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Senate

The Senate met at 9:15 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

O God, You are the source of life and peace. Holy is Your Name forever. We know it is You who turns our hearts toward thoughts of unity. Use Your power to transform our lives.

Lord, as our Senators face the challenges of today and tomorrow, give them a faith that will not shrink, though threats by many a foe. May they refuse to tremble on the brink of any earthly woe, believing that all things are possible to those who harness faith's power. Give them an understanding that puts an end to strife, mercy that quenches animosity, and forgiveness that overcomes vengeance. Help them, Lord, to press on in the battle for truth, righteousness, and justice.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the Defense Authorization Act. There will be four rollcall votes at 9:30 a.m.

ORDER OF PROCEDURE

I ask unanimous consent that all votes after the first vote be 10 minutes in duration.

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

BIPARTISANSHIP

Mr. REID. Mr. President, this week something rare occurred here in the Senate: We debated a bill under regular order. No filibusters were mounted, no cloture motions were filed on the motion to proceed. That is certainly a rare occasion. For that reason we have had ample time to debate and consider amendments. This is how the process should work.

Typically, over the last few years we have spent weeks running out the clock on endless procedural motions rather than debating important legislation. It is no wonder the Senate rarely accomplishes anything when it takes more than a week to have a vote even to begin a bill; that is, whether we even take up a bill, start debate on a bill.

I would note, however, that even in this case, and this is an important

piece of legislation, the Defense authorization bill—I did not have to file cloture to get to the bill, but we spent weeks going back and forth to get this bill to the floor. Even though the bill managers are working mightily to make regular order work, a number of Senators have advanced nonrelevant amendments, threatening to derail the process. More than 360 amendments have been filed to this bill, many of them nonrelevant. I understand there is a lot of pent-up feelings about: Why have I not been able to offer amendments the last couple of years? Well, because we have not gotten on bills, and when we do, nothing much happens because of the problems that have developed.

A number of my colleagues, especially this past week, both Democrats and Republicans, have come to me asking for a better path forward in this body, this legislative body we so love. They want the Senate to function again in the manner the Founders envisioned. They want to see us debate legislation, consider relevant amendments, and then vote up or down on the matters before this body. Senators want to see us conclude legislation, pass or fail. Let's decide what we are going to do, not avoid doing something. They do not want to see more good bills filibustered to death without ever even getting a real vote. If a bill is worth bringing to the floor of this body, the Senate, it should get to the floor so we can start the debate.

One reason we have been able to work with 50, 60 amendments on this bill—actually that are disposed of—is because we did not have to waste time for more than a week on a motion to proceed to get to it. So I repeat, if a bill is worth bringing to the floor of this body, it should get to the floor quickly. It deserves an up-or-down vote once we go on it.

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



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RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE
AUTHORIZATION ACT FOR 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl amendment No. 3123, to require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters.

Menendez amendment No. 3232, to enhance sanctions imposed with respect to Iran.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to take a couple of minutes this morning to discuss Senator SESSIONS' amendment which we will be voting on shortly, amendment No. 3009, which I cosponsor, and explain my views on why this amendment is important in terms of the balance this body traditionally and historically should have with the executive branch of our government.

There are two clarifications in this amendment that I believe are important in terms of how we develop long-term relationships, security relationships, with other countries. The first is that, as we know, recently the President of the United States entered into what they have termed an "enduring strategic partnership agreement" between the United States and the Islamic Republic of Afghanistan which proposes to establish an enduring strategic partnership. This has been done without the consent of the Congress. It has been justified based on the authority of the President to use force in order to respond to these incidents that began on 9/11.

I believe it is important for us as a body to make the distinction that the authorization for the use of military force does not in and of itself authorize the executive branch to enter into long-term security agreements with another country that can affect the number of forces that are there. It can affect a broad range of governmental issues that are far beyond the use of force in terms of dealing with international terrorism.

This is true in our history. It is actually true in the way these other countries—Iraq and now Afghanistan—have been dealing with the same documents.

I can recall during the previous administration when they signed a strategic framework agreement, and then we began working on the status of forces agreement with Iraq. I called at that time for this agreement, the strategic framework agreement, which is a long-term relationship proposed between the United States and Iraq, to be submitted to the Congress for review. I actually had to go into one of these rooms where you close the door as if you were reading a top-secret document even to examine the strategic framework agreement, which was not classified and which the Iraqi Parliament voted on twice. We did not even get to vote on it. I do not think that is the way our system of government should be working.

We are seeing the same situation here with Afghanistan. We should not be entering into a long-term security relationship with Afghanistan purely at the discretion of the executive branch. The Congress should have a part to play in this. That is the second point. The question is, What should the role of Congress be? I think that is what has paralyzed us as a body for the 6 years I have been here in the Senate.

This is not a treaty. This would not be a treaty, so we would not have to go through the entire consent process of a treaty, which could paralyze our foreign policy. The Presiding Officer and I both have worked for several years here now trying to get the Law of the Sea Treaty into place. It has been bouncing around for decades. But it should be more than what they call "consultation." Every time we talk to the executive branch—and I am a former member of the executive branch. I spent 4 years in the Pentagon in the Reagan administration. They say they have "consulted," and the definition of the "consultation" could be the Secretary of State calling the chairman of the Foreign Relations Committee or the Secretary of Defense calling the chairman of the Armed Services Committee or coming over for a meeting. That is not the level of discussion and involvement the Congress should have when we are talking about long-term commitments with countries such as Afghanistan and Iraq.

This amendment is not Draconian. It is very sensible. It basically says that in the situation where we have entered into this proposed relationship with Afghanistan, the key committees over here in the Congress should have 30 days to review the documents before they are put into play. There is no great urgency in terms of when these documents are implemented. It is the same courtesy—it is not actually as far as what the Afghan Parliament is going to be able to do on the other side. For that reason, I commend the Senator from Alabama for having decided to come forward with this amendment. It has my support.

I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I call up amendment No. 3009, as modified, and ask for its consideration.

Mr. LEVIN. Mr. President, we would need to see the modification before it is accepted.

Mr. SESSIONS. I believe it is at the desk.

Mr. LEVIN. We would have to reserve the right—if you could call up the amendment and then hold off on any modification until we can see it.

AMENDMENT NO. 3009

Mr. SESSIONS. Mr. President, I call up amendment No. 3009 and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3009.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for congressional review of any bilateral security agreement with Afghanistan)

At the end of subtitle B of title XII, add the following:

SEC. 1221. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107-40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the "Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan", which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment