

Guard to complete a comparative business case analysis to determine how we can revitalize icebreaking fleet while maximizing taxpayer dollars. This study was due on October 15, and today I have come to the floor because the law is being ignored. The Coast Guard and OMB have failed to deliver this report that I remind you was required by law to be delivered to Congress days ago.

Even more distressing to me is that the Coast Guard is moving forward with decommissioning one of only two of our Nation's heavy duty icebreakers. We think this is unwise, and it is exactly why the Congress required a study of such an action. Surely the administration isn't simply choosing to flout the law by moving forward before this cost-benefit analysis has been completed or reviewed by Congress.

So I know Heather Higginbottom is probably keenly interested in the debate going on here today, and I hope that if she is listening and if she is confirmed as the Deputy Director of OMB, she will take this leadership opportunity to transform the way OMB does its business. It is time for OMB to stop holding up congressionally directed reports. I know there are a lot of smart people over at OMB, and they may not always like the people and their representatives questioning their judgment. However, even OMB must follow the law, and in this case they must deliver the business case analysis to Congress immediately. Some of the folks over at OMB may not agree with the Congress that polar icebreaker assets should be a priority. And while everyone is entitled to their opinion, even if it illustrates a complete lack of understanding of our national security needs, in our system of government Congress makes the laws, and at least this Senator expects them to be followed.

Mr. KERRY. With the consent of the other side, all time will be yielded back.

I ask for the yeas and nays.

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

The question is, Will the Senate advise and consent to the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget?

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—64

Akaka	Carper	Hagan
Alexander	Casey	Harkin
Baucus	Collins	Inouye
Begich	Conrad	Johanns
Bennet	Coons	Johnson (SD)
Bingaman	Corker	Kerry
Blumenthal	Durbin	Klobuchar
Boxer	Feinstein	Kohl
Brown (OH)	Franken	Kyl
Cantwell	Gillibrand	Landrieu
Cardin	Graham	Lautenberg

Leahy	Nelson (NE)	Stabenow
Levin	Nelson (FL)	Tester
Lieberman	Portman	Toomey
Manchin	Pryor	Udall (CO)
McCaskill	Reed	Udall (NM)
Menendez	Reid	Warner
Merkley	Rockefeller	Webb
Mikulski	Sanders	Whitehouse
Moran	Schumer	Wyden
Murkowski	Shaheen	
Murray	Snowe	

NAYS—36

Ayotte	DeMint	Lugar
Barrasso	Enzi	McCain
Blunt	Grassley	McConnell
Boozman	Hatch	Paul
Brown (MA)	Heller	Risch
Burr	Hoeben	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 769

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to the amendment, as modified, by the Senator from Louisiana, Mr. VITTER.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is bipartisan. I thank the bipartisan coauthors. The amendment would allow the reimportation of small, personal use quantities of safe FDA-approved prescription drugs from Canada only. It is a very modest amendment. It is for personal use only, not large quantities, no wholesalers, Canada only, no biologics, and no controlled dangerous substances. It is essentially identical to an amendment we passed on a bipartisan basis in the last Senate.

I urge a strong vote in favor of this.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I oppose this amendment. First, it is a budget buster. To enforce this will take enormous amounts of resources. You cannot be sure that that drug coming from Canada is not a counterfeit, lethal death drug. You don't have any enforcement procedures in here, you don't have the money to enforce it, and we have a history of phony drugs coming into rogue Web sites through counterfeit countries.

If you want a drug that has been made in a country that we view as

predators toward the United States, when you take your Coumadin, when you want your wife to take her breast cancer drug, when your daughter is going to take that birth control bill, then you want the Vitter amendment. But if you want safety, then defeat the amendment.

Ms. SNOWE. Mr. President, today I wish to support Senator VITTER's amendment regarding drug importation from Canada. Senator VITTER has been a tremendous partner and tireless advocate in supporting the comprehensive drug importation legislation Senator STABENOW and I introduced earlier this year—the Pharmaceutical Market Access and Drug Safety Act—which now has 20 additional cosponsors.

The time for enactment of comprehensive drug importation legislation is certainly long overdue—and the critical necessity for this legislation is actually greater . . . not less, particularly for those struggling in this economic environment. Over the past decade, among working age adults—only those with Medicare coverage saw any improvement in their ability to fill their prescriptions. All others saw a rise in their inability to obtain needed medications. Among the uninsured more than 1 in 3 individuals went without a required prescription—and in those with chronic disease that number doubles.

At the same time, according to AARP, over the last 5 years, the retail prices for the most popular brand-name drugs increased 41.5 percent, while the consumer price index rose 13.3 percent. So despite manufacturer assistance programs—despite the increased use of generics—the high and escalating cost of brand-name drugs is directly impacting the health of millions. Americans have learned that other countries use the very same medications which we do, made in the very same plants, yet pay considerably less.

I look forward to working with my colleagues, as well as the FDA, on opportunities to advance comprehensive drug importation legislation in the months ahead. Not only does my legislation expand access to imported drugs in countries with comparable levels of regulation and oversight, but it also establishes a higher level of safety than exists today for prescription drugs sold domestically—including employing anticounterfeiting technologies and drug pedigrees to ensure the integrity of medications. In fact, it was the first to provide FDA with the resources to improve its inspection of foreign drug plants, many of which today produce medications marketed here by U.S. firms which consumers assume to be "domestic". CBO estimates the Federal Government alone would save \$19.4 billion, so the savings from drug importation are undeniable and I hope that the Joint Select Committee on Deficit Reduction strongly considers this option.

Until that time, Senator VITTER's legislation, which allows for personal

use drug importation from Canada, represents a good first step. Without question, the price discrepancies between the United States and Canada are significant. For example, this week the average U.S. price for a 90-day supply of Nexium is \$524.97 compared to \$386.67 in Canada. Another drug, Plavix, costs \$565.97 in the United States versus \$434.65 in Canada for a 90-day supply. Lipitor costs \$463.97 in the United States compared to \$378.23 in Canada for a 90-day supply.

Today our constituents—who pay for research, who subsidize industry advertising, marketing, and investment—deserve access to competition and more affordable prices. Senator VITTER's amendment has achieved strong bipartisan support in the past, and I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. VITTER. 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.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—45

Begich	Grassley	Pryor
Bingaman	Heller	Reed
Blumenthal	Johnson (SD)	Rockefeller
Boozman	Klobuchar	Sanders
Boxer	Kohl	Sessions
Brown (OH)	Leahy	Shaheen
Cardin	Lee	Shelby
Casey	Levin	Snowe
Coburn	McCain	Stabenow
Collins	McCaskill	Tester
Conrad	Merkley	Thune
Corker	Murkowski	Udall (NM)
DeMint	Nelson (NE)	Vitter
Feinstein	Nelson (FL)	Whitehouse
Franken	Paul	Wyden

NAYS—55

Akaka	Gillibrand	Manchin
Alexander	Graham	McConnell
Ayotte	Hagan	Menendez
Barrasso	Harkin	Mikulski
Baucus	Hatch	Moran
Bennet	Hoehn	Murray
Blunt	Hutchison	Portman
Brown (MA)	Inhofe	Reid
Burr	Inouye	Risch
Cantwell	Isakson	Roberts
Carper	Johanns	Rubio
Chambliss	Johnson (WI)	Schumer
Coats	Kerry	Toomey
Cochran	Kirk	Udall (CO)
Coons	Kyl	Warner
Cornyn	Landrieu	Webb
Crapo	Lautenberg	Wicker
Durbin	Lieberman	
Enzi	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 750

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided prior to a vote in relation to amendment No. 750, as modified, offered by the Senator from Virginia, Mr. WEBB.

Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, this bill is the result of 4½ years of work and outreach and listening to the other side, incorporating recommendations from across the political spectrum. It is paid for. It is sunsetted at 18 months. It is balanced philosophically and politically. Contrary to some of the comments that were made, this does provide for equal participation from both parties.

It has been endorsed by more than 70 national organizations, including almost all of the law enforcement organizations in America: International Association of Chiefs of Police, National Sheriffs Association, Fraternal Order of Police, National Association of Counties, National League of Cities, U.S. Conference of Mayors.

It is time for us to move forward to get the comprehensive advice from the best minds in America in terms of how to fix our broken criminal justice system.

I urge a "yes" vote, and I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have talked with Senator WEBB. Some of what he wants to do is probably fine, but we are absolutely ignoring the U.S. Constitution if we do this. We have no role, unless we are violating human rights or the U.S. Constitution, to involve ourselves in the criminal court justice system or penal system in my State or any other State.

The Association of District Attorneys is against this. There are a lot of times interest groups are for something, but we have no business deciding from a central committee in Washington whether Oklahoma is meeting the requirements of its constitution rather than the U.S. Constitution.

I would urge a "no" vote against this, and that we honor our Constitution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Is there time remaining on our side?

The PRESIDING OFFICER. There is 9 seconds.

Mrs. HUTCHISON. Mr. President, this is the most massive encroachment on States rights I have seen in this body. It is \$5 million on a priority we should not have.

I will work with the Senator from Virginia to pare it down so a Federal commission will look at the Federal system.

Mr. WEBB. Mr. President, I ask the time.

The PRESIDING OFFICER. There is 7 seconds.

Mr. WEBB. This is not an encroachment. I wouldn't support an encroachment. It actually convenes the best minds to give recommendations.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment, as modified.

Mr. WICKER. 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.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—57

Akaka	Graham	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—43

Alexander	Enzi	Moran
Ayotte	Grassley	Murkowski
Barrasso	Heller	Paul
Blunt	Hoehn	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Thune
Collins	Kyl	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Wicker
Crapo	McCain	
DeMint	McConnell	

The PRESIDING OFFICER (Mr. MANCHIN). On this vote, the yeas are 57, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Arizona.

Mr. KYL. Mr. President, would it be in order for me to speak as in morning business for up to 5 minutes at this point?

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

(The remarks of Mr. KYL are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask the Chair to please inform me when I have spoken 10 minutes. For other people who want to speak, I don't think I will speak that long.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 860

Mr. GRASSLEY. My amendment No. 860 is a good government amendment for which I hope we can get broad support. There are special interests in Washington making the rounds opposing this amendment. These groups have argued this amendment will unduly burden the Justice Department, take away grant money for worthy causes or erroneously ban grantees from future funds. These special interests are trying to protect their income streams of

Federal grants and don't want somebody looking over their shoulder to make sure they are spending taxpayer dollars wisely.

This amendment is a response to the lack of oversight, accountability, and responsibility for how American taxpayer dollars are spent by grant recipients. It is a response to my work in the Judiciary Committee, uncovering fraud, misappropriation of funds, offshore bank accounts by nonprofit organizations.

Can you understand that? Nonprofit organizations in America have offshore bank accounts, and many other shenanigans are occurring in grant programs administered by the Justice Department.

To fix this, my amendment includes an accountability and fraud prevention package for grants administered by the Department of Justice. I am glad to report the National Taxpayers Union, an independent nonpartisan advocate for taxpayers, supports the amendment.

For the last decade the inspector general has continuously labeled grant management at the Department of Justice a top management and performance challenge. That is from the inspector general. Despite the large sums of money the Department provides the grantees, the inspector general has repeatedly found inadequate controls on spending, inadequate oversight, and a general failure to ensure that taxpayer dollars are spent by grantees in accordance with the programs.

Each year, the inspector general audits only a small fraction of grants awarded by the Department. In fact, last year the inspector general audited 21 grant recipients. Keep the figure 21 in mind. The inspector general questioned more than one-quarter of all the taxpayer dollars these grantees received. These questioned costs occurred on a random selection of grantees and represent less than 1 percent of the total grant recipients. So we only audit—go over 1 percent, but of that 1 percent, 25 percent of them were found to have a waste of taxpayers' money or not proper accounting.

Perhaps the most concerning part of these audits is that they are randomly selected. If the inspector general's random selection of grantees universally uncovers unauthorized errors, then we can see why we have a much larger problem. If the findings of the audit from 2011 were extrapolated through all the grants, that would mean nearly \$500 million in questionable costs annually.

My amendment requires the inspector general to audit 10 percent of the grants. It also requires the Attorney General to ban grantees for 2 years if they are found to have serious problems that have gone unremedied for longer than 6 months after the inspector general makes a negative finding. By requiring this remedy within 6 months, it ensures there is enough time to fix inadvertent mistakes but also ensures that truly bad actors are taken off the government rolls.

My amendment also requires the AG to reimburse the Federal Treasury from the Justice Department budget if funds are given to an excluded entity and then requires the Department to recoup lost grant money from those grantees. It also includes a limitation on conference spending at the Department. Just a few weeks ago, the inspector general issued an audit on conference spending at the Department.

We all heard about this audit, which revealed \$16 muffins, the \$32 Cracker Jack snacks, \$5 cans of cola, the beef wellington appetizers, and other abuse of the money of the taxpayers by the Justice Department. What we have not heard is how, by this administration, spending at the Justice Department increased from \$47 million in fiscal year 2008 to 1 year later \$73 million and now 2 years later \$91 million. Despite the biggest Federal deficit in history, the Justice Department, under this administration, has doubled spending on conferences in just 2 years. This is unacceptable, and it is why my amendment requires the Deputy Attorney General to sign off on all conference spending.

My amendment would prohibit the Attorney General from providing any grant to a nonprofit charity that holds money in offshore bank accounts for the purpose of evading Federal taxes. If it is nonprofit, one would think they would be using their money for nonprofit purposes.

This provision was the result of an investigation I conducted into the Boys and Girls Club of America, the national umbrella organization for thousands of local clubs. In response to my inquiry, the Boys and Girls Club of America admitted that, despite closing hundreds of clubs nationwide, it held nearly \$222 million in investment, of which \$54 million was in offshore investments and another \$54 million in partnerships. When asked why this money was held offshore, I was told it was held to “. . . avoid issues with unrelated Business Income Tax generated by hedge funds that use leverage.”

I support the mission of the Boys and Girls Clubs, truly I do. It is true nothing they did was illegal. However, given our current fiscal crisis, I cannot support Federal tax dollars being awarded as grants to those who hold millions of dollars offshore—I should say tens of millions of dollars offshore.

Finally, I will note that my amendment includes a 25-percent matching requirement for grantees, as I heard the special interest lobbyists have been calling and sending panicked messages to many Members in the Senate opposing the matching requirement, arguing it would shut off Federal money to many grantees.

This provision mirrors one recently included at a Judiciary Committee markup supported by all Judiciary Committee Democrats and some Republicans. Matching requirements are often required by grant programs that virtually all members have supported. The Government Accountability Office

even reported in a 2006 report on grant management that to strengthen grant management, Congress should “ensure mechanisms are of sufficient value” when implementing grants. This is GAO speak for including a matching requirement so grantees are financially involved, not simply spending Federal taxpayer dollars.

That said, I wanted to modify my amendment and strike this provision. However, I understand people on the other side of the aisle objected to that request so it would be easier to defeat my amendment. Remember, this is an amendment Republicans and Democrats accepted in the Judiciary Committee. This is big money at stake with Federal grants. Talk about special interests, the special interests have spoken. Those who oppose my amendment oppose holding grantees accountable for how they spend taxpayer dollars. Those who oppose my amendment are supporting giving nonprofit charities with money in offshore bank accounts taxpayer dollars. It will be interesting to see who opposes this provision, especially given the fact that everyone should oppose giving taxpayer dollars to those who hold money offshore.

My amendment is a commonsense way to ensure that taxpayer dollars are protected. It is something we should have done long ago. I encourage all my colleagues to join me and send a signal that waste, fraud, and abuse of taxpayer dollars has no place in a Federal grant programs at the Department of Justice. That would include all of them but particularly to organizations that hold money offshore to avoid taxes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 879, AS MODIFIED

Mr. MERKLEY. Mr. President, when our American government spends money on infrastructure, core infrastructure, we should look first to American companies and American workers. But this doesn't always happen. In fact, recently, there was a bid proposal in Alaska to build a bridge with America's taxpayer money and a Chinese company employing Chinese steel outbid the American company using American steel. This was a big surprise in that normally there is a framework that helps ensure American companies and American workers are able to do the infrastructure projects we are funding with our taxpayer dollars so we are creating jobs here at home.

It turns out there is a loophole; whereas, this basic framework covers highways, it covers commuting rail, it covers passenger rail but doesn't apply to freight rail. This was a freight bridge on tracks that do not also have passenger trains on them. I don't know how many tracks in America only have freight and not passenger, but when everything got sorted out through the appeal process, that is what it came down to.

This afternoon, we will have a simple amendment that makes this piece of

the infrastructure more consistent with the rest of the infrastructure world. The industrial might of this Nation was built on American railroads made from American steel. We often say: Wow, there is a loophole you can drive a freight train through. In this case, you actually can drive a freight train through the loophole. That is what we need to fix.

At a time when Americans everywhere are searching for jobs, we should be supporting American companies that employ and hire Americans, use American steel when American taxpayer dollars are employed.

In the framework for infrastructure, there are some exceptions. Those exceptions in this amendment are exactly the same exceptions that are provided in the rest of the infrastructure picture; that is, the Secretary of Transportation can waive this requirement for U.S.-produced steel, iron, and manufactured products if the application is inconsistent with the public interest. That is a pretty broad ground on which the Secretary can make a determination; more specifically, if the materials and products are not available in sufficient quantity or quality from the American manufacturer or if the inclusion of the domestic material would increase the cost of the project by more than 25 percent. This is a small change that fills in or eliminates a loophole you can drive a freight train through.

The bottom line is this: If we don't build things in America, we will not have a middle class in America. Our taxpayer dollars should go to create good, living-wage jobs for our workers here at home in these core infrastructure projects, not to create jobs in China.

I urge my colleagues to support this amendment.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

Mr. KIRK. I ask unanimous consent to speak as in morning business for 3 minutes.

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

#### LIBYA

Mr. KIRK. Mr. President, we all saw the news, yet to be confirmed, that General Qadhafi is dead. This is a victory for our men and women in uniform, for the United States, for the administration, but, most importantly, for the people of Libya.

Senators MCCAIN, GRAHAM, RUBIO, and I had the privilege 20 days ago of traveling to Tripoli. I was quite surprised at what I saw. Considering other war zones, Tripoli did not appear to be

one of them. The rebels took the capital largely intact. Only the Qadhafi compound was blown away. There was anti-Qadhafi graffiti—obviously spontaneous—everywhere, and some of the most popular people in the city were U.S. citizens.

While many people in Libya do not fully know the position of Senator MCCAIN, they knew he was an American leader. Throughout our visit, they came out to thank him for the aircraft they saw overhead that they felt equalized the battle between them and their government, between the professional army of Muammar Qadhafi, the people of Misrata, the people of Tripoli, and the people of Benghazi.

We have the makings of a very pro-U.S. ally. Millions of Libyans right now are very thankful for the United States. They feel the aircraft overhead that equalized this battle were almost all American. In reality, many of those aircraft were British and French from our NATO allies. But because of that pro-American feeling, the new government there is likely to be overwhelmingly pro-American.

As we look to a now-secure post-Qadhafi environment, we have to make several points.

First, when we were there, leaders were obviously afraid that as long as he lived, Qadhafi could make a comeback. That now no longer looks possible at all.

Second, to head off Islamists who may try to form a party, Prime Minister Jibril wanted to call for early elections. We should help him call early elections because right now the rebel TNC government is overwhelmingly popular and would be elected.

Next, we have to unify military authority with the new rebel government. We were briefed that there are 28 separate militias in Tripoli. We should unify military command under them to make sure any sectarian violence does not break out with the victory that has come at hand.

Libya is a unique country that does not need foreign assistance from the United States. We have seized 34 billion of their dollars and over \$100 billion in a seized account worldwide. They need assistance. They need medical backup, training for their army, support for their elections, but they can pay for it.

One thing they asked of us that we should provide is a hospital ship. USNS Comfort should be allowed to go to Libya to care for those who were wounded in this battle. We were told 25,000 citizens of Libya died in this revolution and 60,000 were wounded. The United States should help care for them, and the Libyan Government should reimburse us for that effort.

When we look to the future, we also have a couple of key challenges. We were briefed that Qadhafi's chemical weapons stockpile was secure, and I think it is, but we need to keep it that way. We were also briefed that the arsenals of Libya were looted, including thousands of handheld surface-to-air

missiles. It should be a top priority of the United States to buy or gain custody of those missiles again before they become a threat to civil aircraft around the world.

In the end, as I said, this is a victory for the administration, for the men and women of the U.S. military, but especially for the people of Libya. If we take the steps I just outlined—security for the chemical weapons arsenal, recovery of the surface-to-air missiles, support for early elections, and medical care with the provision of a U.S. hospital ship—I think we will lock in the winning of a new, very pro-U.S. ally in the Middle East.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President. I rise to speak on amendment No. 874, my amendment on housing discrimination. My understanding is, when we assemble for a series of votes at 2 o'clock, this vote will be voice voted, and I particularly appreciate the work of Senator COLLINS, the ranking minority member of the subcommittee, and chairwoman PATTY MURRAY for her work and Senator SANDERS for his support and cosponsorship.

Housing discrimination, as we know, prevents hard-working families from buying homes in the neighborhood of their choosing. Housing discrimination not only violates Federal law, it is a barrier to economic mobility. It is a morally wrong practice with real-world implications.

A study by the Miami Valley Fair Housing Coalition, located in Dayton, OH, found that foreclosed properties in predominately African-American neighborhoods in that city are kept in significantly worse condition than foreclosed properties in White neighborhoods. That is bad for local property values, and it is bad for local governments that rely on property tax revenues because we know what that does for home prices.

That is why the Department of Housing and Urban Development instituted the Fair Housing Initiatives Program, so-called FHIP. FHIP invests in the private fair housing organizations that help enforce antidiscrimination laws.

My amendment would put FHIP funding on equal footing with the House legislation, increasing it to near its fiscal year 2011 level—exactly what the House did.

This is about maintaining level funding so fair housing organizations will not be forced to lay off hundreds of employees across the country.

This amendment is effective. Fair housing organizations investigated 65 percent of the Nation's complaints of housing discrimination—nearly twice as many as all government agencies combined.

