays .....	—	—	25,735
Division C Compared To Senate 302(b) allocation: <sup>2</sup>			
Budget Authority .....	0	-2,000	—
Outlays .....	—	—	-2,000
Division D: Departments of Homeland Security Appropriations Act, 2012			
Conference-Report: <sup>1</sup>			
Budget Authority .....	46,258	0	46,258
Outlays .....	45,360	0	45,360
Senate 302(b) Allocation:			
Budget Authority .....	46,258	0	—
Outlays .....	—	—	45,360
Division D Compared To Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division E: Department of Interior and Related Agencies Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	0	29,175	29,175
Outlays .....	0	30,866	30,866
Senate 302(b) Allocation:			
Budget Authority .....	0	29,175	—
Outlays .....	—	—	30,866
Division E Compared To Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division F: Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2012			
Conference-Report: <sup>3</sup>			
Budget Authority .....	0	156,767	156,767
Outlays .....	0	179,569	179,569
Senate 302(b) Allocation:			
Budget Authority .....	0	156,767	—
Outlays .....	—	—	179,569
Division F Compared To Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division G: Legislative Branch Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	10	4,297	4,307



H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012,  
AND H.R. 3672, DISASTER RELIEF APPROPRIATIONS  
ACT, 2012—Continued

(Spending comparisons—Conference-Report (in millions of dollars))

	Security	Non-Security	Total
Outlays .....	10	4,326	4,336
Senate 302(b) Allocation:			
Budget Authority .....	10	4,297	—
Outlays .....	—	—	4,336
Division C Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division H: Military Construc-			
tion and Veterans Affairs			
and Related Agencies Ap-			
propriations Act, 2012			
Conference-Report:			
Budget Authority .....	71,511	236	71,747
Outlays .....	78,125	289	78,414
Senate 302(b) Allocation:			
Budget Authority .....	71,511	236	—
Outlays .....	—	—	78,414
Division H Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division I: Department of			
State, Foreign Operations			
and Related Programs Ap-			
propriations Act, 2012			
Conference-Report:			
Budget Authority .....	53,207	136	53,343
Outlays .....	52,681	199	52,880
Senate 302(b) Allocation:			
Budget Authority .....	53,207	136	—
Outlays .....	—	—	52,880
Division I Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0

<sup>1</sup> Total includes disaster relief funding provided in H.R. 3672.<sup>2</sup> P.L. 112-33, Continuing Appropriations Act, 2012, delayed a statutory requirement for the Postal Service to make a payment to the Postal Service Retiree Health Benefit Fund. Because the payment was originally required in 2011, the provision scores as \$2 billion in on-budget savings for 2012.<sup>3</sup> Total includes program integrity funding provided in H.R. 3672.DISASTER RELIEF  
APPROPRIATIONS ACT, 2012CORRECTING THE ENROLLMENT  
OF H.R. 3672

The ACTING PRESIDENT pro tempore. Under the previous order, the conference report is temporarily set aside, and the Senate will proceed to the consideration of H.R. 3672 and H. Con. Res. 94, en bloc, which the clerk will report.

The assistant legislative clerk read as follows:

H. Con. Res. 94, a concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672.

Mr. REID. Mr. President, is there any time remaining?

The ACTING PRESIDENT pro tempore. There is 2 minutes equally divided.

Mr. REID. I yield back on this side.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MCCONNELL. I yield back.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on passage of the bill. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 72, nays 27, as follows:

[Rollcall Vote No. 233 Leg.]

## YEAS—72

Akaka  
Alexander  
Baucus  
Begich  
Bennet  
Bingaman  
Blumenthal  
Blunt  
Boozman  
Boxer  
Brown (MA)  
Brown (OH)  
Cantwell  
Cardin  
Carper  
Casey  
Cochran  
Collins  
Conrad  
Coons  
Durbin  
Feinstein  
Franken  
Gillibrand

Hagan  
Harkin  
Heller  
Hoeven  
Hutchison  
Inouye  
Johanns  
Johnson (SD)  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Manchin  
McCaskill  
McCaskill  
Menendez  
Merkley  
Mikulski  
Moran  
Murray

Nelson (NE)  
Nelson (FL)  
Pryor  
Reed  
Reid  
Roberts  
Rockefeller  
Rubio  
Sanders  
Schumer  
Sessions  
Shaheen  
Shelby  
Snowe  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Vitter  
Warner  
Webb  
Whitehouse  
Wicker  
Wyden

## NAYS—27

Ayotte  
Barrasso  
Burr  
Chambliss  
Coats  
Coburn  
Corker  
Cornyn  
Crapo

DeMint  
Enzi  
Graham  
Grassley  
Hatch  
Inhofe  
Isakson  
Johnson (WI)  
Kirk  
Kyl  
Lee  
Lugar  
McCain  
McConnell  
Portman  
Risch  
Thune  
Toomey

## NOT VOTING—1

Paul

The bill (H.R. 3672) was passed.  
The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on H. Con. Res. 94.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Louisiana be given 2 minutes, and the same on the other side.

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

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will be as brief as I can, but I ask the Members to reject the House resolution that is before us. I ask Republicans and Democrats to reject the amendment that is before us. It is unnecessary and it violates the Budget Control Act.

We just had a very strong vote—72 Members voted to fund relief for victims of disaster as we struggle to rebuild communities from Vermont to Missouri to the west coast that have been devastated by unprecedented disasters. The weather service just indicated that we had over 12 disasters this year of over \$1 billion each.

Defeat the resolution. It violates the Budget Act, and it sets a disruptive and dangerous precedent for forcing us to fund disasters in the years they occur. It will cut education, transportation, and discretionary programs unnecessarily and in violation of the Budget Control Act.

I thank the Members. Please vote no.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Is there no time in opposition?

Ms. LANDRIEU. Waive and vote. Vote?

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the concurrent resolution.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 234 Leg.]

## YEAS—43

Ayotte  
Barrasso  
Blunt  
Boozman  
Burr  
Chambliss  
Coats  
Coburn  
Cochran  
Corker  
Cornyn  
Crapo  
DeMint  
Enzi  
Graham

Grassley  
Heller  
Hoeven  
Hutchison  
Inhofe  
Isakson  
Johanns  
Johnson (WI)  
Kirk  
Kyl  
Lee  
Lugar  
McCain  
McConnell  
Moran

Murkowski  
Nelson (NE)  
Portman  
Risch  
Roberts  
Rubio  
Sessions  
Shelby  
Snowe  
Thune  
Toomey  
Vitter  
Wicker

## NAYS—56

Akaka  
Alexander  
Baucus  
Begich  
Bennet  
Bingaman  
Blumenthal  
Boxer  
Brown (MA)  
Brown (OH)  
Cantwell  
Cardin  
Carper  
Casey  
Collins  
Conrad  
Coons  
Durbin  
Feinstein

Franken  
Gillibrand  
Hagan  
Harkin  
Hatch  
Inouye  
Johnson (SD)  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Manchin  
McCaskill  
Menendez  
Merkley

Mikulski  
Murray  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Webb  
Whitehouse  
Wyden

## NOT VOTING—1

Paul

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 56. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

COMMEMORATING AND HONORING  
THE SERVICE AND SACRIFICE OF  
MEMBERS OF THE UNITED  
STATES ARMED FORCES AND  
THEIR FAMILIES AS THE OFFI-  
CIAL COMBAT MISSION IN IRAQ  
DRAWS TO A CLOSE

Mr. WHITEHOUSE. Mr. President, in the Senate we come at the war in Iraq from many different points of view, but in one respect I believe we are united and unanimous, and that is an appreciation for our troops who fought and bled and died in Iraq. So before we return to our home States, I ask unanimous consent that we proceed to the immediate consideration of S. Res. 349, a resolution commemorating and honoring the service and sacrifice of members of the United States Armed Forces who served in Iraq, and their families, and we do so as a unified Senate.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 349) commemorating and honoring the service and sacrifice of the United States Armed Forces and their families as the official combat mission in Iraq draws to a close.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. I wish to add my name as a cosponsor to the resolution.

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

Ms. AYOTTE. Mr. President, I want to thank my colleague from Rhode Island for bringing forward this resolution. As the proud wife of an Iraq war veteran, this is an appropriate time. We thank our troops for what they have done in Iraq, for their courage, their sacrifice, and for allowing Iraq an opportunity to forge a democracy moving forward. We also remember and honor the thousands who have lost their lives for us and for our freedom and we thank all of them at this time of year. I rise in support of this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 349) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 349

Whereas nearly 1,500,000 members of the United States Armed Forces served in Iraq, many serving on multiple deployments;

Whereas the members of the United States Armed Forces who served in support of operations in Iraq performed brilliantly in a highly complex and challenging environment, and did everything that was asked of them and more to meet the requirements of the mission;

Whereas thousands of members of the National Guard and Reserves left their civilian jobs and livelihoods to support operations in Iraq, making enormous contributions, and serving with distinction;

Whereas nearly 4,500 members of the United States Armed Forces made the ultimate sacrifice in giving their lives in support of operations in Iraq;

Whereas more than 30,000 members of the United States Armed Forces were wounded serving in support of operations in Iraq;

Whereas families of the members of the United States Armed Forces serving in Iraq endured repeated deployments and spent many holidays, birthdays, and anniversaries apart;

Whereas, after nearly nine years of combat, we welcome home our veterans and continue to support members of the United States Armed Forces deployed in Afghanistan and elsewhere in the world;

Whereas Iraq's destiny and future development now lie with its people; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

*Resolved*, That the Senate—

(1) pays tribute to the members of the United States Armed Forces who served in support of operations in Iraq;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, veterans, and their families, and honor their sacrifices; and

(3) commemorates and honors the contributions made by members of the United States Armed Forces and their families, as the official combat mission in Iraq draws to a close.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. There is now two minutes of debate prior to a vote on the conference report to accompany H.R. 2055.

Mr. INOUE. Mr. President, this Omnibus appropriations bill represents a victory for compromise, a victory for bipartisanship. It is fiscally responsible and it provides the necessary guidance to our agencies so they will be able to fulfill their vital missions on behalf of the American people. It meets every requirement of the Budget Control Act and contains not a single earmark; 149 Democrats and 147 Republicans voted in favor of this bill yesterday. Clearly it is a strong bipartisan bill and I urge a "yes" vote.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, this will be the last rollcall vote of this year.

Have a happy holiday, everyone.

The PRESIDING OFFICER. The question is on the adoption of the conference report to accompany H.R. 2055.

Mr. BARRASSO. 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 assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: The Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 235 Leg.]

#### YEAS—67

Akaka	Conrad	Landrieu
Alexander	Coons	Lautenberg
Baucus	Durbin	Leahy
Begich	Feinstein	Levin
Bennet	Franken	Lieberman
Bingaman	Gillibrand	Manchin
Blumenthal	Graham	Menendez
Blunt	Hagan	Merkley
Boozman	Harkin	Mikulski
Boxer	Heller	Murkowski
Brown (MA)	Hoeven	Murray
Brown (OH)	Hutchison	Nelson (NE)
Cantwell	Inouye	Nelson (FL)
Cardin	Isakson	Pryor
Carper	Johanns	Reed
Casey	Johnson (SD)	Reid
Chambliss	Kerry	Roberts
Cochran	Klobuchar	Rockefeller
Collins	Kohl	Schumer

Shaheen	Udall (NM)	Wicker
Stabenow	Warner	Wyden
Tester	Webb	
Udall (CO)	Whitehouse	

#### NAYS—32

Ayotte	Hatch	Portman
Barrasso	Inhofe	Risch
Burr	Johnson (WI)	Rubio
Coats	Kirk	Sanders
Coburn	Kyl	Sessions
Corker	Lee	Shelby
Cornyn	Lugar	Snowe
Crapo	McCain	Thune
DeMint	McCaskill	Toomey
Enzi	McConnell	Vitter
Grassley	Moran	

#### NOT VOTING—1

Paul

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 32. Under the previous order requiring 60 votes for the adoption of the conference report to accompany H.R. 2055, the conference report is agreed to.

The majority leader.

Mr. MCCONNELL. Mr. President, today I cast my vote against H.R. 2055, the nine-bill appropriations measure. I opposed this package because the process put forward by the majority was woefully inadequate given the seriousness of the issues involved. Valuable legislative time was wasted this year on political messaging votes; time that could have been more properly devoted to the nuts and bolts of legislating. The full Senate, for example, was denied the opportunity to consider the Defense Appropriations bill at a time when our men and women in uniform are facing looming uncertainty over out-year funding.

Despite my overall opposition to this measure, I would note that there are several provisions that I am in favor of in this package. As always, I support funding for the brave members of our military and for our veterans. Indeed, I voted for the Senate version of the Military Construction/VA appropriations bill earlier this year and just a few days ago voted for the final version of the Defense Authorization bill. Among the other provisions I support are policy riders such as those that encourage a culture of life and that rein in government overreach.

In closing, it is unfortunate that the majority continues to operate as it has. I am hopeful that the majority's efforts in this regard do not presage further legislative shortcuts on matters of national importance in the second session of this Congress.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 2 p.m. today, with Senators during that period of time being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

UNANIMOUS CONSENT REQUEST—  
S. 1874

Mr. MERKLEY. Mr. President, I rise to ask unanimous consent of all of my colleagues. Before I explain the unanimous consent request, I will give a little bit of background to S. 1874, which Senator SNOWE and I have worked on for some time because of our mutual interest in making the HUBZone process for rural economic development work better.

When this process occurs with each census, there is a 2-year nightmare of redtape before communities that should benefit from this economic development opportunity have the ability to do so. Across the country right now, we have rural communities that absolutely need to benefit from this most recent census. They have high unemployment rates. They are hit hard by the drop in exports. They are hit hard by the collapse of the housing communities. Sawmills have shut down. Paper mills have shut down.

So many folks come to this floor to talk about cutting redtape and talk about helping the economy in the heart of rural America. They come to this floor and they talk about how important economic development and jobs are. And this is a little fix that takes 1 year out of the bureaucracy. That is why Senator SNOWE and I have worked together on this process.

Now, twice we have brought this forward, and twice it has been cleared by every Member of this body. Neither time did it make it into a bill that got to the President's desk. So we are coming back once more to say: Let common sense prevail to fix the entanglement in the bureaucracy that is taking away opportunities for rural America. Let's put an end to that today.

I will defer to my colleague to speak, and then we will ask for unanimous consent.

I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I wish to thank the Senator from Oregon regarding this critical issue we have been working on for a considerable period of time and that thought we had really cleared on both sides. This language is mightily important to improving the rural economies of this country, particularly because it would expedite the HUBZone designation to allow businesses in those HUBzones to provide jobs by virtue of the fact that they would get preferential treatment in the contracting process.

As we know, the Federal Government buys more than \$400 billion worth of contracts each year. We want to make sure small businesses and particularly those located in hard-hit areas of our country have access to those contracting dollars and are able to participate on an equal footing.

