to see cuts in what we call tax expenditures, which are equivalent to spending, but are nothing more than outrageous tax breaks to big corporations that make billions of dollars in profits each year. For example, some of the royalty payments that are not being paid by oil companies for their privilege of extracting oil from Federal lands, particularly those lands in the bottom of the Gulf of Mexico. There are corporations that ship massive amounts of jobs overseas, and they get tax breaks for it.

There is also money made by U.S. citizens that is being held offshore in foreign accounts, which is not reported to the United States, and tax is not being paid on that income. So there is plenty of opportunity to tighten up.

Another place that we can tighten up is to implement the changes that we made in the health care bill that cut the fraud that plagues programs like Medicare and Medicaid. It is costing us billions and billions of dollars.

So there are tireless efforts that are being made by a lot of Senators right now trying to work together to draft a comprehensive plan. I came to the Senate to fight for my State and for our country, and if we continue to allow a debt crisis to happen when, in fact, we had the opportunity to avoid it, it is going to be far more reckless than casting a vote that is going to be disliked by some. I am ready to stand and have that fight. Yet we should not have to. We should, as the Good Book says, ''Come, let us reason together.'' Then we can find a comprehensive solution to this budgetary crisis.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized as in morning business.

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

LIBYA

Mr. MCCAIN. I would like to take time today to address the ongoing situation in Libya. Last night, the President made a strong defense of our military action in Libya. I welcome his remarks, and I appreciate that he explained why this intervention was both right and necessary, especially in light of the unprecedented democratic awakening that is now sweeping the broader Middle East.

There has been much criticism of the President's handling of the situation in Libya—some legitimate, some not. But the fact is, because we did act, the United States and our coalition partners averted a strategic and humanitarian disaster in Libya.

Even as we seek adjustments to U.S. policy where appropriate to ensure that we accomplish the U.S. goal as stated by the President of forcing Qadhafi to leave power, I believe the President's decision to intervene in Libya deserves strong bipartisan support in Congress and among all Americans.

It is worth remembering, especially for the critics of this intervention, exactly what we would be facing in Libya now had we not taken action. Just over 1 week ago, Qadhafi was bearing down on Benghazi, a city of 700,000 people, and the main seat of the Libyan opposition, as well as the provisional government that has now emerged.

Qadhafi pledged in his words: No mercy for these people. He pledged to go house to house, to crush everyone opposed to him. Had we not taken action in Libya, Benghazi would now be remembered in the same breath as Srebrenica, a scene of mass slaughter and a source of international shame.

Libyan refugees would now be streaming into Egypt and Tunisia destabilizing those critical countries during their already daunting political transitions. If we had allowed Qadhafi to slaughter Arabs and Muslims in Benghazi who were pleading for the U.S. military to rescue them, America's moral standing in the broader Middle East would have been devastated. Al-Qaida and other violent extremists would have exploited the resulting chaos and hopelessness. The forces of counterrevolution in the region would have gotten the message that the world would tolerate the violent oppression of peaceful demonstrations for universal rights. This would have been a dramatic setback for the Arab spring which represents the most consequential geopolitical opportunity in centuries.

That is why Libya matters and why we were right to intervene. Yes, there are many other places in the world where evil resides, where monsters brutalize civilians. The United States cannot and should not intervene in all of these places. But we were right to do so in Libya because of the unique position this country now occupies at a moment of historic change in the Middle East and North Africa. This does not mean we should take the same actions toward other countries in the region as we have toward Libya.

Each of these countries is different. Their challenges and situations are different. When governments, both friend and foe, use force and oppression to crush peaceful demands for universal rights, we need to be clear in our condemnation, and we need to support the aspirations of all people who seek greater freedom, justice, and economic opportunity.

But let's be clear. Qadhafi's brutal and vicious slaughter of fellow Arabs and Muslims has set Libya completely apart from other countries in the region, and it warranted the decisive military response we and our international partners have taken. While some believe the President should have sought a congressional authorization for the use of force, or even a formal declaration of war prior to taking military action in Libya, I think his actions were in keeping both with the constitutional powers of the President and with past practices, be it President Reagan's action in Grenada or President Clinton's action in the Balkans.