This amendment is efficient. It saves money by streamlining the claims investigation process.

My amendment is fully paid for, transferring money from HUD's Working Capital Fund.

Discrimination should never be tolerated. Especially in these challenging economic times, it would be particularly devastating to cut fair housing programs any further.

I again thank Senator MURRAY and Senator COLLINS, the top two members—one in each party—of the Transportation, Housing, and Urban Development Subcommittee. I thank Senator SANDERS for cosponsoring this amendment.

I urge a “yes” vote from my colleagues when this amendment comes forward for a voice vote in a few minutes.

Mr. President, I ask unanimous consent that the 60-affirmative vote requirement under the previous order for the Brown amendment No. 874, as modified, be vitiated.

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

The Senator from Utah.

Mr. HATCH. Mr. President, on behalf of myself and 32 cosponsors—both Republicans and Democrats—I ask unanimous consent that the current matter be set aside and amendment No. 875 be called up and made pending.

Mr. KOHL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I understand there is an agreement regarding the disposition of amendments already in place, but I believe this amendment deserves consideration and a vote.

It is a noncontroversial matter, as far as I am concerned. It would simply make permanent 10 separate appropriations riders relating to firearms. The House CJS bill did the same thing, but these changes have been taken out of the Senate substitute amendment.

Each of these riders has been in place for a long time—some more than 30 years. These clarifying provisions have been enacted year after year to preserve the rights of law-abiding gun owners and prevent encroachments on the part of the executive branch.

It does not need to be a yearly exercise. There is widespread support for each of these provisions contained in my amendment. Once again, they have never been the subject of any significant controversy. My amendment would simply make them permanent so we do not have to bring them up all the time.

This amendment would likely pass with more than 60 or 70 votes. I hope the leadership and the managers on the other side of the aisle will not simply accede to the wishes of a minority of Senators who are hostile to second amendment rights by preventing a vote on this amendment.

I ask again for unanimous consent to set aside the pending matter and call up amendment No. 875.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. Mr. President, I object. We have a good number of amendments already pending, and we have a list of amendments already in order to be

made pending. Until we are able to dispense or dispose of some of these pending amendments, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I hope to be able to work with my colleagues on the other side. This should not be a difficult exercise. It is just a smart thing to do. Once again, I am certain this amendment would have the support of a broad majority, a bipartisan majority, of my colleagues.

If the other side wants to prevent a vote—keeping in mind that the vast majority of the American people support these provisions—I hope they will be able to explain it to their constituents. I hope there will be a reconsideration of this amendment and that we can get it up and get this matter solved once and for all. I understand the distinguished Senator has to object, and I feel very disappointed in that, but sooner or later we are going to vote on this amendment, one way or the other.

The PRESIDING OFFICER. The Senator from Vermont.

#### AMENDMENT NO. 860

Mr. LEAHY. Mr. President, I rise in my capacity as chair of the Judiciary Committee to say I oppose amendment No. 860. It is a one-size-fits-all approach. It would have catastrophic consequences to the Justice Department and on the important work the Justice Department does in supporting local law enforcement, crime victims, and justice across the country.

I have worked with my good friend from Iowa, Senator GRASSLEY, on many issues. We have been able to, in a bipartisan way, develop accountability measures to ensure that particular grants administered by the Department of Justice operate efficiently and effectively. That is particularly important at a time of budget austerity. We have done it in specific contexts when those measures make a lot of sense.

For example, in the course of our negotiations of a bipartisan version of the Trafficking Victims Protection Reauthorization Act, we worked out specific proposals. Nonetheless, six of the eight Republicans on the Judiciary Committee opposed this bill.

But one size does not fit all. Measures that make sense in one program cannot willy-nilly be applied to others without careful consideration of the consequences to the programs and, to the intended beneficiaries in local law enforcement, and crime victims.

A one-size-fits-all measure actually might harm rather than help important functions at the Department of Justice.

For example, this amendment would prevent grants to the Boys and Girls Clubs of America. I know some have criticized some aspects of the Boys and Girls Clubs, and I would be happy to work with any Senator to work out these issues. But the Boys and Girls Clubs of America do great work.

I remember one police chief in my State, when asked if I could help him

get a couple more police officers to help out because of crime problems, said: No. Get me a Boys and Girls Club. Get me a place for young people to go.

I know in Vermont they do a great deal, as they do in most States. If there are reforms that should be made, let's do them, but not just cut out the funding in a one-size-fits-all way at a time when we are doing everything possible to give young people a different goal than going out into a life where they might do things none of us would agree with.

This amendment would greatly restrict the Department of Justice's ability to spend funds for salaries of its own people. Is that going to lead to huge cuts in prosecutors and agents? Are we going to be imposing a salary cap on top of the one the President has already imposed? Are we going to be losing some of our best people? Are we going to be unable to develop experienced law enforcement officers or prosecutors?

I know, in law enforcement and prosecution, we value experience. We do not want to go for the lowest common denominator. We want people who are experienced.

Again, a willy-nilly amendment does not help.

The amendment includes a grant-matching requirement. But in some programs, grant matching is not a good idea. Let me tell you about one, legislation that former Senator Ben Nighthorse Campbell and I put together. It has worked very well. It is the Leahy Bulletproof Vest Partnership Grant Program for local jurisdictions. We have, in some local jurisdictions, the ability to waive matching provisions.

We have seen a rise in the number of assaults and murders of police officers across this country. Many officers' lives have been saved because they have had bulletproof vests under the Leahy program. They would have died otherwise. But they are in small departments, in small departments in States that could not afford the \$500 or \$600 per bulletproof vest. Yet we expect these police officers to be out at 3 o'clock in the morning, usually with no backup. But if they are in a small, rural park in West Virginia or Vermont or all these other States, they do not have any backup. They are out there alone. We ought to give them the kind of protection they need.

I want our police officers in rural communities who do not have the budgeting of a big city department to have this kind of protection. So if we put a matching requirement by fiat—again, one-size-fits-all—we have a lot of rural police departments that are going to be badly hurt.

What about crime victims? Crime victims have already suffered great loss. Are we going to say: We can help you out, but pony up some money. Pony up a matching requirement, and then we will come in and help you. We are going to spend a fortune on the guy

we lock up who committed a crime. We will spend \$30,000, \$35,000 a year on that person. We are not going to ask for any matching money from the criminal. But we are going to say to the victim: We can help you, but, sorry—I know you lost all this money; I know you have been beaten, you have been bruised, you have been injured—you have to come up with some money before we can help you. The guy who did it, we will take care of him. We will pay for that. But we cannot help you.

No, no, no, no, no, no, no. I was a prosecutor for 8 years. I know how these victims suffer. They are usually the forgotten person in the criminal justice system. The headlines are: So and so was arrested. They are marched off. We are going to prosecute them. That is good. They should be. I prosecuted a lot of those people. But the victim is the one forgotten. Victims and others most in need of assistance are those least likely to be able to provide matching funds. Rural communities, small nonprofit providers, tribes, and States that are facing their own problems should not have another funding mandate put on them from Washington.

The new matching requirement and other requirements in this amendment would impose new burdens on all money going to State and local law enforcement through the COPS Program and many of the Byrne-JAG programs. It would prevent many police departments from hiring and keeping the officers they need. That is why the National District Attorneys Association and the National Association of Police Organizations have expressed their opposition to this amendment.

At one time, I had the honor of serving as vice president of the National District Attorneys Association. They care. They care about law enforcement. They care about prosecutors. They care about victims. We ought to listen to them.