This would create jobs. So I regret the fact that we are not able to get support to move this legislation forward because I know the Senator from

Oregon has tested it on both sides. We have run it through the hotline. There are no objections to the language. I cannot understand why we cannot move this very important legislation that absolutely would be central to creating jobs in the areas that need them the most throughout the country, especially when we have such a high unemployment rate.

This is not a difficult issue to understand. It is very straightforward. The legislation expedites the timeframe in which these designations occur for HUBzones, particularly because HUBzones are areas that are suffering most with respect to the downturn of this economy.

When we have a paltry economic growth of 1.3 percent, of .4 percent, or 2 percent, when we have an unemployment rate that is 8.6 percent but we have had 9 percent or higher for a good 28 months, and over 8 percent for the last 34 months, we need to do something about it. This could help small businesses, and it could help people in these areas who are currently unemployed. So I would hope there would be no objections with respect to this initiative.

I thank the Senator from Oregon for his leadership on this matter.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague.

The third sponsor on this bill is Senator LANDRIEU, the chair of the Small Business Committee. I yield to her.

Mr. KYL. Mr. President, I ask the indulgence of my colleague. If my colleague could make the unanimous consent request to which I can respond, then I can leave.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1874, the HUBZone Qualified Census Tract Act of 2011; that the Senate proceed to its consideration; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, there is objection on our side. I will object. But I do want to make a point that as a result of Senator SNOWE and Senator MERKLEY's intercession here, our staff has talked to Senator SHELBY, who says he will try to work to get it cleared and to hotline it again on our side today. So at this time, I cannot clear it, but there will be an effort to accomplish that result.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Arizona. We appreciate his help. We appreciate the ranking member of the Banking Committee assisting in this matter.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to add my voice to the strong work that has been done by Senator MERKLEY and Senator SNOWE. As the chair of the committee that has some jurisdiction over the HUBZone Program, I want to urge the Banking Committee and the staff and offer the staff of the Small Business Committee from the majority side to work very hard today to see if we can get this cleared. It is very important to the ranking member of our committee, who has worked so hard, and to the Senator from Oregon, who has made very strong arguments about expediting and streamlining some of these approvals, so I wish them the best.

We are going to work today to see if we can get it cleared. It would be the second really substantial victory in the Small Business space, having gotten our SBIR bill through just recently after 6 years of very acrimonious debate. If we can get this fix to the HUBZone Program, it would be terrific.

I thank the Senators for their hard work.

I yield the floor.

Mr. MERKLEY. Mr. President, I thank all of my colleagues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO TIM MASSANELLI

Mr. PRYOR. Mr. President, as we close out the year, I want to take today to honor the work and career of Tim Massanelli.

Last month, Tim stepped down from his position as parliamentarian of the Arkansas House of Representatives, a place where he has worked since 1973—39 good years of valuable public service.

When Tim first came to work for the Arkansas House of Representatives, things were much different than they are today. My longtime friend Dale Bumpers was our Governor and Richard Nixon was President. I was in the fourth grade.

Upholding the mantra of citizen legislators, the Arkansas House had no permanent employees and only a small support system in the Bureau of Legislative Research. With our Nation and state modernizing, full-time employees were needed in the house, and Tim was in the right place at the right time. He was also exactly the right man for the job.

Growing up in Pine Bluff, AR, Tim's family raised him to be civically engaged and active in his community—

traits he has since passed on to his three sons. With a background in small business and politics and an expertise in parliamentary procedure, Tim was a natural fit for the parliamentary position. However, he did not start there. His first session, he worked for the house soundboard. Tim, through his hard work and smarts and charismatic personality, transformed the office and role of parliamentarian. He took on the responsibility for making the house operations run as smoothly as possible, whether the legislature was in or out of session.

Naturally, the parliamentarian advises the speaker and all 100 members of the State's house about procedural matters. Tim did a great job of that over the years, but he became much more important to the body than that. During his time of service, 19 speakers of the house, 7 Governors, and over 1,000 members of the Arkansas House came to rely on Tim for his knowledge and skills in navigating the legislative process.

In years past, the Arkansas General Assembly was dominated by senior legislators with sometimes decades of experience each. When Arkansas adopted term limits in 1992, members could only serve three terms, so the constant turnover meant dramatically increased reliance on Tim's skills and knowledge. He established a more rigorous orientation for each new class of new legislators that taught them how to be good and effective representatives. Without his experience and insight, the Arkansas House and the current members would not be nearly as strong as they are today.

On a personal note, let me say this about Tim Massanelli: I consider him a friend. When I was a 27-year-old freshman representative, I was determined to learn the rules, and Tim was my teacher. You know the old saying that there is no such thing as a dumb question. Well, I put that to the test a few times. But he was a mentor, a counselor, a father figure, and he just took care of me. Truthfully, he made himself available to anybody who needed anything. I suspect that same commitment he has to others and to the institution he loves makes him the best deacon Our Lady of the Holy Souls Catholic Church has ever had.

He has helped me in many, many ways over the years, but I think the biggest favor he ever did for me was when he told me that his son Randy would be a good hire in the attorney general's office. We hired a lot of good people in that office, but everybody agrees that Randy Massanelli was the best hire I ever made. He is still the best hire I ever made. The qualities that make Randy so valuable to others were engrained in him by Tim Massanelli, and I bet Dottie had a little bit to do with that as well.

Whether it is his sense of humor, wise counsel, or his skills in parliamentary procedure, I know Tim's daily presence will be missed around the Ar-

kansas State House of Representatives. I wish him the best in his transition and thank him for his many years of service to the State of Arkansas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO MARY MIDDLETON

Mr. McCONNELL. Mr. President, I rise to pay tribute to a woman who was a dear friend of mine, now sadly departed, who was deeply committed to serving her community in northern Kentucky, and who left everything she touched a little better off than it was before she found it. I'm speaking of Mrs. Mary Middleton of Fort Mitchell, KY, who tragically died in an accident on November 22, 2011. She was 83 years old.

I know northern Kentucky would not be the same if not for the timeless dedication of Mary and her family over more than five decades. A community leader, philanthropist, lifelong adventurer and supporter of public service, Mary Middleton's loss is a great loss for the people of Kenton County and the entire Commonwealth of Kentucky.

Mary grew up in Wisconsin, although there's no doubt that after more than 50 years Kentucky was her home. As a young woman she was keen on traveling the world. Also a frugal woman, she attempted to do so on ten dollars a day. Somewhere in France she ran out of money and had to telegraph her father to send her some more.

Mary also went to work for the YWCA as a way to travel and have someone other than her father foot the bill. On a YWCA assignment in Hawaii, she met a young Naval officer named Clyde Middleton. The couple married, and when Clyde was transferred to Cincinnati by his employer Procter & Gamble, eventually settled in northern Kentucky.

"They got off the airplane and saw all the beautiful trees and said this is where we want to live," says their son, John Middleton, who is the Kenton County circuit court clerk. "And northern Kentucky is a much better place because she was here."

Mary was determined to make her mark early. In the 1950s, she ran for a Kentucky State House seat as a Republican, at a time in Kentucky when it was impossible to be elected unless you were a man and a Democrat. Thankfully, times have changed on both counts.

Mary did not succeed in that race, but she didn't let that stop her from having an influence. In 1960, she founded the Kenton County Republican Women's Club, an organization that is

still one of the strongest and most active of its type in the State. And Mary continued to be involved with the club until her passing.

Mary also played a critical role in supporting her husband Clyde's political career during his two decades of public service in the Kentucky legislature and as Kenton County judge-executive. And as I already mentioned, her son John is currently the Kenton County circuit court clerk. Public service runs in the Middleton family.

So has compassion for those who are less fortunate. Mary showed that compassion in so many ways—through her volunteer work with the Salvation Army, the Red Cross, Church Women United, and her home church of Gloria Dei Lutheran. Somehow she also found time to dedicate to the Covington Optimist Club and the Florence Woman's Club, as well as the Kenton County Republican Women's Club she founded.

The day before she died, Mary drove a cancer patient to treatment at St. Elizabeth Hospital, something she and Clyde had done for years. Mary was a teacher at the McMillan Center Alternative School. The Cincinnati Enquirer honored her in 1981 as a Woman of the Year.

This Christmas season, as Kentuckians flock to the shopping malls and stores, they will walk by the familiar Salvation Army red kettle and hear the bell. Sadly, one bell ringer who will be missing is Mary Middleton.

It's a testament to the effect she had on others that, within days of her death, dozens of volunteers in Kenton County stepped forward to fill the hole she left behind and ring that bell.

Elaine and I are profoundly saddened by the loss of Mary Middleton, and our deepest condolences go to her family: her husband, Clyde; her sons, John, David, and Richard; her daughter, Ann Schmidt; her eight grandchildren, and many other beloved family members and friends.

Mr. President, I know my colleagues here in the U.S. Senate join me in honoring Mrs. Mary Middleton, mourning her loss, and wishing for comfort for her family. The Cincinnati Enquirer recently published an article celebrating Mary's life. I ask be unanimous consent that it be printed in the RECORD.

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

[From the Cincinnati Enquirer, Nov. 23, 2011]

NORTHERN KENTUCKY MATRIARCH MARY MIDDLETON KILLED BY GARBAGE TRUCK

MARY WAS AN ORGANIZER, A LEADER, AND AN INSPIRATION TO ANYONE WHO MET HER

(By Brenna R. Kelly)

FORT MITCHELL.—No one was a stranger to Mary Middleton. Whether it was the people donating money as she rang the bell for the Salvation Army, the cancer patients she drove to treatment or the new family who moved onto her street—she cared.

Middleton, who was the first northern Kentucky Republican woman to run for office and later became a well-known philanthropist, was hit and killed by a garbage

truck Tuesday morning in front of the Fort Mitchell Avenue home where she lived for 52 years. She was 83. "She loved making people feel good," said her son John Middleton, Kenton Circuit Court Clerk. "I think that's what's going to be the loss, not just for us, but for the whole northern Kentucky community."

It was raining Tuesday morning about 10:20 a.m. when Mary Middleton apparently took a bag of garbage out to a Bavarian garbage truck on her street. Police were still investigating how the accident occurred, but the truck hit Middleton in the street.

Emergency responders called for a medical helicopter but it was unable to respond because of the weather. Middleton died at the scene. The driver of the truck was taken to St. Elizabeth Hospital to be tested for drugs or alcohol, which is routine after a fatal accident involving a commercial truck, said Fort Mitchell Police Chief Jeff Eldridge.

The driver, John Boaz, has worked for the company for 15 years, said Bavarian spokesman Rick Bruggemann. "Our deepest condolences and prayers go out to the family," Bruggemann said. Boaz, who has an excellent safety record, was devastated, he said.

Accident reconstruction experts from Erlanger Police and the Boone County Sheriff's Office are helping Fort Mitchell investigate the accident.

Middleton's husband, former Kenton County Judge-Executive Clyde Middleton, was at home when his wife was hit. He called John Middleton at work and word quickly spread across northern Kentucky Republican circles. As Mary Middleton's body lay in the street covered by a sheet and shielded by yellow tarps, family and friends began gathering at the red brick home near the Fort Mitchell Country Club.

One of those friends, Shawn Baker, rushed to the home to be with the family.

"I admired Mary more than any person I know," said Baker, of Crestview Hills, who was in the Kenton County Republican Women's Club and several other groups with Middleton. "She had so much class. Mary was an organizer, a leader, and an inspiration to anyone who met her."

Though she was better known as a political wife, it was Mary who made the family's first foray into politics. In the late 1950s she ran for state representative at a time when the area elected men and Democrats, said family friend and Kenton County Republican activist Rick Robinson.

She then supported her husband through his two decades in the Kentucky Senate and more than seven years in Kenton County's top job before he resigned in 1998 after a controversy involving the awarding of a courthouse construction bid.

"She was the perfect political wife too, she pushed Dad to do the things and to be nice to people when maybe he didn't want to be nice," John Middleton said.

Mary Middleton grew up in Wisconsin but was adventurous and left to travel the world. After trying to see the world on \$10 a day, she ran out of money in France and had to telegraph her father for money, her son said.

She went to work for the YWCA, which sent her to work in Hawaii where she met Clyde, a Naval officer. She followed him to Japan and the couple married.

Eventually, Clyde Middleton ended up working for Procter & Gamble in Chicago. When he was transferred to Cincinnati, the Middletons settled in northern Kentucky.

"They got off the airplane and saw all the beautiful trees and said this is where we want to live," John Middleton said. "And northern Kentucky is a much better place because she was here."

In addition to the Salvation Army, she volunteered for the Red Cross, Church Women

United, Kentucky Symphony and at her church, Gloria Dei Lutheran. She was also active in the Covington Optimist Club, the Florence Woman's Club and Kenton County Republican Women's Club, which she founded 51 one years ago.

In 1981, she was honored by the Enquirer as a Woman of the Year. She was also a teacher at the McMillan Center Alternative School.

"She was everybody's mother," said Kenton County Sheriff Chuck Korzenborn, a Republican who counted Middleton as one of his first supporters when he ran for sheriff. "She was a person who had only one thing on her mind, what was good for the community and the people in it."

"Mary's fine, she's with her maker and with the Lord. She's fine, but the people down here are going to miss her very, very much."

On Monday, Mary Middleton drove a cancer patient for treatment at St. Elizabeth Hospital, something that she and her husband had done for years. On Tuesday, she was planning her regular visit to a nursing home, where she sat with friends and strangers alike.

"She was truly a humble servant," said Becky Sittason, whose grandmother Middleton was planning to visit. "She doesn't have to flaunt it or say 'here is who I helped.'"

Sittason, who has known Middleton since she was 6, only found out she volunteered as a bell ringer when she read it last year in the newspaper.

Of all the organizations she was involved in, the Salvation Army was special to Middleton, said both Baker and her son. She helped organize the charity's annual fashion show and would line up volunteers to ring the bell along with her.

"She would never ask anyone to do something that she wouldn't do herself," Baker said.

Middleton rang the bell for more than 20 years and recruited her entire family for shifts at local stores.

"It just makes your Christmas to know you've done a little something for other people," she told the Enquirer last year.

In addition to her husband and son John, of Edgewood, she is survived by her sons David, of Lexington; Richard, of Independence; daughter Ann Schmidt, of Orlando; and eight grandchildren.

"Each one of the children could say that they felt special," John Middleton said, "and they were her favorite; that's because she made you feel that way."

"She always went out of her way to do what's right and to make everybody feel the best about themselves," he said.

When she died Tuesday, there was a note on her desk she had just written welcoming a family that had recently moved onto the street.

"She didn't know who they were," her son said, "but she wanted to make them feel welcomed. People don't do that as much now days, but she did."

Funeral arrangements are pending with Linnemann Funeral Homes.

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

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

## COMMENDING THE MINORITY LEADER

Ms. LANDRIEU. Mr. President, I wish to commend the minority leader for that beautiful tribute. I have been privileged to be on the floor several times when he has offered tributes to his constituents, and I always find them to be so beautifully written and delivered. I understand he writes them himself.