Had Congress taken even a few days to debate the use of force prior to acting in Libya, there would have been nothing left to save in Benghazi. That is why our Founders gave the President the power as Commander in Chief to respond swiftly and energetically to crises. What we need now is not a debate about the past; that can come later. Many of us who wanted a no-fly zone at the time still are convinced that this could have been over by now. But the fact is, it is in the past.

What we need is a forward-looking strategy to accomplish the U.S. goal—as articulated by the President—of forcing Qadhafi to leave power. We have prevented the worst outcome in Libya, but we have not yet secured our goal. As some of us predicted, U.S. and coalition airpower has decisively and quickly reversed the momentum of Qadhafi's forces, but now we need to refine U.S. strategy to achieve success as quickly as possible.

As every military strategist knows, the purpose of employing military force is to achieve policy goals. Our goal in Libya is that Qadhafi must go, and it is the right goal. But let's be honest with ourselves: We are indeed talking about regime change, whether the President wants to call it that or not. While I agree with the President that we should not send U.S. ground troops to Libya to remove Qadhafi from power, that is exactly what Libyan opposition forces are fighting to do. They are now on the outskirts of Qadhafi's hometown of Surt, and they appear to have no intention of stopping there.

Thus far, U.S. and coalition airpower has cleared a path for the opposition to advance. U.N. Security Council Resolution 1973 authorizes the use of ''all necessary measures'' to protect civilians in Libya. As long as Qadhafi remains in power, he will pose an increasing danger to the world, and civilians in Libya will not be safe.

Ultimately, we need to be straight with the American people and with ourselves. We are not neutral in the conflict in Libya. We want the opposition to succeed, and we want Qadhafi to leave power. These are just causes. And we must therefore provide the necessary and appropriate assistance to aid the opposition in their fight. That certainly means continuing to use air power to degrade Qadhafi's military forces in the field, and I am encouraged by the fact that we are now bringing in AC–130 and A–10 attack aircraft to provide more close-in air support.

This is the Libyan people's fight, but we need to continue to help make it a fairer fight, until Qadhafi is forced to leave power. I was very encouraged today to hear our ambassador to the United Nations suggest that the United States may provide arms to the opposition. We should also provide them, if requested and as appropriate, with resources, command and control technology, communications equipment, battlefield intelligence, and training. We need to take every responsible measure to help the Libyan opposition change the balance of power on the ground.

Yes, it has been documented that many eastern Libyans went to fight in Iraq, Many met their end there too. But Libyans are not rising up against Qadhafi now under the banner of al-Qaida. To the contrary, they have largely pledged their support to the Transitional National Council, which is based in Benghazi, and representative of tribes and communities across Libya. The leaders of this council are not unknown to us. They have met with senior administration officials, including the Secretary of State, as well as other world leaders. Their supporters are brave lawyers, students, and human rights advocates who just want to choose their own future free from Qadhafi. They have declared their vision for Libya as, quote, ''a constitutional democratic civil state based on the rule of law, respect for human rights and the guarantee of equal rights and opportunities for all its citizens.'' If these moderate, democratic forces do not succeed in Libya, we know exactly who would fill the void: the radicals and the ideologues. We have seen this movie before.

We cannot make the assumption that time is on our side. It is not. Perhaps Qadhafi's regime will crack tomorrow. I hope it will. But hope is not a strategy. If our strategy does not succeed in forcing Qadhafi to leave power sooner rather than later, we run the risk of a prolonged and bloody stalemate. That is not in America's interest or in the interest of the Libyan people. The risks are still too high of repeating a similar outcome from the first gulf war—where we had crushing sanctions and a no-fly zone in place, but still Saddam Hussein managed to hold onto power, threaten the world, and brutalize his own people for another 12 years. And only then, it took an armed invasion to remove him from power. That is not a definition of success in Libya. And it certainly is not a limited mission. It is a recipe for a costly and indefinite stalemate. We must avert that outcome.