It also would burden grants awarded through the Debbie Smith Act to reduce backlogs in testing rape kits. There are rapists who go free because we do not have the money to test the rape kits. Tell that to a victim. Tell that to the victim: We do not have the money to go get the person who did this. I am not going to vote in a way that I am going to be telling that victim: We cannot help you. We cannot test that rape kit.

The Debbie Smith grant program has received bipartisan support. It helps to ensure that rape victims will not have to continue to live in fear because somebody said: It is going to take a few months to test this because we do not have the money. By the way, lock your door. He might come back.

I am not going to vote for that.

The matching requirement would be devastating to the National Center for Missing and Exploited Children, which works hard every day to keep our children safe from those who would do them harm. It is hard to think of any

work more important than protecting our children from the evils of abuse and exploitation, but this amendment would make that work much harder because the National Center receives Justice Department grants, but it does not have matching funds.

Time is running out. I could tell some stories. I could tell some stories about what happens to these children who are exploited and abused, and it would have everybody in tears. It did me when I saw them as a prosecutor, and it does every day when I read these reports as chairman of the Senate Judiciary Committee.

My God, if we can go and try to protect people around the world, let's protect our children here at home.

I agree with Senator GRASSLEY that we need rigorous accountability measures. Of course, we should. We do this in our hearings every week in the Judiciary Committee. GAO does it. The inspector general does it. But do not do a one-size-fits-all that is going to say to our victims, that is going to say to rape victims, that is going to say to exploited children or that is going to say to our police officers, who are told to go out there without a bulletproof vest but to defend you and me in the middle of the night: Sorry, sorry, sorry. The wealthiest Nation on Earth cannot help you.

No; I oppose this amendment.

I yield the floor.

#### AMENDMENT NO. 879, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided prior to a vote in relation to amendment No. 879 offered by the Senator from Oregon, Mr. MERKLEY.

Mr. MERKLEY. Mr. President, I have a modification at the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 264, between lines 9 and 10, insert the following:

#### SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the funds made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) CERTIFICATION.—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) REVIEW.—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) MINIMUM COST.—The requirements under this section shall only apply to contracts for which the costs exceed \$100,000.

(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) FRAUDULENT USE OF "MADE IN AMERICA" LABEL.—An entity is ineligible to receive a contract or subcontract made with amounts appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to



which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

Mr. LEAHY. Mr. President, I yield back all time.

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

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

The PRESIDING OFFICER (Mr. SANDERS). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Blunt	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown (OH)	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Collins	McCaskill	Udall (NM)
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NAYS—44

Alexander	Grassley	McConnell
Ayotte	Hatch	Moran
Barrasso	Heller	Murkowski
Boozman	Hoeben	Paul
Brown (MA)	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lieberman	Warner
DeMint	Lugar	Wicker
Enzi	McCain	

NOT VOTING—1

Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 874, AS MODIFIED, TO AMENDMENT NO. 738

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 874, as modified, offered by the Senator from Ohio.

The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I call up amendment No. 874.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. BROWN), for himself and Mr. SANDERS, proposes an amendment numbered 874, as modified, to amendment No. 738.

Mr. BROWN of Ohio. I ask unanimous consent that reading of the amendment be dispensed with.

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

(Purpose: To increase amounts made available to carry out section 561 of the Housing and Community Development Act of 1987, and to provide an offset)

On page 333, line 9, strike "\$35,940,000" and insert "\$42,500,000".

On page 336, line 1, strike "\$199,035,000" and insert "\$192,475,000".

On page 333, line 8, strike "\$64,287,000" and insert "\$70,847,000".

Mr. BROWN of Ohio. Mr. President, housing discrimination not only violates our laws, it is a barrier to economic mobility. This amendment would put FHIP funding on equal footing with the House legislation. It is about maintaining level funding so that fair housing organizations won't be forced to lay off hundreds of employees across the country. The amendment is effective. Fair housing organizations investigated 65 percent of the Nation's complaints—nearly twice as many as all other government agencies combined. It is efficient and saves money by streamlining the claims process.

My amendment is paid for by transferring funds from HUD's working capital fund. I thank the chair and ranking member, Senators MURRAY and COLLINS, for supporting this amendment, and Senator SANDERS for cosponsoring it.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KOHL. I yield back our time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 874) was agreed to.

AMENDMENT NO. 815

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 815, offered by the Senator from Kansas, Mr. MORAN. Who yields time?

Mr. KOHL. Mr. President, we yield back our time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. MORAN. Mr. President, the pending business before the Senate is an amendment I offered yesterday, Moran No. 815. There has been agreement that it will be accepted on voice vote, and I appreciate the leadership of Chairman KOHL and Ranking Member BLUNT.

I yield the remaining time, and I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 815) was agreed to.

AMENDMENT NO. 860

The PRESIDING OFFICER. Under the previous order, there is now 2 min-

utes equally divided prior to a vote in relation to amendment No. 860 offered by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is a good-government amendment, and it goes after the Justice Department grant management program because the inspector general has had grant management at the top of his 10 major management challenges. The inspector general says that management of grants at the Justice Department is abominable, so this amendment is trying to take care of what the inspector general has said is needed to be done for a long period of time. Grant recipients would be held to basic principles of accountability. There are only a handful of grants audited each year, but out of that handful 25 percent talk about mismanagement, fraud, and things of that nature.

A vote against my amendment would be a vote to allow fraud, waste, and abuse of taxpayer-funded grant programs. A vote against my amendment would allow nonprofit charities to continue to hold money in offshore bank accounts for tax purposes and still receive Federal grants. I have a letter in my office that justifies \$54 million in offshore accounts.

I hope my colleagues will vote for this good-government amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have worked with my good friend from Iowa on accountability measures and will continue to do so but not for this amendment.

This is a one-size-fits-all. There is a reason the National District Attorneys Association and a reason the National Association of Police Organizations oppose it. This would make it impossible for small, rural communities to get bulletproof vests under the Leahy-Campbell bulletproof vest program. This would make it impossible for some of the small departments to have the money to pay for rape kits, so they would have to tell the rape victim: Sorry, we can't go after the person who raped you, even though they might come back, because we don't have the money. We don't have the money to test this rape kit.

This is a one-size-fits-all that is going to hurt law enforcement. It is going to hurt victims. We will pay the price of the person we lock up, but we won't do anything to help the victim? I oppose it.

Mr. GRASSLEY. It is supported by the National Taxpayers Union.

Mr. LEAHY. I stand with the prosecutors and the police who oppose it.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Grassley amendment No. 860.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—46

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Witter
Crapo	Lugar	Wicker
DeMint	Manchin	
Enzi	McCain	

NAYS—54

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Oklahoma.

AMENDMENTS NOS. 794 THROUGH 797, 799 THROUGH 801, AND 833, TO AMENDMENT NO. 738

Mr. COBURN. Mr. President, I ask unanimous consent to call up the following amendments en bloc, displacing the amendment that is present, but considering each one of them individually: amendments Nos. 794 through 797, amendments Nos. 799 through 801, and amendment No. 833.

The PRESIDING OFFICER. Without objection, the amendments are pending en bloc.

The amendments are as follows:

AMENDMENT NO. 794

(Purpose: To provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) Each fiscal year, for purposes of the report required by subsection (b), the head of each agency shall—

(1) identify and describe every program administered by the agency;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant, contract, subaward of a grant or contract, cooperative agreement, or other form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) With respect to the requirements of subsections (a)(1) and (a)(2)(B), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for five fiscal years or more.