I was very touched by his memories of a special constituent. I wish him and all the people of Kentucky a great holiday season.

## HOMELAND SECURITY BUDGET

Ms. LANDRIEU. Mr. President, I wish to say a few words about the Homeland Security appropriations bill—one of the nine we approved this morning. I was proud to work with my ranking member, the Senator from Indiana, Mr. DAN COATS. I am very proud to work with the Senator from New Jersey, FRANK LAUTENBERG, who serves as honorary vice chair of the committee because of his seniority and expertise in this area. I wanted to put into the RECORD some facts about the bill.

This bill has been openly and publicly debated for almost 1 year. There are some very important components of the bill that I think are of great interest to the people we serve. First, the bill totals, for 2012, \$39.858 billion, slightly below \$40 billion. It is not one of the largest in our government, but it is neither the smallest. It is sort of in the midrange of departments, but it is a very important department—one just created, as you know, in the aftermath and the heartbreak of 9/11. It is a department that has had tremendous success in the 10 years but with a lot of growing pains. They had a lot of difficulty getting their feet underneath them and bringing in agencies from around the government to provide the frontline of defense against attacks to our homeland.

I commend Secretary Napolitano for the great work she has done in the last 2 years to strengthen this department, to make very tough decisions, which all our Administrators are having to make, about how to allocate resources and set priorities because we are reducing budgets. We are in the process of eliminating, trimming, and rescinding. That is very difficult because, frankly, almost everything we do on the Federal level is important to somebody, to some entity, to some State, to some business cluster or to some activity of the government. Despite the common refrain that there is a lot of waste, fraud, and abuse, the fact is, we have been shaving that, eliminating that substantially, over the last several years. Now we are down to the bone and muscle.

When you are defending a country, you need to have a lot of muscle. When you are defending a country, you have

to have a lot of brain power. Then you have to have a lot of backbone. That is what this bill represents, a lot of muscle and a lot of strength to defend our country. There is no guarantee we will not have another attack, but this is the bill that makes that less likely.

That is why I will fight, as chair of this committee, to strengthen it and to have reliable partners at the State and local levels because we cannot do this alone. We need our local police and our State governments' eyes on the ground, in neighborhoods—both in urban areas, as the Chair basically represents in Delaware—but we also need them out in rural areas, where we have very sophisticated and serious potential targets for terrorists in terms of power structure, power generation, electrical structure, energy structure, our ports, which are mostly in urban areas, but sometimes we will find a certain niche port somewhere out there sort of off the beaten path. We need to protect it all. So we have to be very careful, and the members of the committee worked very hard to allocate the \$40 billion that was given to us—\$39 billion—which was less than we got last year, in an appropriate way. It was less than we got last year, but the needs are greater.

Drug trafficking is increasing in Mexico, not decreasing. The pressures on our southern border are increasing, not decreasing. The need to expedite our travelers faster through the screening, both for commercial and vacation travel, is increasing, not decreasing. People think there is some kind of way we can come to Washington and wave a magic wand and make all these needs go down. Actually, as the needs are going up, we are flattening and cutting budgets, which makes it very difficult. My job—and I wish to get this point in—as an appropriator is made even harder, because despite the good work my ranking member has done on helping us to build this bill, as you know, the Republican caucus has been absolutely unmovable on putting any new money on the table—from any source.

We have tried, and the President has tried, to raise revenues from people making over \$1 million a year. Actually, you have to make over \$1 million to pay this surcharge. We have been unable to convince anyone on the other side—or very few—we have had one or two Republicans who have stood, and I am very proud of them—to say we have to put some more money on the table as we continue to cut programs to close the deficit gap and make sure we have the basics covered.

I think Senators MCCAIN and KYL think the basics are the border. They may be right, and I have supported them. We have added 1,000 new Border Patrol agents in the last year, but it costs money. We have had to find that money in this bill. So other things had to be reduced. I understand that. Businesses do that all the time. But businesses also need to sell more products and bring in more money. Businesses

also can increase the prices of products sometimes to bring in more revenue. We are having a hard time getting the other side of this body to understand that sometimes you have to bring in more revenue, as well as cutting, to make this work.

I am presenting a bill I am proud of, which is \$39 billion. It is going to be very difficult to go much further down and to continue to do that which I am going to outline that we do in this bill.

First of all, we spent a lot of time this year—because we had to—talking about disasters. This was the worst year on record for disasters in the United States—from fires in the West, to floods in the Mississippi, to hurricanes raking the Northeast, to tornadoes. We have just had our fill. The weather service, just last week, came out and said that this year, for the first time since they recorded this, we had over 12 disasters of over \$1 billion each. So this year, 2011, was a very tough year. Our members and I spent a lot of time talking about disasters, so I will not do that at this moment. We have done enough talk. We funded FEMA. It was a great victory for people who were looking for our help.

I wish to talk about what else the Homeland Security bill does because it is not just responding to disasters, which I am proud we took care of this morning. We also do a lot of other important work and fund a lot of other important entities in this bill, including securing our borders—the whole border—the northern border, the southern border and ports of entry. I think we have over 125. People don't realize this. They don't see it as they do if they live in Missouri or in Kansas or maybe even in Arkansas. They are not familiar with the borders along Texas or how big they are, and Arizona. But it is a lot of land that has to be covered, and it is the Federal Government's responsibility. It takes a tremendous amount of money to secure this border, but our country wants us to do that. So we have invested in more border agents, in better technology, and I am even trying to come up with some very cost effective ways to improve the physical infrastructure of the borders because not only do they serve to protect our Nation from people who should not come in, but we also have to get a lot of things across our border, such as all the commerce and traffic and vegetables and agricultural products and manufactured products that our businesses depend on to have good trade with Canada and Mexico.

With NAFTA, which is a very important trade foundation for our continent, we just can't close our borders and shut them down. We have to keep them open. America, unlike every other country in the world, is one of the only countries that both has to fight hard for our security but also remain open as a nation. This is a very hard thing to do. We have to have more research and technology, not less. We have to have smarter border crossings,

not the old-fashioned, out-of-date type. That is what our bill supports—or, I should say, we try to. We are having a very difficult time because no one will put a dime on the table. So we have to keep finding ways to do this.

We have to enforce our immigration laws. Everybody at home tells us they want the laws enforced. But it costs money to enforce those laws, and that is in this bill. As I said, we have to facilitate trade and protect our currency.

We also secure cyberspace, which is a whole growing enterprise in space that we are learning a great deal about. We will not be fighting wars the way we have in the past. Our enemies will be attacking us in very different and innovative ways—not army to army, navy to navy, or men and women on the battlefield, as we have become accustomed. They may be attacking our utility sector, trying to shut down our financial systems. We are so reliant and interrelated on all the digital networking. It is very frightening to think what could happen, and we have all been in classified briefings to understand what could happen. This bill helps protect all of our Federal agencies and businesses except for Defense. Defense protects themselves. Our bill has to protect the homeland and the private sector, and we have a long way to go—and not just big companies but small companies have to be protected, and we have to work in partnership with them.

Let me mention our TSA in aviation; we fund that. I also want to mention this for Louisiana: Our fishermen have had a terrible time. Maybe in Delaware and other places along the east coast and the west coast my colleagues will understand this. In the gulf, our fishermen are trying to make a living in the middle of hurricanes and oilspills and, in addition, we get crawfish and shrimp dumped from places such as China and Vietnam. So we need money in this bill to enforce those trade laws, and I stepped up and significantly enhanced that effort in this bill. I was proud to do it for the shrimping and fish industries in our country, and particularly along the gulf coast. So that is in this bill as well.

I might mention the Secret Service, which we have to support, in addition to the Coast Guard, Customs and Border Protection. There is a lot in our \$40 billion bill.

Let me just make one other point. We have eliminated \$204 million of rescissions in, as I said, low-priority programs. These were eliminated to spend money on high-priority programs. We have reduced administrative funding by over \$800 million, and we have reduced the headquarters account by almost \$100 million.

I am one to shave some of this money off of administration, but I can't go much further, and I will tell you why. This department is a hard department to manage, and it can't manage itself. Secretary Napolitano must have the resources at the administrative level to



manage a department that is only 10 years old, and that brings disparate agencies together to have them function.

We have seen what happens when we don't invest in management. We have seen what happens when we gut administration. We had a weak shell of FEMA show up after Katrina and just about ruined our efforts for recovery. We are never going to see that again. So I am committed to funding the FEMA administration and to funding the Department. We can cut, and we have made some cuts, but I am telling the other side we just can't keep cutting the administration and then turn around and expect the same agencies to ferret out fraud, waste, and abuse. We need good managers to do that and so we must continue to fund them.

I am proud I was able to include \$358 million for six Coast Guard Fast Response Cutters. Those happened to be built in Louisiana—I am proud of that—but the decision was made well before I got to be chair of this committee for that construction. I am proud to have funded that effort and to give the Coast Guard the upgrade of equipment they need to do the work we are asking them to do. Their work just continues to go up. They are a very popular part of our Federal Government. I think everyone loves the Coast Guard. We are very fond of them in Louisiana because we depend on them for so many things, and I think their fleet needs to be upgraded.

Some of these ships are built in other States—some of their infrastructure is in other States—and I am proud to support the Offshore Patrol Cutter. We included \$110 million for 40 response boats; another \$129 million for maritime patrol aircraft, mission pallets, and spares; and we have \$18 million to replace a helicopter that crashed. I could recite some other things, but we have tried to do our best by the Coast Guard, to upgrade the equipment they need to help us during this time.

We have also put in this bill—and I am very proud of this, and I hope the public will see some immediate improvements—250 machines for additional advanced imaging technology. We put in funding to pay for this so that people can get through those security lines faster. We are losing a lot of money as a nation with people stuck in lines, and it is just slowing down our productivity, which is important because our businesses need people to travel.

Of course, being from a State that depends on hospitality—our Presiding Officer just recently visited Louisiana, and we are grateful to him and his family for coming to spend some time with us. We would like everyone to come and spend some time in Louisiana—Lafayette, Baton Rouge. I know the Presiding Officer had a great time and spent some time in hotels and restaurants.

New York depends a lot on tourism, as does Nevada and California, and

many other States. When people get hassled too much while traveling, they just stop going. Now, we can't drive our cars everywhere we want to go. So making flying a little easier once again for the public, yet still safe, is something I most certainly want to work on.

Just a couple more comments and then I will close.

I want to commend the group in Louisiana at our Cyber Innovation Center. They received—not out of this bill but out of the Department—a very small grant to help with the improvement on training the workforce to be the cyber warriors we need them to be. We need to do that in Delaware, we need to do that in Louisiana, we need to do that in Texas, and we need to do it everywhere.

We are not educating and producing the graduates we need to be the cyber warriors of the future. We don't want to have our warrior force—as much as we are proud to have legal immigrants in our country—outsourced to India or China or Japan, to have their Ph.D.s or masters or degreed individuals come to do this work. We want to raise our own to do this work, and we can do that. I am proud to support some of those efforts in this bill.

Unfortunately, the tight spending limits necessitated deep cuts in first responder grant programs. While we were able to provide \$354 million above the House level for such grant programs, the final agreement cuts funding by 30 percent. I believe the Federal government has a responsibility to work with and assist State and local first responders in developing their capabilities to mitigate, prevent, and respond to all disasters whether they are natural disasters or terrorist attacks.

There are also significant cuts in science and technology activities. While we were successful in mitigating the excessive cuts contained in the House bill by restoring \$129 million, the agreement reduces spending by \$160 million below fiscal year 2011 levels. I believe that the Department of Homeland Security, like any successful business, must invest in science and technology to address evolving threats and I intend to make this program a priority going forward.

To minimize these reductions, the agreement includes \$204 million of rescissions of low priority programs, reduces funding in administrative accounts by over \$800 million and reduces Departmental headquarters accounts by \$9 million. The agreement also provides for the orderly termination of the Office of Counternarcotics Enforcement and the Office of Risk Management and Analysis, programs that are either redundant or poorly executed.

During our negotiations with the House, we were able to eliminate a number of objectionable language riders, including three immigration provisions that would have limited the Department's authority to enforce our immigration laws, a provision that

would have prohibited Transportation Security Administration employees from collective bargaining, and a provision that would have required TSA to reduce thousands of screeners and transition toward a private sector work force.

I am pleased that we were able to include in the agreement provisions that will: facilitate maintaining or hiring firefighters by local fire departments; allow FEMA to waive recoupment requirements for disaster survivors who, through no fault of their own, received overpayments as much as 6 years ago; extend the National Flood Insurance Program through May 31, 2012; and extend the authorities of the Chemical Facility Anti-Terrorism Standards program for 1 year. The agreement also includes a provision that gives States the flexibility to use FEMA hazard mitigation grant funding to reimburse homeowners for storm mitigation work originally completed with a Small Business Administration loan. This provision provides equity of benefits among disaster survivors.

The agreement includes funding for a number of critical investments that will enhance the department's capacity to respond to an evolving threat:

Coast Guard funding includes: \$358 million for six Fast Response Cutters; \$77 million for long lead time material for the sixth National Security Cutter; \$25 million for development and design of the Offshore Patrol Cutter; \$110 million for 40 Response Boat Mediums; \$129.5 million for two Maritime Patrol Aircraft, mission pallets, and spares; \$18.3 million to replace a helicopter that crashed in 2010; \$15.2 in response to the gulf coast oil spill, to enhance oil spill response capabilities, including 87 new positions; \$200.7 million for shore facility projects, infrastructure to support new assets, and military housing; and \$63.5 million for a new C-130J aircraft, by transfer from the Department of Defense.

Funding is included for the Transportation Security Administration for: 250 additional Advanced Imaging Technology machines with the capacity to protect people's privacy; 145 new behavior detection officers; 12 additional multi-modal Visible Intermodal Prevention and Response, VIPR, teams; 20 additional explosives detection canine teams; and 53 new positions to strengthen international air cargo security.

The agreement provides resources to Customs and Border Protection to support: 21,370 Border Patrol agents, sustaining the increased levels approved in the Fiscal Year 2010 Supplemental; 21,186 CBP officers working at the ports of entry, including 312 new officers and additional canine teams; \$5 million for officer and agent integrity programs, including polygraph testing; \$5 million to CBP to work within existing laws to increase collection of antidumping and countervailing duties and implement aggressive options to level the trade playing field for U.S. companies.

The agreement provides \$443 million for cybersecurity efforts, an increase of \$80 million above Fiscal Year 2011, of

which \$22.8 million is for cybersecurity education and awareness. The increase will continue efforts to combat the cyber threat by reducing points of access to Federal computer networks, enhancing intrusion detection through Einstein, and building a cybersecurity workforce through education and training.

So it remains the responsibility of each generation to make the necessary investments to secure our homeland. I take this responsibility seriously, and my members take it seriously as part of our Homeland Security Committee. We worked very hard to produce a good bill for the country. We are proud of this bill. It is about \$40 billion of their money. I hope they believe we are allocating it and spending it accordingly.