Our mission in Libya is going well, but we have not yet accomplished our goal. I am extremely thankful and grateful for our many friends and allies, especially our Arab partners, who are contributing to this mission. However, none of this is a substitute for sustained U.S. leadership. If our goal in Libya is worth fighting for, and I believe it is, then the United States must remain strongly engaged to force Qadhafi to leave power. Nothing less is desirable or sustainable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

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

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

Mr. WEBB. Mr. President, I was originally going to call up a pending amendment, No. 215, the Rockefeller amendment. I am informed that amendment is at present the subject of some negotiation and a consent package. I do wish to speak briefly today in support of the amendment filed by Senator ROCKEFELLER and on his behalf, since he is away from the Senate today attending the funeral of a close friend.

Like Senator MCCONNELL, I have expressed deep reservations about the consequences of unilateral regulation of greenhouse gases by the EPA. In my view, this will result in long and expensive regulatory processes that could lead to overly stringent and very costly controls on carbon dioxide and other greenhouse gas emissions. This regulatory framework is so broad and potentially far-reaching that it could eventually touch nearly every facet of this Nation's economy, putting unnecessary burdens on industry and driving many businesses overseas through policies that have been implemented purely at the discretion of the executive branch and absent a clearly stated intent of the Congress.

Our farms, factories, transportation systems, and power-generating capacity all would be subject to these new regulations. This unprecedented, sweeping authority over our economy at the hands of the EPA is at the heart of the concern expressed by Senator MCCONNELL, and ultimately, whichever way one ends up voting on his amendment, that common concern defines this debate.

It is not a new concern for me. When this administration declared in November of 2009 that the President would sign a politically binding agreement at the United Nations framework on climate change in Copenhagen, I strongly and publicly objected. I sent a letter to the President stating:

> Only specific legislation agreed upon in the Congress or a treaty ratified by the Senate could actually create such a commitment on behalf of our country.

I have also expressed on several occasions my belief that this administration appears to be erecting new regulatory barriers to the safe and legal mining of coal resources in Virginia and other States. My consistent message to the EPA is that good intentions do not in and of themselves equal clear and unambiguous guidance from Congress. We can see this in the approach the EPA has taken or attempted to take on the regulation of coal ash, on regulating industrial and commercial boilers, on approving new levels of ethanol into gasoline, and, most importantly, its overreach to regulate greenhouse gases from stationary sources. I have repeatedly raised these issues with the administration and my colleagues in the Senate.

In examining this issue, I have also reviewed carefully the Supreme Court's holding in Massachusetts v. EPA.

My opposition to the EPA's present regulatory scheme with respect to carbon dioxide or stationary sources stems in part from my reading of this case. I am not convinced the Clean Air Act was ever intended to regulate or to classify as a dangerous pollutant something as basic and ubiquitous as carbon dioxide. I say that as one of the few Members of this body who are engineers.

To quote one of the most influential Supreme Court Justices from the last century, Justice Cardozo:

> The legislation which has found expression in this code is not canalized within the banks that keep it from overflowing.

The case Justice Cardozo was commenting on dealt with a different issue but the constitutional precept still applies. Congress should never abdicate or transfer to others the essential legislative functions given to it and it alone by the Constitution.

The sweeping actions the EPA proposes to undertake clearly overflow the appropriate regulatory banks established by Congress, with the potential to affect every aspect of the American economy. Such action represents a significant overreach by the executive branch.

Notwithstanding these serious concerns with what I view as EPA's potentially unchecked regulation in a number of areas important to the economy, I do have concerns about the McConnell amendment for a number of reasons.

First, the McConnell resolution would jeopardize the progress this administration has made in forging a consensus on motor vehicle fuel economy and emission standards. The Obama administration has brokered an agreement to establish one national program for fuel economy and greenhouse gas standards. This agreement means that our beleaguered automotive industry will not face a patchwork quilt of varying State and Federal emission standards. Significantly, this agreement is directly in line with the holding in Massachusetts v. EPA which dealt with motor vehicle emissions. In fact, it dealt with new car motor vehicle emissions.

Both in the Clean Air Act and in subsequent legislation enacted by the Congress, there has been a far greater consensus on regulation of motor vehicle emissions than on stationary sources with respect to greenhouse gas emissions. It has been estimated that these new rules, which are to apply to vehicles of model years 2012 to 2016, would