(5) Such recommendations as the head of the agency considers appropriate—

(A) to consolidate programs that are duplicative or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) In this section:

(1) The term “administrative costs” has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) The term “services” has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(3) The term “agency” has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch

other than the Government Accountability Office.

(4) The terms “performance indicator”, “performance goal”, “output measure”, and “program activity” have the meanings provided by section 1115 of title 31, United States Code.

(5) The term “program” has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts loans, leases, technical support, consultation, or other guidance.

(e)(1)(A) Section 6101 of title 31, United States Code, is amended by adding at the end the following:

“(7) The term ‘international assistance’ has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, compacts, loans, leases, and other financial and technical support to—

“(A) foreign nations;

“(B) international organizations;

“(C) services provided by programs administered by any agency outside of the territory of the United States; and

“(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

“(8) The term ‘assistance program’ means each of the following:

“(A) A domestic assistance program.

“(B) An international assistance program.”.

(B)(i) Section 6102 of title 31, United States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking “domestic” both places it appears; and

(II) in subsection (b), by striking “domestic”.

(ii) Section 6104 of title 31, United States Code, is amended—

(I) in subsections (a) and (b), by inserting “and international assistance” after “domestic assistance” each place it appears; and

(II) in the section heading, by inserting “and international” after “domestic”.

(f) Section 6104(b) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) the information required in paragraphs (1) through (4) of section 419(a) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012;

“(5) the budget function or functions applicable to each assistance program contained in the catalog;

“(6) with respect to each assistance program in the catalog, an electronic link to the annual report required under section 419(b) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012, by the agency that carries out the assistance program; and

“(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.”.



(g) Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

“(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

“(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

“(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.”.

(h) Section 6103 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.”.

(i) Section 6101(2) of title 31, United States Code, is amended by inserting before the period at the end the following: “except such term also includes offices in the legislative branch other than the Government Accountability Office”.

(j)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

AMENDMENT NO. 795

(Purpose: To collect more than \$500,000,000 from deadbeat developers for failed, botched, and abandoned projects)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The Secretary of Housing and Urban Development—

(1) shall cancel any funding obligated for a construction or renovation project for which the Department of Housing and Urban Development committed to provide \$50,000 or more that—

(A) commenced before the date that is 5 years before the date of enactment of this Act;

(B) is not complete;

(C) did not draw funds against a Department of Housing and Urban Development account during the 18-month period ending on the date of enactment of this Act;

(D) on the date of enactment of this Act, is vacant and has not been sold or leased; or

(E) has not drawn funds against a Department of Housing and Urban Development account, if, on the date of enactment of this Act, funds have been obligated for the project for more than 1 year;

(2) may not provide any funding on or after the date of enactment of this Act for a project described in paragraph (1); and

(3) shall transfer any funds deobligated under paragraph (1) or made available to carry out a project described in paragraph (1) to the general fund of the Treasury and are hereby rescinded.

AMENDMENT NO. 796

(Purpose: To end lending schemes that force taxpayers to repay the loans of delinquent developers and bailout failed or poorly planned local projects)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. A person or entity that receives a Federal loan using amounts made available

under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with amounts made available under division A, division B, or division C of this Act; Provided further, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

AMENDMENT NO. 797

(Purpose: To delay or cancel new construction, purchasing, leasing, and renovation of Federal buildings and office space)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Except as provided in subsection (b), none of the funds made available by this Act or an amendment made by this Act may be used to pay for renovation projects that have not commenced as of the date of enactment of this Act (including renovation projects for which plans have been created, but for which physical renovation has not begun) to any Federal building or office space in existence on the date of enactment of this Act, or for the purchase, execution of a leasing agreement, or construction of any Federal building or office space that has not commenced as of the date of enactment of this Act (including construction or purchase or lease agreements for which plans have been established, but for which physical construction has not begun or an agreement has not been executed).

(b) Subsection (a) shall not apply to the renovation of, purchase of, leasing agreement for, or construction of (including renovation, construction, or purchase or leasing agreements for which plans have been established, but for which physical renovation or construction has not begun or an agreement has not been executed) any Federal building or office space needed to address a safety or national security issue.

AMENDMENT NO. 799

(Purpose: To prohibit the use of funds to carry out the Rural Energy for America Program)

At the appropriate place insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107): Provided further, any funds appropriated by this Act for this purpose are hereby rescinded.

AMENDMENT NO. 800

(Purpose: To reduce funding for the Rural Development Agency)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, the total amount of funds made available under this title to the Rural Development Agency are reduced by \$1,000,000,000, to be applied proportionally to each budget activity, activity group, and subactivity group and each program, project, and activity of the Rural Development Agency carried out under this title.

AMENDMENT NO. 801

(Purpose: To eliminate funding for the Small Community Air Service Development Program)

On page 226, strike lines 1 through 5, and insert “and not less than \$29,250,000 shall be for Airport Technology Research: Provided further, no funds made available under this Act may be used to carry out the Small Community Air Service Development Program.”

AMENDMENT NO. 833

(Purpose: To end the outdated direct payment program and to begin restoring the farm safety net as a true risk management tool)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 753

Mr. LEVIN. Mr. President, I am going to speak now against the pending amendment of Senator AYOTTE, which would prohibit the prosecution of terrorists in Federal courts.

We need all available tools against terrorists, including the possibility of prosecution in Federal courts or before military commissions. While there is no doubt we have made use of military commissions in the course of previous wars, we have never enacted legislation closing the Federal courts to the prosecution of our enemies. We have always left it up to the executive branch to determine which tool best suits an individual case.

Indeed, both the Bush administration and the Obama administration have repeatedly used the Federal courts to bring terrorists to justice. For example, the Bush administration successfully used the Federal courts to prosecute Richard Reid, the so-called shoe bomber, in October of 2002. The Bush administration used the Federal courts to successfully prosecute Ahmed Omar Abu, who was convicted and sentenced to 30 years in 2005. The Bush administration used the Federal courts to prosecute and sentence Zacarias Moussaoui, the so-called twentieth hijacker, convicted in 2006, and sentenced to life in prison for his role in the 9/11 attacks.

The Obama administration successfully used the Federal courts when they prosecuted Najibulla Zazi in 2009 for his role in the New York subway bombing plot; when they prosecuted Faisal Shahzad in 2010 in connection with the Times Square bombing; and when they prosecuted Umar Farouk Abdulmutallab, the so-called underwear bomber, in 2011 in connection with the attempted Christmas Day bombing in Detroit.

If the Ayotte amendment had been law, these successful court prosecutions would have been thrown into doubt. In fact, prosecution might not have been possible in any forum, because if a court determined that a military commission lacked jurisdiction and if the Ayotte amendment precluded jurisdiction of a Federal court, there couldn't be prosecution in any forum whatsoever.

That could have actually been the outcome in the case of Ahmed Warsame, an accused member of the terrorist group al-Shabaab. He was indicted in Federal court earlier this

year on charges of providing material support to al-Shabaab and al-Qaida in the Arabian Peninsula. In the Warsame case, our national security and legal teams determined that the Federal courts provided the best forum in which to prosecute Warsame for his alleged crimes.

This decision was reached for two reasons:

One, Warsame is alleged to have violated a number of Federal statutes, including sections of the criminal code prohibiting trafficking in explosives, use of dangerous weapons, acts of international terrorism, providing material support to foreign terrorist organizations, and receiving military type training from foreign terrorist organizations. Only the Federal courts have jurisdiction to try violations of those sections. Those offenses are not listed as crimes under the Military Commissions Act.