Mr. President, I look forward to the hearings we are going to have next year on some important topics, and I will close by wishing you and the staff and everyone here a merry Christmas and a happy and blessed holiday.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. RUBIO. I ask unanimous consent to speak for up to 15 minutes.

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

#### IMPACTS TO THE WESTERN HEMISPHERE

Mr. RUBIO. It is a pleasure to be here. This will be my last speech of the year. As I said yesterday in another speech, it has been an extraordinary honor and privilege to serve in the Senate. I look forward to the next 5 years of doing that, God willing. It is a phenomenal institution and I am proud to be a part of it, even though some days make you scratch your head.

I am here on two things before we close out the year. I have a specific interest on items that impact the Western Hemisphere.

I wish to take this opportunity to say that one of the real treats of the last year is being able to work with Senator MENENDEZ on the Western Hemispheric Committee. We share a lot of views in common, and even on the ones we don't we have a very cooperative working relationship. It has been a great experience working with him on that, and I look forward to more of that next year on that committee and with everyone on Foreign Relations.

I know there are a lot of big domestic issues happening, but the things around the world matter. They matter a lot to us. I know when times are tough economically, sometimes we wonder: Why should we care what is happening halfway around the world?

We are not Luxembourg, with all due respect to Luxembourg. We are the United States of America. What that means is that virtually every aspect of our life is directly impacted by things that are happening sometimes halfway around the world.

One of the things that is always in our interest is the promotion of freedom and democracy. It is one of the things that sets us apart from other nations. Our greatest export is the American example, the fact that people look to this country and see it is possible for people to have self-government.

I know self-government and this Republic sometimes look messy from the outside looking in. As I tell people often, if you saw the way some of your food is made, you wouldn't eat it. I think sometimes when you look at the political process and the lights that shine on it, there are some things about it and the process that I don't like and you don't like. But it is still better than virtually any other form of government that has ever existed on the Earth. We are all privileged and blessed to be able to live in this Republic. Any time we have the opportunity to speak out on behalf of democracy and freedom, we should.

I had, this week, the opportunity to engage on that issue, and I wish to publicly acknowledge the work of Under Secretary Sherman, who has spent a lot of time talking to me this week about Nicaragua and about elections in Nicaragua that were, in my opinion, fraudulent and unfortunate because the rest of the hemisphere is moving toward democracy, the rest of the hemisphere is moving toward free and fair elections. In Latin America, sometimes people whom we don't agree with win elections, people who don't like us, who believe the national interests of their country are contrary to ours. But the people chose them.

Unfortunately, what happened in Nicaragua is grotesque. This person Daniel Ortega, who was a Sandinista, who was once a dictator of that country, basically has ignored the Constitution and ran for office again. There were extraordinary irregularities. The Carter Center, for example, wasn't allowed to come in and observe it. The OAS has already talked about real problems with that election and we hope to see their report soon.

Let me publicly acknowledge the time and effort the Department of State spent talking to me on the phone about ensuring that the United States is a forceful voice on behalf of democracy and freedom in Nicaragua and in the hemisphere. I appreciate their work on that behalf, and I know we are looking forward to the OAS's report fairly soon.

Senator MENENDEZ and I have filed a resolution in this institution that I hope we will pass that recognizes the need for this country to stand firmly on the side of the Nicaraguan people on behalf of freedom and democracy.

There is another topic I touched upon the other day; that is, the people-to-people travel to Cuba. I kind of went through these itineraries a couple days ago that show basically what these trips are all about is nothing more than tourism—just tourism. It is just people going to Cuba.

The reason why this is problematic is because it gives money to the Castro government.

Today in the Miami Herald is a very disturbing article. The article is from Juan Tamayo, who is a reporter who writes for the El Nuevo Herald and Miami Herald:

Cuban dissidents have sent out photos and videos of a large police crackdown in the eastern town of Palma Soriano that left at least five government opponents with head wounds, black eyes and other injuries.

One photo of the Dec. 2 roundup of 46 dissidents shows Henry Perales with two wounds on his shaved head that required nine stitches to close. Another shows AbrahamCQ Cabrera with one stitch on his forehead.

"That wound bled a lot because it was on a blood vessel, but it was a kick to the ribs on the right side that made me fall to the ground. . . . It still hurts," Cabrera told El Nuevo Herald by phone from Palma Soriano.

The images were sent to the newspaper by Luis Enrique Ferrer Garcia, U.S. representative of the dissident Cuban Patriotic Union. His brother, former political prisoner Jose Daniel Ferrer Garcia, heads the Union and was one of the men arrested in the Palma Soriano crackdown.

Union members and supporters took two weeks to smuggle out the photos and the videos, via emails, because they had to work slowly and carefully to avoid police agents who were trying to find and seize the images, Luis Enrique said.

The Palma Soriano roundup was one of the largest and harshest police crackdowns on dissidents in recent years. All were freed hours or days later—one of them 12 days later—without charges.

Forty-six men had gathered in a Palma Soriano house starting on Nov. 30 with plans to stage a street protest two days later to demand the release of all political prisoners and respect for human rights.

Those sound like pretty reasonable requests to me, release of political prisoners and respect of human rights. This is what they were going to protest on behalf of.

Cell phone videos shot inside the house showed many of the dissidents saying they wanted to show they were not U.S. paid "mercenaries," as the government brands them, but rather "defenders of human rights."

The unidentified narrator of some of the videos referred to the police already deployed outside "and the repression that awaits us."

So these protesters knew what was about to happen. They have seen this before. This is what happens in Cuba when you speak out in favor of human rights and against political prisoners. You get your head cracked open. These guys knew this was going to happen, but yet they had the bravery to go forward with it.

Police indeed arrested the dissidents as they left the house in groups of four and five, and a video taken from a second-story balcony showed them punching some of the protesters and forcing them onto a U.S.-styled

yellow school bus parked at the end of the block.

Cabrera said the bus driver, dressed in civilian clothes, hit him as well as Perales and several other dissidents with a wrench once inside the bus.

The bus driver hit them with a wrench once they got inside the bus.

Other photos show dissidents Misael Valdes Diaz and Alexis Yanch OICQ with black eyes and Emilio Dinza with a large bump on his forehead. Other dissidents reported black and blues from police strikes.

Angel Moya, a former political prisoner who was reported beaten in a police station after his arrest in Palma Soriano Dec. 2, said police punched him on the way from the house to the school bus but not afterwards.

How nice of them not to punch him afterwards.

Moya said Friday that he spent 12 days in a police lockup, in a cell that was smelly and had no water or lights and that he shared with common criminals.

This is Cuba. I doubt this experience is something these tourists traveling on U.S. licenses are going to get to see on their next visit to Cuba.

The other day I talked about one of these visits that the United States has licensed called Ethics and the Cuban Revolution. How interesting—Ethics and the Cuban Revolution.

I wonder if part of that ethics course will be a part about schoolbus drivers dressed as civilians hitting protesters with a wrench. I wonder if that is part of their itinerary. I wonder if the part about cracking people's heads open because they are going to peacefully protest in the street is part of the itinerary in this Ethics and the Cuban Revolution.

Why do I bring this up again? No. 1, it is outrageous. It should be denounced, and this is a great forum to do it because the world needs to know what happens 90 miles from our shores. It is one of the most repressive regimes in the Western Hemisphere's history. It is still in place. It is still ongoing. But here is No. 2. Where do they get the money to pay these people? Don't you think those guys are getting paid, the civilian busdriver is getting paid to hit people with a wrench or do you think he is doing it for free? How are they paying these police officers? How do you get people to do this stuff? You have to pay them. Where do they get their money to pay them?

Their government is a fiasco. They don't know anything about the economy. Do you want to know why the Cuban economy is in the tank? It is because the people who run Cuba are incompetent. They have no idea about what a modern economy looks like or how to create one, apart from the fact that they cling to a broken ideology.

So where do they get the money to pay for all these things? Sadly, where they are getting a lot of the money to pay for these things is from us. It is from people who live in this country who are curious about what happens in Cuba, who are curious—and some who outright sympathize with this idea that somehow Cuba is this socialist

paradise—and they travel there and they leave money there. All these trips, Cuba gets a huge take, and they use it to fund this repressive apparatus.

As I said the other day, I understand and I don't have any false illusions that the President is going to change his travel policy toward Cuba or this people-to-people program. But at least make sure these programs are furthering what you say you are trying to further, which is bringing freedom and democracy to Cuba, instead of being a source of hard currency and hard revenue.

A few days ago, I denounced two specific itineraries. I didn't denounce 5 or 10; I pointed out 2 of the most outrageous ones on this floor in a speech I gave. Then I sent that to the State Department and said: Would you look at this for me? They responded that they would. They told me they would send me a letter. In fact, in conversations I had, they gave me great hope that in fact they too were troubled by these itineraries and that they would start to look at these more seriously.

Sadly, as a result of what they told me—because one of the things that has been going on around here is I had placed a hold on two nominations in the Western Hemisphere as a result of their inaction on this issue.

After I spoke to them on the phone, I was hopeful about it and I lifted those holds. We were going to vote on those today. Then I got this letter today that, to summarize, basically says: Thank you for your letter, but we can't talk to you about it.

That is not what I expected to get, and so we are going to hold those nominations again until we take this seriously.

This is a problem. This is a problem. We have these companies in America that are advertising tourism to Cuba—tourism that is not just a source of irritation, it is a source of hard currency. It is the money this regime is using to crack people's heads, to pay so-called busdrivers to beat people with wrenches. It is the money they are using to stick people in jails with common criminals, with no access to food or water for 12 days, without charges. We are funding a repressive regime through these practices, and it has to stop. Someone better take this seriously. When they take this seriously, then we can talk.

I hope where we are headed here in the coming year is that we will stand not just on the side of the Cuban people's desire for freedom and democracy—no political prisoners, respect for human rights—but stand for that in the hemisphere and the world, because our voice still matters, and I hope this country will always stand firm on those issues.

Before I left today, I wanted to stand on the floor and talk about this because it is something very important to me and should be important to our country. I hope in the coming year we

will have the opportunity in our Subcommittee on the Western Hemisphere and in this body and in our conversations with the White House and State Department to bring these programs into focus. This people-to-people program is a sham. Maybe they are very well intentioned but some of these trips are nothing more than tourism that plows millions of dollars into the hands of one of the most disgusting and grotesque, repressive apparatuses this hemisphere has ever seen, and it has to stop. Someone has to start cracking down on these people, someone has to start cracking down on these agencies, someone has to start cracking down on these trips, and make sure they do what they are intended to do, and that is real access to the ways of freedom, to the ways of opportunity, to opening the eyes of the Cuban people to the fact that the rest of the world does not live under what they live under—even though most of the Cuban people already know that.

It is time we start holding these people accountable. If they are filing these licenses under false pretenses, they need to be prosecuted, their licenses need to be suspended. They have to be barred from having these trips. We have to have people actively monitoring these itineraries that are being sold. We need to match their applications for these licenses, and we need to stop approving licenses for these tourist trips.

I hope we will make progress on that in 2012 and I hope that is what we will focus on in the year to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### BOARMAN NOMINATION

Mr. SCHUMER. Mr. President, let me wish you and your family and all those who work here a merry Christmas and happy new year. I hope God gives you and your families a very good, outstanding, happy, healthy new year.

I wish to speak on William Boarman's appointment as Public Printer, which has been held up for a year and a half, despite being reported out of the Rules Committee twice with unanimous bipartisan support. Earlier this year, because of the delays, he was appointed to the job on an interim basis by the President during a recess. During this year he has done an outstanding job as Acting Public Printer.

It is extremely unfortunate that this agency, which is so important to Congress, to the private sector printing industry, and to the country, will now be without an effective leader when Mr. Boarman's recess appointment expires after we adjourn, unless this Senate confirms his nomination at last.

He has moved quickly this year to make important financial and management improvements at the Government Printing Office. These include cutting costs with a buyout of 15 percent of GPO's workforce, which will save \$33 million annually; greatly reducing costs for overtime, travel, executive hires, and other discretionary costs; reducing GPO's overhead expenses; and negotiating successfully with the unions, resulting in a zero increase in salaries.

I might add, perhaps he is being held up because of his union background, but we have seen in his year as acting administrator that he has been fiscally extremely responsible and successful. Maybe he is better at doing this than other people would be.

He also has staff identifying nearly \$30 million in outstanding payments owed to the GPO by other Federal agencies and collecting almost \$15 million of that in a few months.

Mr. Boorman ordered the first survey ever of congressional offices on their need for printed copies of the CONGRESSIONAL RECORD, resulting in an 18-percent reduction in printed copies and more cost savings.

Mr. Boorman has aggressively pushed the GPO to extend electronic online publishing and databases, as Congress has asked. In short, he has already demonstrated he is the kind of competent, committed, experienced leader GPO needs.

The fact that we have not cleared this nomination is outrageous. The two Republican Senators who had holds on this nomination, holds that had nothing to do with concerns about Mr. Boorman but with other nonrelated nominations, finally released their holds yesterday. Now, today, some new obstacle has arisen on the Republican side. We know it is not an objection to Mr. Boorman himself but we have run out of time.

It is appalling when you get a public servant who cares about this government, in a nonpolitical place, the Government Printing Office, who has done an excellent job by all accounts—cutting costs, what we on both sides of the aisle want—and he gets held up. Instead of getting held up he should get an award for the job he has done. Yet he is held up and caught in the politics once again. It is so indicative of the dysfunction of our government. It is bothersome when someone works so hard and does a good job that his nomination can't get through for secret, undisclosed—it is hard to even figure out what reason.

I hope maybe before we leave today my colleagues on the other side of the aisle will look at Mr. Boorman's record—look at the unanimous vote he received in the Rules Committee; every Republican voted for him—and most of all look at what he has done in the Printing Office, and realizing without a leader many of these gains may be lost, costing all of us and the taxpayers millions of dollars, and maybe we will ap-

point him. Delay in this confirmation has shown the confirmation process at its worst and we are now in danger of losing this public servant whose work has produced the kinds of results we want.

I urge the Senate to confirm Mr. Boorman so that the GPO can continue to make progress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

#### EXTENSION OF MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. 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 PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### TRIBUTE TO PAGES

Mr. REID. Mr. President, as we know, very clearly, today is Saturday. But the Senate had some very important work to do today, so we stayed in session to present some issues to the American public that were extremely important. One was to make sure there would be no tax increase on millions of American families—in fact, 160 million.

We had a duty to be here, the Senators, but also other people had a duty to be here, and they are here. Four very dedicated pages are here today: Grace Mason, from Roanoke, VA; Kristina Biddle, from Hockessin, DE; Mitchell Bustillo, of Fort Worth, TX; and Zach Schroeder, from Clarksville, TN.

They didn't have to be here. They could be home with their families during this holiday season, as the other pages are. Instead, they stayed to help keep the Senate running smoothly. They didn't have to be asked. They volunteered.

