

Ladies and gentlemen, if there was ever a war where it was important to know what the enemy was up to and hit them before they hit us, it is this war. They could care less about losing their lives. The only way we will be safe is to gather intelligence, and we cannot gather intelligence, in my view, by locking down America to "Dragnet" standards. This is not a TV show. This is a real-world event that changes as I speak.

To Senator LEVIN, to Senator AYOTTE, and to all those who have tried to create a compromise to enjoy bipartisan support—to the administration—thank you all. To the critics, some of your criticism has been unfounded. But you have the right to be a critic. You live in the State called "Live Free or Die."

Let me remind everybody, being a critic and being able to speak your mind sometimes means people have to die.

What I am—

The PRESIDING OFFICER. The time for the Senator from New Hampshire has expired.

Mr. GRAHAM. Madam President, could I ask for 30 seconds?

The PRESIDING OFFICER. Is there any objection?

Mr. LEVIN. Madam President, reserving the right to object—and I, of course, will not—how much time is left before our vote?

The PRESIDING OFFICER. One minute.

Mr. GRAHAM. I will do this in 15 seconds.

Mr. LEVIN. If the Senator will save me 30 seconds, I would appreciate it.

Mr. GRAHAM. Absolutely.

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

Mr. GRAHAM. This idea of civil liberties and the American way of life—if we do not fight for it, we are going to lose it. We are under siege and we are under attack. So let's fight back within our values. This bill allows us to fight back, and I am very proud of the product.

I thank Senator LEVIN for being such a good leader for the Nation at a time when we need good leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me first thank Senators GRAHAM and AYOTTE for their contributions this afternoon and long before this afternoon on this subject.

The best answer to some of the criticism we have heard this afternoon—the FBI has been successful. Why change it?—read the law, read the conference report.

Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation. . . .

It is flatout explicit in the law.

Something else we have heard: We are doing something for the first time—long-term custody for American citizens. Read the conference report:

Nothing in this section shall be construed to affect existing law or authorities

relating to the detention of United States citizens. . . .

I urge people to read our conference reports read the Senate bill, before they accept some of the arguments which have been made against this conference report.

Madam President, I ask unanimous consent that the statement of the Press Secretary for the President that was issued yesterday on behalf of the President be printed in the RECORD, including this line:

[We have concluded that the language does not—

The language in the conference report—challenge or constrain the President's ability to collect telling intelligence, incapacitate dangerous terrorists, and protect the American people—

And the key words for many people—and the President's senior advisors will not recommend a veto.

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

STATEMENT FROM THE PRESS SECRETARY ON
THE NDAA BILL

We have been clear that "any bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto." After intensive engagement by senior administration officials and the President himself, the Administration has succeeded in prompting the authors of the detainee provisions to make several important changes, including the removal of problematic provisions. While we remain concerned about the uncertainty that this law will create for our counterterrorism professionals, the most recent changes give the President additional discretion in determining how the law will be implemented, consistent with our values and the rule of law, which are at the heart of our country's strength. This legislation authorizes critical funding for military personnel overseas, and its passage sends an important signal that Congress supports our efforts as we end the war in Iraq and transition to Afghan lead while ensuring that our military can meet the challenges of the 21st century.

As a result of these changes, we have concluded that the language does not challenge or constrain the President's ability to collect intelligence, incapacitate dangerous terrorists, and protect the American people, and the President's senior advisors will not recommend a veto. However, in the process of implementing this law we determine that it will negatively impact our counterterrorism professionals and undercut our commitment to the rule of law, we expect that the authors of these provisions will work quickly and tirelessly to correct these problems.

Mr. LEVIN. Again, I want to thank all of my colleagues who participated in this debate.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The question is on agreeing to the conference report.

Mr. LEVIN. 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 bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—86

Akaka	Graham	Mikulski
Alexander	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Hatch	Nelson (NE)
Baucus	Heller	Nelson (FL)
Begich	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Roberts
Boozman	Johanns	Sessions
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Johnson (WI)	Rubio
Brown (OH)	Kerry	Schumer
Burr	Kirk	Sessions
Cantwell	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Enzi	McCaskill	Webb
Feinstein	McConnell	Whitehouse
Gillibrand	Menendez	Wicker

NAYS—13

Cardin	Franken	Risch
Coburn	Harkin	Sanders
Crapo	Lee	Wyden
DeMint	Merkley	
Durbin	Paul	

NOT VOTING—1

Moran

The conference report was agreed to. Mr. LEVIN. Madam President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT
OF H.R. 1540

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 92, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 92) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to, and the motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF MORGAN CHRISTEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume

consideration of the Christen nomination.