There is a second reason why it was decided that Warsame was best prosecuted in a Federal court, which could not happen under the amendment of Senator AYOTTE. Warsame appears to have engaged in acts of terrorism and material support to terrorism, both of which are crimes under the Military Commissions Act, but—and this is the problem—only if they are committed “in the context of and associated with hostilities” against the United States.

The administration concluded it would have been difficult to prove beyond a reasonable doubt before a military commission that Warsame met those jurisdictional thresholds. As a result, if the Ayotte amendment were law, it might be impossible for the United States to prosecute Warsame in any forum.

Our Federal prosecutors have a proven track record of prosecuting terrorists in Federal courts. Two years ago, the Justice Department informed us that there were 208 inmates in Federal prisons who had been sentenced for crimes relating to international terrorism, and an additional 139 inmates who had been sentenced for crimes related to domestic terrorism. Those were crimes which were prosecuted in Federal courts.

By contrast, only four enemy combatants have been convicted by military commissions since 9/11, two of them, by the way, as a result of plea agreements, sending them to Australia and to Canada.

Critics of the decision to try Warsame in Federal court apparently would prefer that he be tried before a military commission even though he might be less likely to be convicted there due to the jurisdictional issues.

The most appropriate forum for trial should be determined, as it was in Warsame, on the basis of the nature of the offense, the nature of the evidence, and the likelihood of successful prosecution. The executive branch officials who make these determinations are more likely to reach a sound conclusion after weighing those factors than

would be the result of a one-size-fits-all legislative restriction that we would impose under the Ayotte amendment.

Yesterday afternoon we received a letter from the Secretary of Defense and the Attorney General expressing their “strong opposition” to the Ayotte amendment. The letter states as follows:

Whether a given case should be tried in an Article III court or before a military commission is a decision that should be based on the facts and circumstances of the case and the overall national security interests of the United States. It is a decision best left in the hands of experienced national security professionals.

The letter continues:

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the amendment would make it more likely that terrorists would escape justice and innocent lives would be put at risk.

I ask unanimous consent that the text of the letter be printed in the CONGRESSIONAL RECORD immediately following my remarks.

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

(See exhibit 1)

Mr. LEVIN. This issue, as the Presiding Officer may recall, came up in the Armed Services Committee during our markup of the Defense Authorization Act. Our bill expressly allows the transfer of detainees for trial by a court or competent tribunal having lawful jurisdiction. The amendment of Senator AYOTTE to delete that authority was defeated in the Armed Services Committee by a vote of 19 to 7.

The bottom line is that Congress has never before attempted to prevent the prosecution of terrorists in Federal court. We should not do so now. We should continue to use military commissions in cases where they are the best place for prosecution and for trial. We should not foreclose prosecution and trial in Federal courts.

#### EXHIBIT 1

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER REID AND LEADER MCCONNELL: We write to express our strong opposition to the Ayotte amendment to H.R. 2112, which would severely curtail the ability of the Executive branch to prosecute alleged terrorists in Federal court.

The amendment represents an extreme and unprecedented encroachment on the authority of the Executive Branch to determine when and where to prosecute terrorist suspects. Whether a given case should be tried in an Article III court or before a military commission is a decision that should be based on the facts and circumstances of the case and the overall national security interests of the United States. It is a decision best left in the hands of experienced national security professionals.

If we are to safeguard the American people, we must be in a position to employ every

lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the amendment would make it more likely that terrorists will escape justice and innocent lives will be put at risk.

LEON E. PANETTA,  
Secretary of Defense.  
ERIC H. HOLDER, JR.,  
Attorney General.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I rise to speak today as in morning business for about 5 minutes.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

#### WITHHOLDING TAX RELIEF ACT

Mr. BROWN of Massachusetts. Madam President, I rise to speak in strong support of a bill we will be voting on, I hope, later today, S. 1726, the Withholding Tax Relief Act of 2011, which has over 30 cosponsors. You are one of them, Madam President, and there are many others. It is based on legislation I have introduced on three separate occasions which currently has almost one-third of the entire Senate cosponsoring it. As I said, I brought it up before, and I am glad it will finally be getting a vote.

This is exactly the type of bipartisan jobs bill that the American people are yearning for and that we should be focusing on, and I am glad we are finally able to bring the repeal of this job-killing tax provision to the floor for a serious vote. This is a jobs bill, plain and simple. I don't know how else you can phrase it.

Section 3402(t) of the Tax Code will require, beginning in January of 2013, Federal, State and local governments to withhold 3 percent of nearly all contract payments made to private companies, as well as Medicare payments, construction payments, and certain loan payments. This is an arbitrary tax that is extremely expensive to implement and punishes the many for the bad acts of the few. What is more, this tax absolutely promises to kill jobs at a time when we absolutely cannot afford to kill any jobs.

The Government Withholding Relief Coalition, a coalition of more than 100 members—I have a sheaf here of 4 pages of groups: American Bankers Association, Americans for Tax Reform, National Association of Manufacturers, wholesalers, National League of Cities, chambers of commerce—4 pages of groups and entities, over 100 members, a cross-section of America. They have estimated that a combined 5-year total cost to the States and the Federal Government in implementing this legislation could be as high as \$75 billion. The Department of Defense alone has estimated this provision could cost the DOD around \$17 billion.

I know Chairman LEVIN, who spoke before me—we are wrestling with trying to reinstate I think \$20 to \$25 billion from what the appropriations folks cut. That is real money.

Here is the catch: It is estimated to bring in only around \$8 billion during that same period. I am not sure about you, Madam President, but you have the cost of approximately \$75 billion, the cost to the States and the Federal Government of implementing the legislation, and then the DOD is \$17 billion, and yet we are only going to get \$8 billion in return? I do not know how else to say it except that only on Capitol Hill does something such as that make sense, where we are spending more than we are actually going to be getting.

Unfortunately, there are many other reasons this provision should be repealed as soon as possible. At a time when the State and local governments are under extreme financial stress, why would we want to force another unfunded, costly mandate on them to recover minimal funds for the Federal Treasury? It makes no sense. As I said before, only in Washington does spending \$2 in order to recoup \$1 make any sense.

I am encouraged by many of the cosponsors. As I said, it is a bipartisan group. At what point do you see Senator FRANKEN and Senator PAUL on the same bill together and everybody in between as well?

I am concerned, as are many others, that businesses that contract with the government will simply pass on the costs of this provision to the government in the form of higher bids on projects. I am also concerned about the effects on small businesses as well. Senator SNOWE, the ranking member of the Small Business Committee, on which I serve, and my fellow cosponsor on my original bill, recognized early on with me that this provision has destructive consequences for small businesses. Everybody here knows it.

At what point do we put politics aside and just agree to pass something that is so simple? This provision makes absolutely no sense. As you know, it will restrict cashflow and discourage small businesses from participating in Federal contracting.

Members of the construction industry are equally worried. As you know, that is an industry which has been devastated. They are equally concerned that it will tax away all their anticipated profit on government projects, thus diminishing competition and further raising costs to the government.

There is a reason it has been delayed over and over since 2005. Everyone knows it can never go into effect because it will place an extraordinary cost burden on the Federal Government and State and local governments as well. We cannot afford to shoulder that burden right now; everyone agrees.

Once again, the 30 cosponsors of the original bill represent a diverse cross-section.

The President proposed its delay in his most recent jobs package.