We expect a lot of our pages, and I so appreciate their work. I have had two granddaughters who were pages—my two oldest grandchildren—and it actually changed their lives. I say that as seriously as I could say anything. Ryan and Mattie were not interested much

about government. They had other things to do as juniors in high school. But they came back here in this environment, where they saw us wandering around and making speeches and voting and they got interested in reading the newspapers and watching the news more intently. My two granddaughters now are both in France studying abroad. One is a junior at New York University, the other is a senior at The New School in New York. I mean it when I say their lives were changed as a result of this program. I not only heard it from these two young women, my granddaughters, but I have heard it from their parents, about what a significant change it made.

As I said, we expect a lot of the pages. They work long, hard hours, as do Senators and their staffs. So I want them to know, speaking for every Senator, the pages here are terrific. We appreciate their work. It is a tradition that has been here for a long time, and I will do everything I can to protect the pages and the work they do.

I thank them for their service and wish them the very best of everything in their next endeavor. But I am confident, as with Mattie and Ryan, their lives will have been changed as a result of their being here.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Nos. 67, 86, 108, 112, 258, 259, 260, 261, 262, 263, 264, 338, 339, 340, 344, 345, 346, 403, 413, 421, 422, 450, 456, 494, 495, 496, 499, 500, 501, 502, 503, 504, 505, 506, 507, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, and 543.

Of course, Mr. President, I am asking unanimous consent that these numbers I have just read—which all are human beings—and all nominations be placed on the Secretary's desk; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, we are ready and willing to move forward by consent with a package of nominations, with positions both in the executive and judicial branches; and just as soon as I receive confirmation from the administration that it will respect the practice and the precedent on recess appointments, we can get those people confirmed.

I look forward to receiving this confirmation from the administration so

we can go forward on this nominations package, but not having received that yet, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am disappointed that my friend objected, but I want the record to be spread with this:

We have done a good job on nominations the last couple of months. Actually, in the last 3 months, we have accomplished quite a bit. But I am kind of reminded of my days of being a younger man and running a foot race. I wasn't fast enough for the short races, so I ran long races. But unless I started fast, it was really hard to catch up. That is my concern about these nominations. We have started so slowly, I am not sure we can catch up. I hope we can.

Mr. MCCONNELL. Mr. President, I will say that there will be nominations we will be able to work our way through, but as I indicated, the particular package the majority leader just proffered as it is currently constituted will not be able to go forward because of our inability to receive from the administration the assurances that have been routinely given at this point with regard to recess appointments.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. As in executive session, I ask unanimous consent that the nominations received by the Senate during the 112th Congress, 1st session, remain as status quo notwithstanding rule XXXI, paragraph 6 of the Standing Rules of the Senate, with the following exceptions: Calendar Nos. 43, 67, 112, 185, 413, Presidential nominee 2, Presidential nominee 14, Presidential nominee 95, Presidential nominee 96, Presidential nominee 158, Presidential nominee 317, and Presidential nominee 653.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, January 23, 2012, at 4:00 p.m., the Senate proceed to executive session to consider Calendar No. 438; that there be 90 minutes for debate—60 minutes divided in the usual form and 30 minutes under the control of Senator SESSIONS; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar

No. 438; that the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. For everyone's knowledge, Mr. President, that is John Gerrard to be a district judge for the District of Nebraska.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 421, 503, 529, 530, 531, 532, 533, 534, 535, with the exception of COL Bradley D. Spacy; then 536, 537, 538, 539, 540, and all nominations placed on the Secretary's desk; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF STATE

Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State (Administration).

Michael Anthony McFaul, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

#### DEPARTMENT OF DEFENSE

Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army.

Michael A. Sheehan, of New Jersey, to be an Assistant Secretary of Defense.

#### IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. Merle D. Hart

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Lt. Gen. Frank Gorenc

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. Brian E. Dominguez

The following Air National Guard of the United States officer for appointment in the

Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203 and 12212:

#### To be brigadier general

Col. John P. Currenti

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

#### To be brigadier general

Colonel John D. Bansemer  
Colonel David B. Been  
Colonel Michael T. Brewer  
Colonel Thomas A. Bussiere  
Colonel Clinton E. Crosier  
Colonel Albert M. Elton, II  
Colonel Michael A. Fantini  
Colonel Timothy G. Fay  
Colonel Edward A. Fienga  
Colonel Steven D. Garland  
Colonel Thomas W. Geary  
Colonel Cedric D. George  
Colonel Blaine D. Holt  
Colonel Scott A. Howell  
Colonel Ronald L. Huntley  
Colonel Allen J. Jamerson  
Colonel James C. Johnson  
Colonel Mark D. Kelly  
Colonel Scott A. Kindsvater  
Colonel Donald E. Kirkland  
Colonel Bruce H. McClintock  
Colonel Martha A. Meeker  
Colonel John E. Michel  
Colonel Charles L. Moore, Jr.  
Colonel Gregory S. Otey  
Colonel John T. Quintas  
Colonel Michael D. Rothstein  
Colonel Kevin B. Schneider  
Colonel Scott F. Smith  
Colonel Ferdinand B. Stoss  
Colonel Jacqueline D. Van Ovost  
Colonel James C. Vechery  
Colonel Christopher P. Weggeman  
Colonel Kevin B. Wooton  
Colonel Sarah E. Zabel

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### To be major general

Brig. Gen. Michael J. Lally, III

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### To be brigadier general

Colonel John W. Baker  
Colonel Margaret W. Burcham  
Colonel Richard D. Clarke, Jr.  
Colonel Roger L. Cloutier, Jr.  
Colonel Timothy R. Coffin  
Colonel Peggy C. Combs  
Colonel Bruce T. Crawford  
Colonel Jason T. Evans  
Colonel Stephen E. Farmen  
Colonel John G. Ferrari  
Colonel Kimberly Field  
Colonel Duane A. Gamble  
Colonel Ryan F. Gonsalves  
Colonel Wayne W. Grigsby, Jr.  
Colonel Steven R. Grove  
Colonel William B. Hickman  
Colonel Christopher P. Hughes  
Colonel Daniel P. Hughes  
Colonel Daniel L. Karbler  
Colonel Ronald F. Lewis  
Colonel James B. Linder  
Colonel Michael D. Lundy  
Colonel David K. MacEwen  
Colonel Todd B. McCaffrey  
Colonel Paul M. Nakasone  
Colonel Paul A. Ostrowski  
Colonel Laura J. Richardson  
Colonel Steven A. Shapiro  
Colonel James E. Simpson  
Colonel Mark R. Stammer

Colonel Michael C. Wehr  
Colonel Eric P. Wendt

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Lynn A. Collyar

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Mary A. Legere

The following named officer for appointment to the grade indicated in the Army Nurse Corps under title 10, U.S.C., sections 3064 and 3069(b):

*To be major general*

Col. Jimmie O. Keenan

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE AIR FORCE

PN1093 AIR FORCE nominations (14) beginning CHRISTINE L. BLICEBAUM, and ending ABNER PERRY V. VALENZUELA, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1097 AIR FORCE nominations (16) beginning JOEL O. ALMOSARA, and ending ANNETTE J. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1145 AIR FORCE nominations (99) beginning KEITH ALLEN ALLBRITTEN, and ending GREGORY S. WOODROW, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1146 AIR FORCE nominations (4) beginning CHRISTON MICHAEL GIBB, and ending THAD M. REDDICK, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

##### IN THE ARMY

PN1147 ARMY nominations (4) beginning MICHAEL S. FUNK, and ending JOHN W. RUEGER, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1148 ARMY nominations (2) beginning JARROD W. HUDSON, and ending CHARLES B. WAGENBLAST, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1149 ARMY nomination of Kari L. Crawford, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1150 ARMY nominations (3) beginning HENRY H. BEAULIEU, and ending ERIC K. LITTLE, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1151 ARMY nominations (246) beginning DONALD B. ABSHER, and ending IRENE M. ZOPPI, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1152 ARMY nominations (61) beginning JAMES S. ARANYI, and ending MARK A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1153 ARMY nominations (166) beginning MITCHELL J. ABEL, and ending THOMAS M. ZUBIK, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1154 ARMY nominations (2) beginning NANCY L. DAVIS, and ending SHEILA

VILLINES, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1155 ARMY nomination of Genevieve L. Costello, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1156 ARMY nominations (2) beginning ROBERT J. NEWSOM, and ending RICHARD Y. YOON, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1157 ARMY nominations (2) beginning RICHARD A. DANIELS, and ending STEPHEN M. LANGLOIS, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1158 ARMY nominations (2) beginning ARTHUR E. RABENHORST, and ending STEVEN J. SVABEK, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1159 ARMY nomination of Harvey D. Hudson, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1160 ARMY nomination of William H. Carothers, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1178 ARMY nominations (95) beginning TODD S. ALBRIGHT, and ending D001765, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2011.

PN1179 ARMY nominations (21) beginning LARRINGTON R. CONNELL, and ending RICARDO J. VENDRELL, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2011.

##### FOREIGN SERVICE

PN969 FOREIGN SERVICE nominations (151) beginning John Ross Beyrle, and ending Daniel J. Weber, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN1005 FOREIGN SERVICE nominations (201) beginning Timothy M. Bashor, and ending Rafaela Zuidema, which nominations were received by the Senate and appeared in the Congressional Record of October 3, 2011.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1176 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning Benjamin M. Lacour, and ending Brian D. Prestcott, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2011.

##### IN THE NAVY

PN916 NAVY nomination of Andrew K. Ledford, which was received by the Senate and appeared in the Congressional Record of September 6, 2011.

PN1161 NAVY nomination of Matthew R. Loe, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1162 NAVY nomination of Thomas P. English, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1163 NAVY nominations (46) beginning RICHARD A. ACKERMAN, and ending ADAM I. ZAKER, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

##### PUBLIC HEALTH SERVICE

PN1112 PUBLIC HEALTH SERVICE nominations (178) beginning Jose G. Bal, and ending Kendra J. Vieira, which nominations were received by the Senate and appeared in

the Congressional Record of November 8, 2011.

Mr. LEAHY. Mr. President, with the conclusion of the first session of the 112th Congress, the Senate Republican leadership has cost us the opportunity to take long overdue steps to address the serious vacancies crisis on Federal courts throughout the country. With one out of every ten Federal judgeships vacant we can and should be doing all that we can to consider and confirm judicial nominations without unnecessary delays. Regrettably, Senate Republicans have chosen instead to continue their tactics of unexplained delay and obstruction and to repeat their damaging decision at the end of last year to refuse to consent to votes on even consensus judicial nominations. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

There are 21 judicial nominees awaiting final Senate action, all but two of them reported with significant bipartisan support, 16 of them unanimously. That means nearly every judicial nomination can and should be confirmed before the Senate adjourns. Yet, the Senate's Republican leadership is repeating the terrible practice at the end of last year in which 19 judicial nominees were blocked by Republicans and stalled at the end of the year. It then took until June to take action on 17 of those nominees.

The recent filibuster of the D.C. Circuit nomination of Caitlin Halligan, a highly-regarded appellate advocate with the kind of impeccable credentials in both public service and private practice that make her unquestionably qualified to serve on the D.C. Circuit, set a new and damaging standard. By refusing to consent to votes on consensus nominees before the end of the session, Senate Republicans are setting another damaging standard that will make it difficult for future Presidents of either party to fill judicial vacancies.

I am speaking about the kinds of qualified, consensus nominees who in past years would have been considered and confirmed by the Senate within days of being reported with the support of every Democrat and every Republican on the Judiciary Committee. Yet, due to Republican refusal to give consent, it will take many months for the Senate to confirm them to start serving on the Federal bench. Meanwhile, millions of Americans who are served by the Federal courts in those districts and circuits are left with overburdened courts and unnecessary delays in having their cases determined.

All of these consensus nominees have been through an extensive evaluation process before being reported to the Senate for final approval. Senator GRASSLEY and I have ensured all of these nominees were fully considered by the Judiciary Committee after a



thorough, fair process, including completing our extensive questionnaire and questioning at a hearing. Before each of these nominees was selected by the President, the White House worked with the nominees' home state Senators who support them, the FBI completed an extensive background review, and each nominee was reviewed by the American Bar Association's Standing Committee on the Federal Judiciary. When the nominations have been approved by the Judiciary Committee after this thorough process, there is no reason for the Senate failing to vote on them before the end of the session.

It is wrong to dismiss the delays resulting from the Senate Republicans' obstruction as merely political tit for tat. This is a new and damaging tactic Senate Republicans have devised. They are stalling action on noncontroversial nominees. Meanwhile, millions of Americans across the country who are harmed by delays in overburdened courts bear the cost of this obstruction. Nearly half of all Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate Executive Calendar. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should be helping to fill these multiple, extended judicial vacancies before adjourning.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who are seeking their day in court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait for three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

With almost one in nine Federal judgeships currently vacant, the Senate should have come together to address the serious judicial vacancies crisis on Federal courts around the country. Bill Robinson, the president of the American Bar Association, warned recently in a letter to Senate leaders that excessive vacancies and high caseloads "deprive . . . our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes." Justice Scalia, Justice Kennedy and Chief Justice Roberts have also warned of the serious problems created by persistent judicial vacancies. This is an issue affecting hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

If caseloads were really a concern of Republican Senators, as they con-

tended when they filibustered the nomination last week of Caitlin Halligan to the D.C. Circuit, they would not have blocked us from voting to confirm consensus nominees to fill judicial emergency vacancies. They would have consented to consider the nomination of Judge Adalberto Jordan of Florida which was reported unanimously on October to fill a judicial emergency vacancy on the Eleventh Circuit. He is a well-respected Federal judge and his nomination is strongly supported by Florida's Republican Senator, Mr. RUBIO. Yet, despite the judicial emergency Republicans continue to delay consideration of that nomination. If they were really concerned with caseloads, they would have consented to move forward to confirm Judge Jacqueline Nguyen of California, a well-qualified nominee to fill a judicial emergency vacancy on the Ninth Circuit, the busiest Federal appeals court in the country, with judges called upon to handle double the caseload of the other Federal circuit courts. Her nomination was reported unanimously by the Judiciary Committee and needs only a final vote by the Senate. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after the Republican filibuster of Goodwin Liu.

If they cared about caseloads, they should also have consented to votes on the nominations of David Nuffer to the District of Utah, Michael Fitzgerald to the Central District of California, Gregg Costa to the Southern District of Texas, and David Guaderrama to the Western District of Texas, all nominations to fill judicial emergency vacancies. Instead, those vacancies will not be filled for several more months.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider these consensus judicial nominees. The secret holds and obstructive blocks remind me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration. When I became Chairman in 2001 and made the Committee blue slip process public for the first time and worked to confirm 100 judicial nominees of a conservative Republican President in 17 months, I hoped we had gotten past these partisan tactics. I am disappointed after working for more than a decade to restore transparency and fairness to the process of considering judicial nominations that we see the Senate Republicans again using anonymous holds to block progress at filling judicial vacancies.