Under the previous order, there will be 2 minutes of debate equally divided and controlled in the usual form.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. The Senator from Rhode Island asks that all time be yielded back. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—95

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeben	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Johnson (SD)	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden
Feinstein	Menendez	

NAYS—3

DeMint
Paul

Vitter

NOT VOTING—2

Kerry
Moran

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.

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the vote on the nomination of Morgan Christen, of Alaska, to be U.S. circuit judge for the Ninth Circuit. If I were able to attend today's session, I would have supported the Christen nomination.

LEGISLATIVE SESSION

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

MORNING BUSINESS

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

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

40TH ANNIVERSARY OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. BEGICH. Madam President, I come to the floor to first say "thank you" to my colleagues for supporting an incredible judge, but I also come to the floor today to mark an anniversary. December 18, 2011, marks the 40th anniversary of a truly historic date for the first people of Alaska—passage of the Alaska Native Claims Settlement Act. To mark this historic occasion, Senator MURKOWSKI and I have submitted a Senate resolution to formally celebrate the success and contributions of Alaska Native people and their corporations. We will be asking for the unanimous consent of our colleagues to adopt this resolution at a certain point.

Over the past 40 years, Alaska has witnessed astonishing economic growth resulting from ANCSA. This has benefited not just Native people but all Alaskans. This historic piece of legislation allowed a new group of people who for centuries were economically disadvantaged to enter into the business world and to become economic leaders. Under ANCSA, they have contributed to the State and national economies in unprecedented ways. ANCSA has two primary goals: to resolve longstanding issues surrounding aboriginal land claims in Alaska and to stimulate economic development.

Many Alaskans led the charge on creation and passage of the claims act. My father, the late Representative Nick Begich, was one of them. There were many new Native leaders involved—Willie Hensley, John Borbridge, and other young advocates who very quickly engaged in this historic Native rights legislation.

Today, I would also like to recognize all the wives, daughters, sisters, secretaries, and other powerful women who

contributed to the passage of ANCSA. Many of them may not have received formal recognition of their contributions, women such as Marlene Johnson, who played an instrumental role in the creation and passage of ANCSA. She spent countless hours flying to and from southeast Alaska and Washington, DC, leaving behind her full-time job and five children, doing her part to see ANCSA move through Congress. To engage in negotiations, Alaskans would fly for days to get from Barrow or Fairbanks or Kotzebue to Washington, DC. Many of them camped out on couches and floors in Washington for months to get it done.

Today, Alaska Native corporations are tremendous economic drivers not only for Alaska but for the entire United States and even internationally. In 2010, 8 of the 10 most profitable businesses in Alaska were Alaska Native corporations. Of the five that topped \$1 billion, all were Native corporations.

Cash dividends paid to corporation shareholders continue to be a very important source of income for many Alaska Native individuals and families. In total, dividends paid by Alaska Native corporations to their shareholders rose by 39 percent from 2009 to 2010, up to \$171 million.

These dividends serve Native families in many ways. In some cases, they help provide basics, such as food and heating fuel or supplies and equipment to continue their subsistence way of life. For other families, shareholder dividends go into college savings accounts or new startup businesses. Sometimes they simply help offset the costs of caring for their aging loved ones.

For the business owners everywhere, Native and non-Native alike, shareholder dividends provide a major economic boost. Today, Alaska Native corporations and their subsidiaries are providing thousands of jobs across the United States. These corporations provide job training and scholarships and other support to create new opportunities for young shareholders and their descendants. The corporations also offer meaningful internships to help young Alaska Natives build long-standing professional careers within the corporate structure. Elders, the most respected people in the Native communities, receive special assistance and financial support from their corporations.

Clearly, 40 years later, many Alaska Native corporations have matured to become business leaders. Unfortunately, many others and the Alaska Natives they represent have not all had great success—yet.

The Alaska Native Claims Settlement Act was one approach, an experiment to meet America's treaty obligations to the first people of this country. I will continue to support the Alaska Native tribes while also strengthening the capacity of the Alaska Native corporations.