I said before, why don't we work on that which we can all agree? Why don't we just take up the measures in a bipartisan, bicameral manner and get them out the door? I understand the House is working on this. We are doing it now. It is a small piece, a small step, but let's get it right out the door. There is no reason we should not be able to do it.

Last week, I had an opportunity to speak before the Small Business Committee with Secretary Geithner, who issued the provision's latest delay in May, about the importance of fully repealing this provision.

This repeal is one of those rare opportunities we have around here where everyone can be on the same team. It is very similar to when we passed the Arlington Cemetery bill, with your leadership, Madam President. In the midst of all the problems we had last year, the legislative bodies of both branches came together and passed the Arlington Cemetery bill. I look at this as a similar provision where we can actually do something in a bipartisan, bicameral manner and get it passed.

I urge my colleagues to rise above partisan politics and support this truly bipartisan legislation. As I said before, we are Americans first. We are Americans first. To me, that means it should not matter whether this is a Republican bill or a Democratic bill. It matters that it is a bill that is going to help small businesses and Americans who are fighting on a daily basis just to make ends meet.

We have a great opportunity today to move forward on a piece of jobs legislation and pass this portion of the bill that is, in fact, supported by the President and scheduled, as I said, to be taken up in the House next week.

I offer my complete support for the bill and appreciate the leader for bringing it to the floor for a vote.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 1751 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUNT. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BLUNT. Madam President, yesterday, around 5:30 or so, we had all kinds of Members who suddenly wanted to come over and talk about their amendments. Now is an opportunity to talk about these three appropriations bills. The floor is open. There are a

number of pending amendments. Hopefully, Members will come over and offer amendments or talk about the amendments they have offered. We want to move through this legislation as quickly as we can but, actually, no quicker than we need to. There is plenty of time. If Members want to talk about this bill, if they want to support the bill or oppose the bill or maybe more likely right now come and talk about the significant number of pending amendments, this is a good time to do that.

I suppose the other thing I could and should talk about that I know the Chair would be happy with would be the great Cardinals victory last night. Even the cushions in the back of the Chamber seem to be a little brighter red today than they normally are. So maybe the Texans need to come and talk about their amendments and talk about the Rangers. But I will say that the Cardinals team, from the last week or so of August until right now, has been one of the true miracles of baseball history—going from 10½ games to even qualifying to be the wildcard in the playoffs and almost every game from that moment on having the sense that this is the intensity of the final game of the season.

All Cardinals fans are proud. There is quite a bit of red on today here on the Senate floor.

There is another Cardinals game tonight, and I wouldn't mind watching some of it. My best chance of doing that is if Members will come over here and talk about their pending amendments now and defend those amendments.

It seems to me as though this week the Senate has been working as the Senate should work—bringing appropriations bills to the floor, debating those bills, letting Members propose amendments—and hopefully we will continue with these bills: the Agriculture, Rural Development, and Food and Drug Administration bill Senator KOHL and I brought to the floor; the Transportation, and Housing and Urban Development bill; the Commerce-State-Justice bill—I think it may be Commerce-Justice now. So we have a lot of topics. We don't want to let this appropriations process go to one huge bill that nobody understands, nobody has time to read, and nobody has time to debate. So hopefully, with all of these pending amendments, we will have some discussion. We have had a number of votes already today, but a number of Members have things they would like to see discussed and voted on, and hopefully we will begin to see more of that happen.

With that, it does appear we don't have a quorum yet or other Members to speak, 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.

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

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

Ms. MIKULSKI. Madam President, I wish to echo the comments of my colleague from Missouri. I too invite Senators to come down. We are showing that we can govern. We have our appropriations bills here, and we have already disposed of 8 amendments—actually, I think we have disposed of more than 8 by now—but we have 22 amendments pending. If Members have an amendment, come and speak to it. If a Member has reviewed these 22 and opposes them, have your day, have your say, because that is what the Senate is—due diligence, due deliberation.

What we don't want is everybody—exactly as the Senator from Missouri said, who is the ranking member on Agriculture—coming at 5:30 or 6 or 7 o'clock and wanting to speak. I know the leadership on both sides of the aisle would like to move expeditiously and even, if possible, finish this bill tonight. I think we have agreed we are willing to work through the evening to dispose of amendments, but Senators have to speak on their amendments.

So, again, on my side of the aisle, I would really encourage Members, if they have an amendment, to come and speak to it. Regardless of the side of the aisle a Member is on, if a person opposes an amendment, come and speak on it as well.

Some of these are quite controversial. Again, we invite this due deliberation.

Everybody has worked hard. We have done a lot in appropriations. We have ended earmarks—a topic I know is of special interest to many of our colleagues. We have made significant cuts this year as a result of the continuing resolution and other agreements. But at the same time, the subcommittees have worked hard to follow the mission of what we are trying to do in this country: have a more frugal government.

I know in my bill we have paid particular attention on how to curb waste, and I will be speak about that shortly. But, again, I invite my colleagues to come to the floor.

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

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

#### THE CALENDAR

Ms. MIKULSKI. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 206 through 210 en bloc, which are all post office-naming bills—in other words, naming post offices, if

they remain open, after distinguished Americans.

There being no objection, the Senate proceeded to consider the bills en bloc.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

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

#### OFFICER JOHN MAGUIRE POST OFFICE

The bill (S. 1412) to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office," ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1412

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. OFFICER JOHN MAGUIRE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, shall be known and designated as the "Officer John Maguire Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Officer John Maguire Post Office".

#### JOHN PANGELINAN GERBER POST OFFICE BUILDING

The bill (H.R. 1843) to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building," ordered to a third reading, was read the third time, and passed.

#### FIRST LIEUTENANT OLIVER GOODALL POST OFFICE BUILDING

The bill (H.R. 1975) to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building," ordered to a third reading, was read the third time, and passed.

#### MATTHEW A. PUCINO POST OFFICE

The bill (H.R. 2062) to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office," which was ordered to a third reading, was read the third time, and passed.

#### CECIL L. HEFTEL POST OFFICE BUILDING

The bill (H.R. 2149) to designate the facility of the United States Postal Service located at 4354 Pahoia Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building," ordered to a third reading, was read the third time, and passed.

Ms. MIKULSKI. 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. THUNE. 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.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

Mr. THUNE. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

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

#### WITHHOLDING TAX RELIEF ACT

Mr. THUNE. Madam President, I rise in support of S. 1726, the Withholding Tax Relief Act of 2011. I know we are currently debating several appropriations bills which we hope to be concluded sometime later today. But in that process, my expectation is that we are going to get an opportunity to vote on a couple of amendments that deal with the real issue I think that is on the minds of most Americans today, that is, jobs and the economy.

The bill I referenced, S. 1726, is identical to the measure that was introduced earlier this year by Senators SCOTT BROWN and OLYMPIA SNOWE and of which I and 28 of my colleagues on both sides of the aisle are cosponsors. Given that we may get a chance to vote on this legislation, perhaps in the form of an amendment to the bill that we are currently on later today, I want to say a few words as to why I believe this represents the right approach to spurring our economy.

I think there is a right approach and there is a wrong approach to getting people back to work in this country and getting the economy growing and expanding again. American businesses need access to capital. They need to be able to deploy their existing capital as efficiently and effectively as possible.

If we do not act, come January 1, 2013, 3 percent of contracts between private businesses and Federal, State, and local governments will be withheld. This means that dollars that could be reinvested by businesses in new equipment or new employees will instead be used essentially to give the IRS an interest-free loan.

The Joint Committee on Taxation estimates that permanently eliminating