The actions of the Senate Republican leadership today to block action on 18 qualified, consensus judicial nominations mirrors their action last year when they stalled consideration of 19 judicial nominations that had been reported by the Judiciary Committee and

were ready for final Senate action at the end of last year. That was an abusive exercise in unnecessary delay that I believe was without precedent with respect to such consensus nominees. In contrast, Democratic Senators proceeded to up or down votes on all 100 of President Bush's judicial nominations reported by the Judiciary Committee during his first two years in office, and all 100 were confirmed before the end of the 107th Congress.

I had hoped and urged that such damaging obstruction not be repeated. I had urged that before we adjourned the Senate at least consider the 18 judicial nominees voted on by the Judiciary Committee who are by any measure consensus nominees. With vacancies continuing at harmfully high levels, the American people and our Federal courts cannot afford these unnecessary and damaging delays. It took until June of this year, halfway into 2011, to consider and confirm 17 of the nominations that could and should have been considered before the end of 2010. Yet Senate Republicans are employing the same destructive tactics.

For the second year in a row, Republicans have rejected the Senate's traditional longstanding practice of considering all of the consensus nominations before the end of the Senate session, setting a standard that before they did it last year was without precedent. We consented to consider all of the consensus nominations at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar.

That is also what we did at the end of President George W. Bush's third year. Although some judicial nominations were left pending, they were among the most controversial, extreme and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed this year. Had we done so, another 18 judges would have been confirmed.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. Nearly 3 years into his first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly 9 out of every 10 nominees he sent to the Senate over two terms. That was a

higher percentage of judicial nominees confirmed than President Clinton achieved and is far higher than President Obama's nominees.

Despite Senate Democrats joining Senate Republicans in confirming a high percentage of President Bush's judicial nominees, Republican Senators continue to point to the handful of President Bush's nominees who were not confirmed to justify their across the board delays and obstruction of President Obama's nominees. During their filibuster last week of Caitlin Halligan, President Obama's first nominee to fill the 9th seat on the D.C. Circuit, we heard several Republicans seek to justify the misguided filibuster by pointing to the fact that Peter Keisler was not confirmed to fill the 11th seat on that same court. Their selective recollection omits that the Senate did confirm four of President Bush's D.C. Circuit nominees, twice filling the 10th seat and once the 11th.

In her recent column on the New York Times website, Linda Greenhouse wrote about how low the judicial confirmation process has sunk with the Caitlin Halligan filibuster and the disparate treatment of President Obama's nominees. She wrote:

But it seems to me that this tit-for-tat goes only so far. President Bush succeeded in putting four decidedly conservative nominees on the D.C. Circuit. Three remain there today: Janice Rogers Brown, Thomas B. Griffith, and Brett M. Kavanaugh. The fourth was John G. Roberts Jr. It was his seat, which Chief Justice Roberts vacated on Sept. 29, 2005, to which Ms. Halligan was nominated. True, the Republicans didn't get everything they wanted. But they seem determined to make sure that President Obama gets nothing.

I ask unanimous consent that a copy of Ms. Greenhouse's column be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Mr. President, we remain well behind the pace set by the Senate during President Bush's first term. By the end of his first term, the Senate had confirmed 205 district and circuit nominees, had already confirmed 168 by this point in his third year, and had lowered judicial vacancies to 46. In contrast, the Senate has confirmed only 124 of President Obama's district and circuit nominees, leaving judicial vacancies at more than 80. The vacancy rate remains nearly double what it had been reduced to by this point in the Bush administration. Senate action on the 18 consensus judicial nominations pending before the Senate as it ends its session would have gone a long way to helping resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

When the Senate returns in January, I hope that Senate Republicans will abandon these destructive practices and join with us to confirm the quali-

fied, consensus judicial nominations they have stalled. This cycle of unnecessary delays must end.

#### EXHIBIT 1

[From the New York Times, Dec. 14, 2011]

ROCK BOTTOM

(By Linda Greenhouse)

Now that another highly qualified judicial nominee has been left as road kill, the question is how much lower can the confirmation process sink.

I'm referring to the defeat, by filibuster, last week of Caitlin J. Halligan, President Obama's nominee to the United States Court of Appeals for the District of Columbia Circuit. I last wrote about Ms. Halligan back in April, at which point her nomination had been pending for more than six months. Now it's dead, on a nearly party-line vote, the Democratic leadership having fallen six votes short of the 60 needed to invoke cloture.

The only Republican to break ranks was Senator Lisa Murkowski of Alaska, who won reelection as a write-in candidate and so owes nothing to her Republican bosses. No such independence was shown by the two Republican senators from Maine, Olympia J. Snowe and Susan Collins, so-called moderates whose efforts to explain their votes against permitting Ms. Caitlin's nomination to come to a vote (a simple majority would have approved it) were so contorted as to be barely comprehensible. (Senator Collins mumbled something about needing to shrink the appeals court, failing to note that the Republicans invoked no such workload-related compunctions when they filled not only the ninth seat, to which Ms. Halligan was nominated, but the tenth as well. There are now three vacancies on the 11-member court.)

Back in May, Senator Murkowski was also the only Republican to vote to end the filibuster against Goodwin Liu, whom President Obama had nominated to the United States Court of Appeals for the Ninth Circuit, in San Francisco. (Now Justice Liu, the former Berkeley law professor may have the last laugh; Gov. Jerry Brown promptly named him to the California Supreme Court.) At 41, Mr. Liu, a Rhodes scholar and former Supreme Court law clerk, is a leading progressive legal scholar of his generation. Although the Republicans came up with other rationales for opposing him, including his Senate Judiciary Committee testimony six years ago against the Supreme Court confirmation of Samuel A. Alito Jr., the actual reason was that they couldn't stand the thought of a young, super smart, energetic liberal sitting on the appeals court, in the launch position to become the first Asian-American on the Supreme Court.

Mr. Liu is a friend of mine. I applauded his nomination and was distressed at its fate. But since I don't believe that judges are simply umpires who call balls and strikes, I get the role of ideology in evaluating judicial nominees. What I don't get is what happened to Ms. Halligan, whom I've met only once or twice. She has no ideological markings other than those that identify her with the mainstream of the New York legal establishment, within which, following a clerkship with Justice Stephen G. Breyer, she has made a spectacularly successful career in both the public and private sectors. She was solicitor general of New York State; head of the appellate practice at a major law firm; and is now general counsel to the Manhattan district attorney. She has argued before the Supreme Court five times. Her 45th birthday was Dec. 14.

This was not a fight over ideology. It was an effort to keep the president from filling a

seat on what is not just another appeals court. The D.C. Circuit is not just a federal court but a national one, with jurisdiction over federal regulatory initiatives and habeas corpus appeals by Guantanamo detainees. Next month, it will hear a potential landmark case on the constitutionality of the Voting Rights Act. Its caseload may not be huge, but its cases tend to be dense, tough and vitally important.

When pressed on their treatment of Ms. Halligan, Republicans typically invoke President George W. Bush's two nominees whom the Democrats blocked from the D.C. Circuit, Peter D. Keisler and Miguel A. Estrada, both highly qualified and both prominent conservatives. (The classy Mr. Estrada wrote to the Judiciary Committee in support of Ms. Halligan, as did two dozen other members of leading law firms.)

But it seems to me that this tit-for-tat goes only so far. President Bush succeeded in putting four decidedly conservative nominees on the D.C. Circuit. Three remain there today: Janice Rogers Brown, Thomas B. Griffith, and Brett M. Kavanaugh. The fourth was John G. Roberts Jr. It was his seat, which Chief Justice Roberts vacated on Sept. 29, 2005, to which Ms. Halligan was nominated. True, the Republicans didn't get everything they wanted. But they seem determined to make sure that President Obama gets nothing.

Across the federal judiciary, confirmation has been proceeding at a slow crawl. This week, the Judiciary Committee held a scheduled confirmation hearing that could have accommodated five nominees. But because Republican senators claimed not to be finished reading the F.B.I. files of four of the nominees, only one, Paul J. Watford, nominated for the Ninth Circuit, was able to appear for his hearing. Nominees who clear the committee without opposition have to wait months for a floor vote because the Republicans won't agree to a speedier schedule. Of 21 nominees now awaiting floor votes, 18 had no committee opposition, but only a handful, at most, will get a vote before the Senate recesses for the year.

Just when news on the judicial front could not get more discouraging, I came across something truly bizarre, a position paper by the new front-runner among Republican presidential candidates, Newt Gingrich. Under the title "Bringing the Courts Back Under the Constitution," Mr. Gingrich launches a 28-page attack on "lawless judges" who need to be reined in "if we are going to retain American freedoms and American identity."

The document, he writes, "serves as political notice to the public and to the legislative and judicial branches that a Gingrich administration will reject the theory of judicial supremacy and will reject passivity as a response to Supreme Court rulings that ignore executive and legislative concerns and which seek to institute policy changes that more properly rest with Congress." By rejecting passivity, Mr. Gingrich means impeaching judges for "unconstitutional" rulings or, failing to muster the two-thirds majority necessary for impeachment, simply abolishing their positions.

Much of the document is a grab bag of long familiar right-wing talking points (Judges who acknowledge foreign law? A threat to "American sovereignty!") It is also just plain sloppy, misspelling Justice Ruth Bader Ginsburg's name throughout. But truly head-spinning is the tenuous hold that this screed, from a onetime history professor, has on American history.

Mr. Gingrich writes that the contemporary "power grab by the Supreme Court" is a "modern phenomenon and a dramatic break from all previous American history." (Anyone remember the court's response to the

New Deal?) Rebuking the court for substituting its will for that of Congress is downright strange, given that it is the Republicans who have run to the federal courts, imploring judges to strike down the Congressionally enacted Affordable Care Act.

Perhaps strangest of all is Mr. Gingrich's attack on *Cooper v. Aaron*, the court's celebrated response to the Little Rock school crisis of 1958. The unanimous opinion, signed individually by all nine justices for emphasis, held that Arkansas and all other states were bound by the court's interpretation of the equal protection guarantee four years earlier in *Brown v. Board of Education*. *Cooper v. Aaron* was, as Justice Breyer writes in his recent book, "Making Our Democracy Work," essential in its time and part of the "hard-earned victory for the rule of law" that the Little Rock story became. Newt Gingrich is unmoved. *Cooper v. Aaron*'s assertion of the Supreme Court's authority, he writes, was "factually and historically false."

Thinking back to Ms. Halligan's failed nomination, I actually don't disagree with everything in Mr. Gingrich's manifesto. Four words in boldface type on page 20 caught my attention: "Electing the right Senators."

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### IRAQ WAR AND BELARUSIAN ELECTION CRACKDOWN

Mr. DURBIN. Mr. President, I rise to comment on the U.S. war in Iraq, which thankfully is coming to an end this month. Secretary of Defense Leon Panetta made this historic declaration on Thursday at a formal ceremony in Baghdad.

This means many things to many people, but I am certain that it can't mean more than to the families of the brave men and women who will be coming home for the holidays—home from Iraq for good. To those men and women I would like to say: We are proud of what you have accomplished—you deposed a dictator and gave the people of Iraq a singular opportunity to chart their own future.

And to the families of these brave servicemembers, thank you for the loneliness and longing that you endured while your loved ones were away. And to those whose loved ones did not return, one can hardly imagine your loss.

The United States has been at war in Iraq for almost 9 years. President Obama made a promise to bring this war to a close—and I am proud to say he delivered on that promise.

Tens of thousands of troops have handed over security responsibilities to their Iraqi counterparts. The U.S. Embassy in Baghdad will take the leading role, continuing our engagement through diplomatic channels. Our remaining 4,000 troops will be home by the end of the year.

Whether you voted for or against the initial authorization for war—and I was one of the 23 to vote against it—we can all agree that its toll has been higher than many could have imagined.

The disproportionate strain this war placed on our servicemembers and their families has been enormous—at times almost unbearable—in back-to-back deployments, in post-traumatic stress, lost loved ones, and debilitating injuries.

Many are living with life-changing injuries.

Nearly 4,500 American service men and women have paid the ultimate price for their country, including 116 brave men and women from Illinois. Another 1,100 Illinoisans have been wounded physically—just some of the tens of thousands nationwide. Untold numbers still suffer from post-traumatic stress and traumatic brain injuries.

And many brave civilians in our Foreign Service and NGO and contractor communities also suffered death and injury.

Incredibly, more than 1.5 million Americans served in Iraq. It has cost the country almost \$1 trillion—considerably more when we factor in the long-term costs related to the war.

But even as we bring our military deployment in Iraq to a close, it is important to remember that two critical commitments remain.

The first is the commitment to our men and women in uniform. They have sacrificed so much for the Nation they love—sometimes everything—and we will not retreat from the sacred pledge we make to each and every servicemember to provide for their needs and for the needs of their loved ones.

As President Obama said this week:

In America, our commitment to those who fight for our freedom and our ideals doesn't end when our troops take off the uniform.

The second is the enduring political commitment that the United States continues to make to Iraq as a partner and ally and to the Iraqi people. Iraq has also paid a high price—over 10,000 Iraqi soldiers and police lost their lives in the war, and over 100,000 civilians. And Iraq still faces significant leadership and governance challenges on the path to a stable and peaceful future.

Yet, ultimately much of this future will depend on Iraqis and their political leadership. We have given them a unique—a historic—opportunity to govern themselves with tolerance, openness, and freedom.

We have done that with the precious blood and treasure of our Nation.

We hope that in the end Iraq will follow this path—that it will be an ally to the United States and a responsible democratic voice in the region.

Through Foreign Service Officers at our Embassy, USAID projects around the country, or U.S. foreign assistance—America will continue to stand with our Iraqi allies in the years ahead.

Mr. President, amid this hopeful news that the Iraq war is over, I want to also mention the 1-year anniversary of a brutal election crackdown last December 19 in Belarus.

I, Senator LIEBERMAN, and others have come to the floor a number of

times this year to talk about the tragic events of that day—the barbaric crackdown that ensued and that continues today.

Last December, after decades of misrule by Belarusian strongman Alexander Lukashenko, there was a glimmer of hope that perhaps this last dictator of Europe would ease his authoritarian regime and finally allow the Belarusian people to freely choose their own President in an honest and open election.

Tragically, those hopes were quickly dashed when Lukashenko claimed another term as President amid elections described by international monitors as seriously flawed.

Lukashenko ordered his police force—incredibly still called the KGB—to brutally suppress opposition candidates, activists, and supporters who gathered in protest on election night in Independence Square in downtown Minsk.

Most of the political opponents who ran against him, along with hundreds of their followers, were arrested. Those with suspected ties to democratic parties and groups, human rights organizations, and what remains of the independent media in Belarus were targeted by the KGB for months afterward.

I visited Belarus just weeks following the so-called elections. I met with many of the family members of the jailed activists. Their stories were heartbreaking. Missing fathers, mothers, sons, and brothers—locked away in a Belarusian jail for the crime of running for public office or peaceably protesting a rigged election.

Too often those detained were tortured and denied basic legal rights.

But that wasn't enough for Lukashenko.

Families of the detained were also harassed and Lukashenko even had the temerity to try to seize the 3-year-old son of two activists he had imprisoned on bogus charges.

Listening to these heart-wrenching stories, I couldn't believe that such Soviet-era tactics were still being used in Europe today.

Lukashenko's actions this past year have pulled the country into isolation and made it the subject of international scorn.

Our Nation has joined efforts with the European Union to toughen sanctions on Belarus, including freezing the travel and assets of Lukashenko and his enablers and henchmen.

I worked with Senators LIEBERMAN, CARDIN, MCCAIN, KIRK, and others earlier this year to introduce S. Res. 105, which passed unanimously, condemning the sham elections and calling on the Belarusian regime to release all political prisoners.

The resolution also called for new elections in Belarus that meet international standards, supported the tightening of sanctions against the Belarusian state-owned oil and petrochemical company, and urged the

International Ice Hockey Federation to suspend the 2014 Ice Hockey Championship in Minsk until all Belarusian political prisoners are released.

Let me add that former National Hockey League Hall of Famer and EU Parliamentarian Peter Stastny; chair of the House Hockey Caucus, Representative MIKE QUIGLEY; and I wrote to International Ice Hockey Federation President René Fasel urging him not to give the dictatorial Lukashenko regime the prestige afforded by the World Ice Hockey Championship while political prisoners continue to languish in his KGB prisons.

So far the federation has ignored this commonsense appeal.

Today, a year after the election crackdown, at least 60 candidates and/or activists remain imprisoned or face harsh restrictions on their freedoms, including limits on their travel, the ability to work in certain professions, and to freely participate in the political process.

For example, Presidential candidate Andrei Sannikov remains in a KGB jail. His family—which is granted only sporadic contact with him—suspects that he has been tortured and pressured to sign a letter asking for pardon.

Mikalai Statkevich, Zmitser Dashkevich, Eduard Lobau, Paval Seviarynets, and Zmitser Bandarenka—just to name a few—are also still in jail for their participation in demonstrations during and after the December elections.

I hope the Ice Hockey Federation's corporate sponsors for the Minsk championship also recognize the potential stain to their image by sponsoring this event while Lukashenko continues to imprison and torture these innocent people.

On the 1-year anniversary of the brutal crackdown we must not forget the Belarusian people and those detained who only wished to exercise their basic rights of free speech and expression. That is why I am pleased to see that just this week the Senate passed the Belarus Democracy and Human Rights Act of 2011, which I hope the House will do as well before we break for recess.

Through legislation such as this and unwavering pressure on the Lukashenko regime to open its political system, the people of the United States will continue to stand by the Belarusian people and support them in their efforts to bring justice to their country.

#### EXPIRING TAX PROVISIONS

Mr. BAUCUS. Mr. President, in only two weeks, many critical tax incentives will expire. These provisions are vitally important to many families and businesses. Once again, Congress is leaving town without taking care of business. Once again, Congress is creating uncertainty. During these tough economic times, uncertainty in the tax arena is the last thing that Americans need.

Today families are struggling because of lost jobs and high costs. Extending expiring tax incentives will help many American families get through these tough times.

For example, with the rising cost of a higher education, families need help to cover their costs. The Tax Code includes a tuition deduction to assist college students with the rising cost of tuition. In 2009, about 2.4 million families took this much needed benefit.

Also expiring is a provision that gives tax relief to the people that we trust with America's future, our children. Many teachers dedicated their lives to educating our young people. To further this endeavor, teachers take money from their own pockets to buy supplies for the classroom. Many do not get much help with these costs. The least we can do is provide a little tax relief. This bill would extend the teacher expense deduction. Over 3.8 million families took this deduction in 2009.

There are also several provisions expiring that benefit American businesses. Without the tax incentives, businesses will have less certainty and fewer tools to compete in the global arena. This will further hamper job creation and growth.

One such incentive is the research and development credit. The provision rewards companies that strive to create new and improved products and services by performing research and development. The extension of the R&D credit is essential to American businesses being competitive in the global market. The extension of the R&D credit will boost America's economy and create good-paying jobs.

There are also several provisions expiring that incentivize businesses to invest in alternative fuel sources. For example, the dollar-per-gallon credit for biodiesel and renewable diesel helps move us to a cleaner and more energy independent future.

These are just a few of the provisions that must be renewed each year. Members on both sides of the aisle worked hard to extend these and many other provisions before the end of the year. We must continue to work to get these provisions extended so that American businesses and families can continue to receive these tax incentives. We must not keep people in limbo. That is one of the very first and highest priorities we have when we come back in session in January.

I have been working with ranking member Hatch for more than a year now on broad-based, fundamental tax reform. That reform is much needed and long overdue. A bedrock principle for reform is to increase the certainty that Americans have in what their tax laws will be from year to year. So we will work hard to eliminate temporary provisions that are dependent on the whim of Congress at the end of each year for renewal. In the interim, it is time to extend these provisions.

#### MESSAGES FROM THE HOUSE

At 9:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 95. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3672. An act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

The message further announced that the House agrees to the amendment to the Senate to the bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

#### ENROLLED JOINT RESOLUTION SIGNED

At 2:45 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 95. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

The enrolled joint resolution was subsequently signed by the acting President pro tempore (Mr. REID).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2594. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act; to the Committee on Health, Education, Labor, and Pensions.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 440. An act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

H.R. 3012. An act to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-

sponsored immigrants, and for other purposes.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012" (Rept. No. 112-102).

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

\*Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court for the term of fifteen years.

\*Mary John Miller, of Maryland, to be an Under Secretary of the Treasury.

\*Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2014.

\*Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary of the Treasury.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET (for himself and Mr. BOOZMAN):

S. 2027. A bill to improve microfinance and microenterprise, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN of Ohio (for himself, Mr. CASEY, and Ms. STABENOW):

S. 2028. A bill to amend titles 23 and 49, United States Code, to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. MORAN, and Ms. CANTWELL):

S. 2029. A bill to amend the Tariff Act of 1930 to deter unfair imports that infringe United States intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2030. A bill to provide protection for consumers who have prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. 2031. A bill to make funds available for the American centrifuge project research, development, and demonstration program of the Department of Energy, with an offset; to the Committee on Energy and Natural Resources.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN):

S. Res. 349. A resolution commemorating and honoring the service and sacrifice of members of the United States Armed Forces and their families as the official combat mission in Iraq draws to a close; considered and agreed to.

By Mr. LEE:

S. Res. 350. A resolution expressing the sense of the Senate regarding the recent presidential election in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. Res. 351. A resolution recognizing the accomplishments and commemorating the numerous achievements and contributions of the Alaska Native people over the past 40 years; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 1265

At the request of Mr. COONS, his name was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1866

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cospon-

sor of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—COMMEMORATING AND HONORING THE SERVICE AND SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES AND THEIR FAMILIES AS THE OFFICIAL COMBAT MISSION IN IRAQ DRAWS TO A CLOSE

Mr. WHITEHOUSE (for himself, Mr. REED of Rhode Island, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REID of Nevada, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 349

Whereas nearly 1,500,000 members of the United States Armed Forces served in Iraq, many serving on multiple deployments;

Whereas the members of the United States Armed Forces who served in support of operations in Iraq performed brilliantly in a highly complex and challenging environment, and did everything that was asked of them and more to meet the requirements of the mission;

Whereas thousands of members of the National Guard and Reserves left their civilian jobs and livelihoods to support operations in Iraq, making enormous contributions, and serving with distinction;

Whereas nearly 4,500 members of the United States Armed Forces made the ultimate sacrifice in giving their lives in support of operations in Iraq;



Whereas more than 30,000 members of the United States Armed Forces were wounded serving in support of operations in Iraq;

Whereas families of the members of the United States Armed Forces serving in Iraq endured repeated deployments and spent many holidays, birthdays, and anniversaries apart;

Whereas, after nearly nine years of combat, we welcome home our veterans and continue to support members of the United States Armed Forces deployed in Afghanistan and elsewhere in the world;

Whereas Iraq's destiny and future development now lie with its people; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

*Resolved*, That the Senate—

(1) pays tribute to the members of the United States Armed Forces who served in support of operations in Iraq;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, veterans, and their families, and honor their sacrifices; and

(3) commemorates and honors the contributions made by members of the United States Armed Forces and their families, as the official combat mission in Iraq draws to a close.

#### SENATE RESOLUTION 350—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RECENT PRESIDENTIAL ELECTION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. LEE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 350

*Resolved*, That it is the sense of the Senate that—

(1) all political leaders in the Democratic Republic of the Congo and the supporters of those leaders should act responsibly, renounce violence, and resolve any disagreements regarding the presidential election of November 2011 through peaceful, constructive dialogue and existing legal remedies;

(2) the authorities of the Democratic Republic of the Congo should conduct a rapid technical review of the electoral process to—

(A) investigate the cause of any voting irregularities;

(B) suggest ways in which governance could be structured to give better effect to the will of the people of the Democratic Republic of the Congo; and

(C) provide guidance for future elections;

(3) the authorities of the Democratic Republic of the Congo should complete the electoral process with maximum openness and transparency; and

(4) the United States Government should engage with other governments in Central Africa and ask those governments to reach out to President Joseph Kabila and opposition candidate Etienne Tshisekedi to encourage the 2 leaders to embrace a peaceful solution to the potential impasse facing the Democratic Republic of the Congo.

#### SENATE RESOLUTION 351—RECOGNIZING THE ACCOMPLISHMENTS AND COMMEMORATING THE NUMEROUS ACHIEVEMENTS AND CONTRIBUTIONS OF THE ALASKA NATIVE PEOPLE OVER THE PAST 40 YEARS

Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas on December 18, 1971, Public Law 92-203 (43 U.S.C. 1601 et seq.) was enacted to settle long-standing issues of Alaska Native aboriginal land claims;

Whereas the pioneering work of Alaska Native leaders has created a lasting legacy of professional and personal success;

Whereas Alaska Native people have prospered from their own initiative and innovative approaches to fostering economic development through self-determination;

Whereas Alaska Natives have produced a significant number of educated Alaska Natives who now serve in positions of leadership in the State of Alaska and beyond;

Whereas Alaska Native people have risen to the challenge of independently and productively managing their aboriginal land, which has fostered sustainable businesses and created employment opportunities for the people of the United States, both across the country and globally;

Whereas Alaska Native people continue to serve in positions of leadership in the State of Alaska and beyond;

Whereas the dedication and enthusiasm of the next generation of Alaska Native leaders honors the previous generation of Alaska Native leaders who worked diligently to achieve the most significant Native land settlement in the history of the United States;

Whereas the next generation of Alaska Native people will continue to make positive changes in the world around them through acquired leadership skills, cultural advocacy, and community engagement;

Whereas the people of the United States have reason to commemorate the economic and political contributions of Alaska Native people; and

Whereas the people of the United States have reason to honor the tremendous educational, social, political, economic, and cultural achievements of the Alaska Native people over the past 40 years: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes December 18, 2011, as the 40th anniversary of the original enactment of the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1601 et seq.);

(2) recognizes the significant educational, economic, political, and cultural contributions of the Alaska Native people over the past 40 years; and

(3) encourages the people of the United States to participate in activities that show support for the success of the Native people and tribes of the State of Alaska.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1465. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

SA 1466. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, supra.

SA 1467. Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 1959, to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

#### TEXT OF AMENDMENTS

**SA 1465.** Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Temporary Payroll Tax Cut Continuation Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. Extension of payroll tax holiday.

#### TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

#### TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance for needy families program.

#### TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

#### TITLE V—OTHER PROVISIONS

##### Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

##### Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

#### TITLE I—TEMPORARY PAYROLL TAX RELIEF

##### SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) **IN GENERAL.**—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:



“(c) PAYROLL TAX HOLIDAY PERIOD.—The term ‘payroll tax holiday period’ means—

“(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

“(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.”.

(b) SPECIAL RULES FOR 2012.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR 2012.—

“(1) LIMITATION ON WAGES AND SELF-EMPLOYMENT INCOME.—In the case of—

“(A) any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer’s self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(i) \$18,350, over

“(ii) the amount of wages and compensation taken into account under subparagraph (B), and

“(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer’s wages (as defined in section 3121(a) of such Code) and compensation (as defined in section 3231(e) of such Code) as does not exceed \$18,350.

“(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

“(A) the sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1)(A), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus.”.

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

## TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

### SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312).

### SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

### SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single

conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

### SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

### SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

### SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

### SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C.

1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

#### SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 1031(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

#### SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

#### SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

#### SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

#### SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”.

#### SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

#### SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

### TITLE IV—MORTGAGE FEES AND PREMIUMS

#### SEC. 401. GUARANTEE FEES.

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

##### “SEC. 1327. ENTERPRISE GUARANTEE FEES.

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GUARANTEE FEE.—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) AVERAGE FEES.—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) INCREASE.—

“(1) IN GENERAL.—

“(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely

payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) DEPOSIT IN TREASURY.—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) PHASE-IN.—

“(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) ENFORCEMENT.—

“(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”.

#### SEC. 402. FHA GUARANTEE FEES.

(a) AMENDMENT.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”.

(b) PROSPECTIVE REPEAL.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) REPORT REQUIRED.—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

#### TITLE V—OTHER PROVISIONS

##### Subtitle A—Keystone XL Pipeline

#### SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the

President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) EFFECT OF NO APPROVAL.—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

##### Subtitle B—Budgetary Provisions

#### SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

“(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

“(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) SUPERMAJORITY WAIVER AND APPEALS.—

“(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”

#### SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

**SA 1466.** Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; as follows:

To amend the title so as to read:

A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

**SA 1467.** Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 1959, to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; as follows:

At the end, add the following:

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.J. Res. 95.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 95) making further continuing appropriations for fiscal year 2012 and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. This is a 6-day continuing resolution. The House is going to come back in Monday and then papers have to get to the President. It takes time.

I ask unanimous consent the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The joint resolution (H.J. Res. 95) was ordered to a third reading, was read the third time, and passed.

#### SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

Mr. REID. Mr. President, I ask the Chair lay to before the body a message from the House.

The PRESIDING OFFICER laid before the Senate the following message:

S. 278

*Resolved*, That the bill from the Senate (S. 278) entitled “An Act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sugar Loaf Fire Protection District Land Exchange Act of 2011”.

##### SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term “District” means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) FEDERAL LAND.—The term “Federal land” means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(3) NATIONAL FOREST.—The term “National Forest” means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

##### SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest System.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

Mr. REID. I ask unanimous consent the motion to concur in the House amendment to S. 278 be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

#### HUBZONE QUALIFIED CENSUS TRACT ACT

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of S. 1874 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1874) to require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (S. 1874) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1874

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “HUBZone Qualified Census Tract Act of 2011”.

#### SEC. 2. DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(b) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(1) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under subsection (a) upon which the list published under subsection (a) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(2) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under paragraph (1), upon which the list of qualified census tracts published under subsection (a) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

#### SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

#### HAQQANI NETWORK TERRORIST DESIGNATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1959 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1959) to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I express my appreciation to everyone for removing their holds and allowing this matter to go forward. It is a very important statement that we make as Americans regarding our foreign policy.

Mr. President, I ask unanimous consent that the Burr amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 1467) was agreed to, as follows:

(Purpose: To provide that the Act may not be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan)

At the end, add the following:

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

The bill (S. 1959), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1959

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Haqqani Network Terrorist Designation Act of 2011”.

#### SEC. 2. REPORT ON DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) A report of the Congressional Research Service on relations between the United States and Pakistan states that “[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan”.

(2) The report further states that, in mid-2011, the Haqqanis undertook several high-

visibility attacks in Afghanistan. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. A September 13 attack on the United States Embassy compound in Kabul involved an assault that sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(3) The report further states that “U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network”.

(4) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Chairman of the Joint Chiefs of Staff Admiral Mullen stated that “[t]he Haqqani network, for one, acts as a veritable arm of Pakistan’s Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations”.

(5) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that “we are taking action to target the Haqqani leadership on both sides of the border. We’re increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage.”.

(6) At the same hearing, Secretary of State Clinton further stated that “I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans.”.

(7) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as “a Haqqani Network commander” who has “overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts.” The designation continued, “Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police”. According to Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, Khan also has links to al-Qaeda.

(8) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban’s Mira shah Regional Military Shura, was designated by the Secretary of State as a terrorist in March 2008, and in March 2009, the Secretary of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadran.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this

Act, the Secretary of State shall submit to the appropriate committees of Congress—

(A) a detailed report on whether the Haqqani Network meets the criteria for designation as a foreign terrorist organization as set forth in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary determines that the Haqqani Network does not meet the criteria set forth under such section 219, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

#### JAMES M. FITZGERALD UNITED STATES COURTHOUSE

#### DESIGNATING THE “M.D. ANDERSON PLAZA”

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from consideration of S. 1710 and the Senate proceed to the consideration of S. 1710 and H.R. 1264, which is at the desk en bloc.

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

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motion to reconsider be laid upon the table on both of these matters, and any statements related to these measures be printed in the RECORD.

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

The bill (S. 1710) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1710

To designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JAMES M. FITZGERALD UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, shall be known and designated as the “James M. Fitzgerald United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “James M. Fitzgerald United States Courthouse”.

The bill (H.R. 1264) was ordered to a third reading, was read the third time, and passed.

#### THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 258, H.R. 789, and Calendar No. 259, H.R. 2422.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to these matters be printed in the RECORD.

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

#### SERGEANT MATTHEW J. FENTON POST OFFICE

The bill (H.R. 789) to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the “Sergeant Matthew J. Fenton Post Office,” was ordered to a third reading, was read the third time, and passed.

#### SERGEANT ANGEL MENDEZ POST OFFICE

The bill (H.R. 2422) to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the “Sergeant Angel Mendez Post Office,” was ordered to a third reading, was read the third time, and passed.

#### RECOGNIZING THE ALASKA NATIVE PEOPLE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 351.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 351) recognizing the accomplishments and commemorating the numerous achievements and contributions of the Alaska Native people over the past 40 years.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 351) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 351

Whereas on December 18, 1971, Public Law 92-203 (43 U.S.C. 1601 et seq.) was enacted to

settle long-standing issues of Alaska Native aboriginal land claims;

Whereas the pioneering work of Alaska Native leaders has created a lasting legacy of professional and personal success;

Whereas Alaska Native people have prospered from their own initiative and innovative approaches to fostering economic development through self-determination;

Whereas Alaska Natives have produced a significant number of educated Alaska Natives who now serve in positions of leadership in the State of Alaska and beyond;

Whereas Alaska Native people have risen to the challenge of independently and productively managing their aboriginal land, which has fostered sustainable businesses and created employment opportunities for the people of the United States, both across the country and globally;

Whereas Alaska Native people continue to serve in positions of leadership in the State of Alaska and beyond;

Whereas the dedication and enthusiasm of the next generation of Alaska Native leaders honors the previous generation of Alaska Native leaders who worked diligently to achieve the most significant Native land settlement in the history of the United States;

Whereas the next generation of Alaska Native people will continue to make positive changes in the world around them through acquired leadership skills, cultural advocacy, and community engagement;

Whereas the people of the United States have reason to commemorate the economic and political contributions of Alaska Native people; and

Whereas the people of the United States have reason to honor the tremendous educational, social, political, economic, and cultural achievements of the Alaska Native people over the past 40 years: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes December 18, 2011, as the 40th anniversary of the original enactment of the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1601 et seq.);

(2) recognizes the significant educational, economic, political, and cultural contributions of the Alaska Native people over the past 40 years; and

(3) encourages the people of the United States to participate in activities that show support for the success of the Native people and tribes of the State of Alaska.

#### MEASURES READ THE FIRST TIME—H.R. 440 AND H.R. 3012

Mr. REID. Mr. President, I am told there are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 440) to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

A bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading, and object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.



The bills will be read for the second time on the next legislative day.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individual to the United States-China Economic Security Review Commission: Daniel Blumenthal of Maryland for a term beginning January 1, 2012, and expiring December 31, 2013.

#### REPORTING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislative and executive matters on Friday, January 13, 2012, from 10 a.m. to 12 noon.

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

#### APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by the law, by concurrent action of the two Houses, or by order of the Senate.

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

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

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

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, the long list that I read into the RECORD while the Republican leader was here, I failed to note Calendar No. 544. If the Republican leader were here, he would object to that.

I wanted the RECORD to reflect that.

#### PROTECT IP ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 70, S. 968.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 968) to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 70, S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, Bill Nelson, Max Baucus, Tom Harkin, Kay R. Hagan, Al Franken, Jeff Bingaman, Tom Udall, Benjamin L. Cardin, Barbara Boxer, Herb Kohl, Amy Klobuchar, Mary L. Landrieu, Tim Johnson, Christopher A. Coons.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 968 occur at 2:15 p.m. on Tuesday, January 24—that is the day after we start the session—and that the mandatory quorum under rule XXII be waived.

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

Mr. REID. Mr. President, this is a bipartisan piece of legislation which is extremely important. Senator LEAHY and Senator GRASSLEY have worked very hard to get this to the floor. I repeat, it is bipartisan. I hope we can have a productive couple of days, pass this bill, and move on to other matters.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

#### PERSONAL INFORMATION PROTECTION ACT

Mr. WYDEN. Madam President, I understand cloture has been filed on the motion to proceed to the PIPA legislation. As one of the bipartisan group of Senators who strongly objects to proceeding to this bill, I believe it is important to begin to outline the very real dangers that are posed by the bill.

The primary architects of the Internet and our leading cyber security experts have made it clear this legislation will undermine the key technologies that prevent fraud and protect consumers on the Internet.

Our Nation's leading first amendment scholars have made it clear that this bill poses a serious threat to

speech and civil liberties for all who use the Internet, and our Nation's leading technology employers warn that this bill presents a clear and present danger to innovation and job growth in an area that is going to be a major source of new jobs for this century.

Today, along with Senator MORAN of Kansas and Senator CANTWELL of Washington, I have introduced the OPEN Act. We believe this is a reasonable and bipartisan alternative to the PIPA bill and to the legislation that is before the other body, and we hope the Senate will take the time to consider alternatives before taking action that could deal an enormous body blow to a vital job engine for our economy.

Over the past few weeks, more than 1 million Americans have weighed in strongly in opposition to this legislation. Therefore, I will be working with colleagues on both sides of the aisle over the next month to explain the basis for this widespread concern, and I intend to follow through on a commitment that I made more than 1 year ago to filibuster this bill when the Senate returns in January.

Mr. President, 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.

Mr. WYDEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### ORDERS FOR TUESDAY, DECEMBER 20, 2011 THROUGH MONDAY, JANUARY 23, 2012

Mr. WYDEN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the following pro forma session: Tuesday, December 20, at 11 a.m.; Friday, December 23, at 9:30 a.m.; Tuesday, December 27, at 12 p.m.; Friday, December 30, at 11 a.m.; and that the second session of the 112th Congress convene on Tuesday, January 3, at 12 p.m. for a pro forma session only, with no business conducted, and that following the pro forma session the Senate adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the following pro forma session: Friday, January 6, at 11 a.m.; Tuesday, January 10, at 11 a.m.; Friday, January 13, at 12 p.m.; Tuesday, January 17, at 10:15 a.m.; Friday, January 20, at 2 p.m.; and that the Senate adjourn on Friday, January 20, until 2 p.m. on Monday, January 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and

the time for the two leaders be reserved for their use later in the day; further, that following any leader remarks the Senate be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that following morning business, the Senate proceed to executive session under the previous order.

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

### PROGRAM

Mr. WYDEN. The next rollcall vote will be on Monday, January 23, at 5:30 p.m. on confirmation of the Gerrard nomination.

### ADJOURNMENT UNTIL TUESDAY, DECEMBER 20, 2011, AT 11 A.M.

Mr. WYDEN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:33 p.m., adjourned until Tuesday, December 20, 2011, at 11 a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate December 17, 2011:

#### DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION).

MICHAEL ANTHONY MCFaul, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

#### DEPARTMENT OF DEFENSE

BRAD CARSON, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

MICHAEL A. SHEEHAN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. MERLE D. HART

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

LT. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. BRIAN E. DOMINGUEZ

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be brigadier general*

COL. JOHN P. CURRENTI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be brigadier general*

COLONEL JOHN D. BANSEMER  
COLONEL DAVID B. BEEN  
COLONEL MICHAEL T. BREWER  
COLONEL THOMAS A. BUSSIÈRE  
COLONEL CLINTON E. CROSIER  
COLONEL ALBERT M. ELTON II  
COLONEL MICHAEL A. FANTINI  
COLONEL TIMOTHY G. FAY  
COLONEL EDWARD A. FIENGA  
COLONEL STEVEN D. GARLAND  
COLONEL THOMAS W. GEARY  
COLONEL CEDRIC D. GEORGE  
COLONEL BLAINE D. HOLT  
COLONEL SCOTT A. HOWELL  
COLONEL RONALD L. HUNTLEY  
COLONEL ALLEN J. JAMERSON  
COLONEL JAMES C. JOHNSON  
COLONEL MARK D. KELLY  
COLONEL SCOTT A. KINDSVATER  
COLONEL DONALD E. KIRKLAND  
COLONEL BRUCE H. MCCLINTOCK  
COLONEL MARTHA A. MEEKER  
COLONEL JOHN E. MICHEL  
COLONEL CHARLES L. MOORE, JR.  
COLONEL GREGORY S. OTEY  
COLONEL JOHN T. QUINTAS  
COLONEL MICHAEL D. ROTHSTEIN  
COLONEL KEVIN B. SCHNEIDER  
COLONEL SCOTT F. SMITH  
COLONEL FERDINAND B. STOSS  
COLONEL JACQUELINE D. VAN OVOST  
COLONEL JAMES C. VECHERY  
COLONEL CHRISTOPHER P. WEGGEMAN  
COLONEL KEVIN B. WOOTON  
COLONEL SARAH E. ZABEL

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major general*

BRIG. GEN. MICHAEL J. LALLY III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be brigadier general*

COLONEL JOHN W. BAKER  
COLONEL MARGARET W. BURCHAM  
COLONEL RICHARD D. CLARKE, JR.  
COLONEL ROGER L. CLOUTIER, JR.  
COLONEL TIMOTHY R. COFFIN  
COLONEL PEGGY C. COMBS  
COLONEL BRUCE T. CRAWFORD  
COLONEL JASON T. EVANS  
COLONEL STEPHEN E. FARMEN  
COLONEL JOHN G. FERRARI  
COLONEL KIMBERLY FIELD  
COLONEL DUANE A. GAMBLE  
COLONEL RYAN F. GONSALVES  
COLONEL WAYNE W. GRIGSBY, JR.  
COLONEL STEVEN R. GROVE  
COLONEL WILLIAM B. HICKMAN  
COLONEL CHRISTOPHER P. HUGHES  
COLONEL DANIEL P. HUGHES  
COLONEL DANIEL L. KARBLER  
COLONEL RONALD F. LEWIS  
COLONEL JAMES B. LINDER  
COLONEL MICHAEL D. LUNDY  
COLONEL DAVID K. MACEWEN  
COLONEL TODD B. MCCAFFREY  
COLONEL PAUL M. NAKASONE  
COLONEL PAUL A. OSTROWSKI  
COLONEL LAURA J. RICHARDSON  
COLONEL STEVEN A. SHAPIRO  
COLONEL JAMES E. SIMPSON  
COLONEL MARK R. STAMMER  
COLONEL MICHAEL C. WEHR  
COLONEL ERIC P. WENDT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major general*

BRIG. GEN. LYNN A. COLLYAR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

#### *To be major general*

COL. JIMMIE O. KEENAN

#### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE L. BLICEBAUM AND ENDING WITH ABNER PERRY V. VALENZUELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JOEL O. ALMOSARA AND ENDING WITH ANNETTE J. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH KEITH ALLEN ALLBRITTEN AND ENDING WITH GREGORY S. WOODROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTON MICHAEL GIBB AND ENDING WITH THAD M. REDDICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

#### IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MICHAEL S. FUNK AND ENDING WITH JOHN W. RUEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH JARROD W. HUDSON AND ENDING WITH CHARLES B. WAGENBLAST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATION OF KARI L. CRAWFORD, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH HENRY H. BEAULIEU AND ENDING WITH ERIC K. LITTLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH DONALD B. ABSHER AND ENDING WITH IRENE M. ZOPPI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH JAMES S. ARANYI AND ENDING WITH MARK A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH MITCHELL J. ABEL AND ENDING WITH THOMAS M. ZUBIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH NANCY L. DAVIS AND ENDING WITH SHEILA VILLINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATION OF GENEVIEVE L. COSTELLO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. NEWSOM AND ENDING WITH RICHARD Y. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH RICHARD A. DANIELS AND ENDING WITH STEPHEN M. LANGLOIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH ARTHUR E. RABENHORST AND ENDING WITH STEVEN J. SVABEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATION OF HARVEY D. HUDSON, TO BE MAJOR.

ARMY NOMINATION OF WILLIAM H. CAROTHERS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TODD S. ALBRIGHT AND ENDING WITH D001765, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2011.

ARMY NOMINATIONS BEGINNING WITH LARRINGTON R. CONNELL AND ENDING WITH RICARDO J. VENDRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2011.

#### IN THE NAVY

NAVY NOMINATION OF ANDREW K. LEDFORD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MATTHEW R. LOE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF THOMAS P. ENGLISH, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICHARD A. ACKERMAN AND ENDING WITH ADAM I. ZAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH BENJAMIN M. LACOUR AND ENDING WITH BRIAN D. PRESTCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2011.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN ROSS BEYRLE AND ENDING WITH DANIEL J. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TIMOTHY M. BASHOR AND ENDING WITH RAFAELA ZUIDEMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 3, 2011.

#### PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH JOSE G. BAL AND ENDING WITH KENDRA J. VIEIRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 2011.